

CHAPTER I

INTRODUCTION

“The cure of many diseases is unknown to physicians.....because they are ignorant of the whole... for the part can never be well unless the whole is well”

Plato

Since inception, the forces of the ecologies in which we survive have taught Indigenous people a proper affiliation order and have equally taught us how to have nourishing relationships with our ecosystems. The natural habitat, in which we live are more to us than settings or places; they are more than homelands or promised homelands. These ecologies do not encircle Indigenous peoples; we are an integral part of them and we inherently belong to them. The ecologies are living with the enduring processes of self creation. Indigenous people invest the ecologies with deep respect, and from them we unfold our structure of Indigenous life and thought.

Ecological insight creates our vision of the animate “natural” world. It informs our communion with the land, our wisdom, and the various dimensions of our faith and our hopes. Indigenous order, consciousness, and heritage are shaped and sustained by ecological forces and by the interrelationship of their changing forms. Ecologies are not static or gentle; they are places of external and often violent change. Indigenous orders are not singular modes of ecologies and their diversity in our oral traditions, in our ceremonies, health care practice and in our art; we unite these mysteries in the structure of our languages and our ways of knowing and practice. The forces and aspects of our ecologies are manifested in our practices today, which are to us what water is to plants.¹

These teachings have defined for Indigenous people the meaning of life, their responsibilities and duties. They have also developed a consciousness, a language, and what others have categorized as cultures. These practices have allowed them to flourish especially in the sectors of health care. They have always been mysterious and sacred processes, emanations of their responsibilities to and solidarity with the particular environments in which they participate. This creates their multilevel of connection with the land called Sikkim.

¹Hogan Linda, Power 227 (W.W. Norton, New York, 1998)

Sikkim is known to Lepchas (Primitive tribes of Sikkim) as Nye-Mael- Liang signifying paradise. It is also called Reu-Jong meaning land of Ancestors. The current name Sikkim is of Nepali origin and has been derived from Sukhim signifying new house or new place. The Himalayan State of Sikkim has joined the Indian union in 1975 and is regarded as the smallest Mountain State, adjacent to Kanchenjunga, the third highest mountain, with a geographical area of 7,096 sq/km.²

I. Evolution of the problem:

In life cycle, sound health is an essential feature without which an individual cannot lead a purposeful life. Lack of sound health hampers potential development of human being which in turn obstructs the development of human society or community. So health is not a subject of individual issue rather a public concern. Thus even with the advancement of science and technology today, Medico-spiritual practices in Sikkim play a pivotal role.

Medico-spiritual practices have been used for centuries in Sikkim by indigenous and local communities and have been the mainstay of their existence especially in the key sectors of healing and health. Western science has in recent times begun viewing Medico-spiritual practices as potential new drugs especially ever since the cost of placing new drugs on the market is turning out to be very expensive.

Medico-spiritual healing practices have played a pivotal role in the daily life of the Sikkimese people even in this 21st century. The three ethnic communities (Lepcha, Bhutia and Nepali) have their own arrangement treatment ethics, believes, and medical ailments though they are more or less similar with one another. Till date many people still in Sikkim have a good faith on medico-spiritual practices rather than other forms and western medicine. Call for technical legalization, invalidate pharmacological and observational studies are necessary for different way of life and treatment of these three communities.

Sikkim is prevalent of traditional healing practice system which is still prevalent today and nurtured by such practice. Here the connection of culture with medicine is very strong because at times ailments are related with beliefs of different super natural forces and deities. Medico-spiritual healing practices are practiced in Sikkim by the three ethnic groups (Lepcha, Bhutia and Nepali) in different ways which are related with Ayurveda and Tibetan system of medicine. Medico-spiritual healing practice in Sikkim and its impact in the form of

²H.H. Risley, The Gazetteer of Sikkim 1 (B.R. Publishing Corporation, Delhi, 2005)

primary health care has been the talk of the town since the last decade of the twentieth century.

Over the time this region has given birth to categories of indigenous knowledge, pertaining to rich medico-spiritual healing practices. These practices have a strong foothold in the region and have been progressing since ages; however, the need to document Medico-spiritual healing practice under Traditional Knowledge Digital Library in terms of primary health care bases in Sikkim is still felt. For instance, there are a plethora of plants varieties that the hill people in the region have been traditionally successfully using for medicinal purposes and such knowledge is the product of a long term evolution within the said vicinity. Further, the spiritual aspect of healing, has also played a pivotal role in supporting medico-spiritual healing practices over the years and have often proved effective in many cases; there are ample examples where epidemics such as Jaundice, fractured bones and snake bites have been healed with the help and amalgamation of the two, also known as medico-spiritual healing.

The spiritual forms of religion and medicine is believed to have been popularised in Sikkim by Guru Padmasambhava or commonly known as Guru Rimpoche. He is considered to be a master in healing. Different kinds of illness are treated with worship and devotion with animal sacrifice. The notion of sacred is prominent exorcism, the magical means of treating diseases. Sacred not only includes Gods and Goddess but also spirits of ancestors and forests, the spirit and demons present everywhere. There is a prevailing supernatural basis of Medico-spiritual healing, even when the chief means of treatment is herbal. The Medico-spiritual healers claim that unless a medicine has been empowered by special benediction, it will have little effect. The medico spiritual healers collect herbs in auspicious time because for better efficacy.³

The Medico-spiritual healers have also evolved rich knowledge with respect to their fauna; for instance a mammal locally called “Dumsi” (Porcupine) is believed to have great medicinal value, there are many such animals with immense medicinal value that are confined to the knowledge of the handful of healers. All these traditional medicinal knowledge bases have not been borrowed by the Medico-spiritual healers of Sikkim hills from other places but have evolved by them through the experiences of several years; hence

³Panda A.K & Misra S, “Health tradition of Sikkim Himalaya” *J Ayur Integr Med* 183 (2010)

they are their original assets. Thus this Medico-spiritual healing practice in Sikkim should be promoted, protected, acknowledged with its economic value and ownership.

II. Statement of Problem

Medico-spiritual healing practices have played such a pivotal role in the daily life of the Sikkimese people even in this 21st century.

The three ethnic communities (Lepcha, Bhutia and Nepali) have their own arrangement treatment ethics, believes, and medical ailments though they are more or less similar with one another. Till date many people still in Sikkim have a good faith on medico-spiritual practices rather than other forms and western medicine. Call for technical legalization, invalidate pharmacological and observational studies are necessary for different way of life and treatment of these three communities.

The greatest challenge in this era is to preserve and promote the Medico-spiritual healing practice and the healers in Sikkim. The knowledge behind this practice requires recognition, respect and understanding in the light of modern medicines. The revitalization of traditional health of Sikkim may promote the health of rural people of this region for their primary health care.

Much traditional knowledge in India, including that of Sikkim Himalaya is not documented and is transmitted orally from generation to generation. This Indigenous knowledge of Medico-spiritual practices is of immense importance and thus the Intellectual Property Rights need to be protected in the context of the globalisation and property rights particularly in the context of the standard and principles as laid down in the General Agreement on Tariffs and Trade of the World Trade Organization.

Intellectual Property Rights is a contraction that barely needs to be extended these days. Everybody, who matters in technical circles, is discussing about intellectual property right, and the significance of defending technical discoveries, with business-related potential, in a firm network of patents. Legality of the international intellectual property right system is in issue for its lack of ability to produce regular opportunities for Indigenous knowledge holders in relation to the healers and beneficiaries in the formal segment. The position accorded to Indigenous knowledge poses meticulous thoughtful moral, legal, social and political inconvenience. Such understanding is not restricted to definable or eloquent sets of predictable elements. Yet, inter-generational equities may well be irrevocably impacted

globally depending on the way solutions to suitable settlement are planned by vesting possession or exercise privileges in such facts because source accessibility and source utilization would both exist impacted.

Till date, not much adequate attention has been given to the significance of protecting the Indigenous Intellectual Property Rights by the decision makers of the region, who's Indigenous Knowledge has often been the sources of products introduced into the international market.

It is high time that the important decision steps of the planners and policy makers in Sikkim in this regard, in the next few years should be Documentation and Codification of all the flora and fauna available and used with full description of their healing potentials across the Sikkim Himalaya. Documentation of Medico-spiritual healers in the region should also be done, along with the extent of their contribution in the health status, their advantages and disadvantages. Action is needed at both the State and national level, in policy and legislation, to protect Indigenous Knowledge.

III. Hypothesis

Medico-spiritual healers generally and of Sikkim particularly are popular healers without formal medical degree, they are not registered as medical practitioners nor are they under licence. The natural resources such as herbs, medicinal plants and other flora and fauna are not adequately protected by the State and do not find a place in Traditional Knowledge Digital Library. Hence, no Intellectual Property Right is protected. The healers do not receive any subsistence except a few that are recognised by the government. In order to preserve their traditional knowledge and Intellectual Property Rights, protect their resources and promote their medical acumen a legal framework customised for their need is required to be created. Further, Statutory laws available in India do not directly address the key issues relating to Medico-spiritual practices in Sikkim; hence a comprehensive legislation is needed to address such issue and there is an urgent need to take steps to extend legal protection to them so that in terms of equity, efficiency, quantity and quality they would significantly improve.

IV. Research Questions

The present research involves various questions:

1. Is there a legal framework to address the issue of Medico-spiritual healers and the beneficiaries in Sikkim?
2. Whether legal set up is adequate enough to address problems relating to Medico-spiritual healing practice in Sikkim.
3. Whether the Intellectual Property Rights of the Medico-spiritual healers are protected and which aspect of medicinal plants must be safeguarded and how?
4. Are the Medico-spiritual healers sensitised and updated regarding various contagious diseases and infections?
5. How could the knowledge and awareness among the Medico-spiritual healers in terms of medical negligence, Bio-Medical Waste etc. improve?
6. What measures could be adopted to minimise the risk of increasing quack healers?
7. What measures could be taken by the concerned authorities to protect, promote and document Medico-spiritual healing practice?

V. Objective of the Study

Medico-spiritual healing practice has been the mainstay in terms of health care in Sikkim for ages. But its multidimensional consequences is not just confined within the health care of individuals in this era of Intellectual Property but is affecting the lives of the healers, the beneficiaries and is extending beyond its boundaries too, causing environmental degradation. Till date no direct legislation is available to address the issues faced by the healers and the beneficiaries. Despite this traditional healing practice being on a verge of extinction, it is the perfect time to take measures for its documentation process. In this background, it is important to examine the existing problem of improper management of Medico-spiritual healers and the beneficiaries, with a view to eradicate to root cause and to ensure proper management of the same. With this objective in view, the researcher has undertaken to study the aspect of the Medico-spiritual healing practice in Sikkim in the light of the situation prevailing in the country within the ambit of existing Intellectual property law and to propose curative measures.

VI. Contribution of the Study

The increasing number of Medico-spiritual healers which speaks for its deteriorating living condition not only because payment is voluntary by the beneficiaries, but also lack of a proper legal framework are posing serious concerns for this type of healing practice. Considering the seriousness and harmful effect of not having a direct legal framework to address the issues relating to Medico-spiritual healers and the beneficiaries, an attempt has been made under this research work to analyse the Medico-spiritual healing practice and to find out the lacunas with suggestive measures to fill up the gap. Further, a comparative study shall be made of different countries to identify and to adopt the measures for promotion and protection of Medico-spiritual healing practice. Further, an empirical study shall also be made to have an idea regarding the present Medico-spiritual healing practices prevailing in Sikkim.

VII. Significance of the study

The research work is not only attempted to raise awareness amongst the Medico-spiritual healers and the beneficiaries about the lack and need of a proper legal framework to address such healing practice and protect their Intellectual Property Rights. It is also significant to find out the way for the strict enforcement of the same because failure to adhere to the legal framework will jeopardize the purpose for which it is framed. Further, no such in-depth study of Medico-spiritual healing practice standard of a place like Sikkim has been undertaken. Study of implementation of health laws in the primary and secondary level in such an important area would certainly add valuable contribution. Moreover there is a great challenge to revitalize the traditional health and to promote the Medico-spiritual healing practice in rural poor people of Sikkim for their primary health care.

VIII. Scope and limitation of the study

Medico-spiritual healing practice has been a crucial issue in the recent years due to its propensity to promote health care. Western science has recently started looking at this form of Traditional healing practice as a source of new drugs, specially to avoid side effect from drugs and the cost of putting new drugs on the market is becoming very expensive. Therefore, in accordance with the existing Intellectual Property Rights Law, the concerned authorities have to initiate a legal framework for the protection and promotion of such healing practice. Each stage in the management of the legal framework is important and decisive in

the sense that the whole management processes being a part of the chain has to be carefully and successfully implemented. The breaking up of any part of the chain would affect the whole chain as a result of which proper implementation of the legal framework would fail. Therefore, the study on the issue relating to the Medico-spiritual healing practice is the study of the whole chain starting from identifying the healers, their rights, their duties, their speciality, healing potentials and success rate. The scope of the study is confined to the study of the whole chain in order to have a clear understanding on the healing aspect. The scope of the study is limited only to some Medico-spiritual healers in Sikkim, which are also subject to other limitations such as difficulty in obtaining permission, unwillingness to co-operate, language barrier, Illiteracy, lack of spontaneity, difficulty in reaching them, unavailability of the proper information etc.

IX. Chapterisation

The present research work has been divided into Seven chapters including introduction and conclusion along with suggestive recommendations. A brief summary of the chapters has been referred below.

CHAPTER I: INTRODUCTION

The introductory chapter highlighted a brief overview of the topic entitled **“A Study of the Legal Framework for the Protection of Medico-Spiritual Practices in Sikkim as Indigenous Knowledge under Intellectual Property Law”** along with the detail synopsis of the research work.

CHAPTER II: INDIGENOUS KNOWLEDGE

Chapter two is an important feature of this research and it goes on straight to deal with “Indigenous Knowledge”. In this backdrop, this chapter aims at providing the meaning and definition of the term Indigenous Knowledge as the knowledge which has been found from the surrounding by certain groups of people or some ancient tribal or indigenous community who has been living with nature since inception. This form of knowledge is sometimes used synonymously and it should be protected. It is generally regarded as holistic knowledge as it can protect mankind from various epidemics. Indications of new avenues of already existing legislations are dwelled upon and the practical approach needed for the objectives in hand is explored.

CHAPTER III: INTERNATIONAL INSTRUMENTS RELATING TO THE PROTECTION OF INDIGENOUS KNOWLEDGE

Under this Chapter attempt shall be made to analyse various International instruments relating to the protection of Indigenous Knowledge held from time to time that has highlighted on the importance for the protection and promotion of Indigenous Knowledge Nationally as well as Internationally. An analysis of the provisions of various International Conventions and Covenants has also been done under this chapter. The significance here is not that the European philosophy of intellectual property is correct, and everyone else in the world is wrong or vice versa. What the foregoing discussion in this chapter shows is more basic: that there are many different historical and cultural assumptions about the ownership of ideas. Well, if not for trade, international law would be least bothered with so many different national regimes for intellectual property because each would be strictly a matter of domestic policy. But the reality is that nations do trade, so the difference matters. Fair participation in the international market depends on rules that bind each nation equally; otherwise market distortions will position some countries at a disadvantage. This Chapter shall further highlight Indigenous Knowledge in some Asian Countries and discusses case studies of International perspectives in countries like Indonesia, Ecuador, Ethiopia and Venezuela.

CHAPTER IV: INDIGENOUS KNOWLEDGE AND RIGHTS OF INDIGENOUS PEOPLE IN INDIA

Chapter four looks at the development of “Indigenous knowledge and rights of indigenous people in India”. Despite the formal legal regime here, unofficial habitual laws and practices, emanating from within the area, having meticulous implications in the framework of safeguarding Indigenous Knowledge in our Country has been discussed. The bond of Indigenous communities with the fundamentals of their surroundings has been highlighted too. In addition it highlights, as to how this connection has helped them build up a healthier understanding of their environment and the resources found therein. This close relationship and the deep appreciation have urbanized into a data system which over the lifetime, has conceded down from one generation to the next, and has aided their livelihood. The admittance and utilization of such understanding in these communities have time and again been governed by an overabundance of unofficial customary mechanisms, which have aided in its conservation. This chapter further lays emphasis on how sustainable application of Indigenous Knowledge is reflected in the majority of the traditions of local and indigenous communities and how understanding of community elders in relation to Indigenous

Knowledge is translated into exercise which includes a judicious use of capital. Gradually this exercise transforms into custom, which accepted over commencing from one age group to the next, draws together the power of law as it gets established as a model.

CHAPTER V: MEDICO SPIRITUAL HEALING PROCESS IN SIKKIM

This Chapter is an attempt to understand the healing process in Sikkim during the two main periods in Sikkim history, one being the Pre merger and the other, Post merger. A historical outline in terms of the land and people of Sikkim are also discussed here. The researcher has attempted to make an honest effort to showcase a variety of medicinal plants available in Sikkim and some healing process which may be useful and objectively possible to meet the demands of maintaining sustainable use of Medico-spiritual healing practice within the State. Chapter five manifests this effort where it has highlighted various species of flowering plants, herbs, ferns etc. used for “Medico-spiritual healing process in Sikkim”. This chapter attempts to highlight the last entity in its many ramifications, emphasizing them under various sub chapters. Further this chapter shall undertake a comparative study of Herbal healing practice prevalent in Sikkim, along with the rest of the country and countries like China, Egypt etc. The chapter is also an attempt to understand, discuss and highlight different types of healing medications practiced in the State.

CHAPTER VI: STATUS OF MEDICO-SPIRITUAL HEALING PRACTICE SCENARIO IN SIKKIM: AN EMPIRICAL STUDY

The chapter focuses on the survey conducted by the researcher in Sikkim to understand the implications of Medico-spiritual healing practice in Sikkim. Everything that is done in this present research boils down to chapter six which relates to the status of “Medico-spiritual healing practice scenario in Sikkim : an empirical study”. An empirical study has been made with reference to the State of Sikkim. The empirical study would reveal the status of Medico-spiritual healing practitioners in the State of Sikkim. The situation has been assessed with the aid of structured interview method and opinion survey in the form of questionnaire framed for the purpose. With this aim in view an empirical study shall be made of this area in order to highlight on the existing practical scenario prevailing in the State.

CHAPTER VII: CONCLUSION AND RECOMMENDATIONS/ SUGGESTIONS

Finally, the last chapter, that is, chapter seven includes the conclusions derived from the research, which not only concludes the study by making an overall evaluation of the

work, but also makes some sincere recommendations which may indeed be helpful for improvising the existing traditional healing practice. Here it unfolds that a few more statutes in the arena of Traditional Medicine can be further explored to curb the menace of Medico-spiritual healing practice and attaining all-round sustainable use of such practices in India, especially Sikkim.

X. Methodology

Owing to its healing potentials and daily increasing beneficiaries in Sikkim and the bordering State, it is proposed that during the course of research work both doctrinal as well as empirical study shall be done to find out the gaps and also to provide suggestive measures to fill up the gap. To achieve such goal an analysis of different books, Rules, Policy Guidelines, Manuals, and Article written by eminent scholars shall be made. To know the Medico-spiritual healing practice position in Sikkim, an empirical study shall also be made by the researcher to throw light on the actual practical implication from different Medico-spiritual healers.

For the empirical research the following methodology is applied:

a) Universe of Study

The universe under the study is a finite universe but large in size containing four (4) districts namely, East district, West district, North district and South district. The population though finite, is of different characteristics. For the purpose of analysis, the ethnic composition was not taken into account because of the remoteness of accessibility. Ten healers from each District have been interviewed, in a snow balling method. This number consists of both Governmental recognised and unrecognised healers.

b) Framing of sample and sampling procedure

The list of the Medico-spiritual healers of Sikkim for the study shall be taken from the recorded data of Culture department, Government of Sikkim. Help of village elders and panchayats from different districts shall be taken to meet and interview various unrecognised healers. Taking into consideration the nature of the units as heterogeneous and the universe is limited to the State of Sikkim, the sampling procedure to be adopted in this research work is simple random procedure. The Medico-spiritual healers from each district too are not small in number and moreover they are reluctant to meet strangers apart from healing purpose. Thus

sampling shall be drawn by taking at least 10 (ten) Medico-spiritual healers from each district, overall (40) forty in total.

c) Tools and techniques for the collection of data

In order to complete the empirical research the tools and techniques adopted by the researcher is the questionnaire and interview method. A set of total of Forty eight questions each to various Medico-spiritual healers residing in different districts shall be given who are the subjects of the study. The data shall also be collected through observation and interview methods. As it is not possible for the researcher to meet and interview each and every Medico-spiritual healers of Sikkim, primary data shall be collected through simple random sampling.

d) Data processing

The response collected from different Medico-spiritual healers by way of questionnaire and interview shall be scrutinised and edited in order to eliminate probable irregularities. After editing, the entire material shall be classified, coded and tabulated according to the need. The tabulation so prepared shall be analysed and the percentage of such responses will be calculated to project the actual figures. The literature of the research shall be prepared accordingly along with the suggestions for the inclusion of a new concept.

XI. Literature Review

The concept of Medico-spiritual healing practice as Indigenous Knowledge has attracted the attention of academic, jurists, and judges under this Intellectual Property Rights regime to a great extent. A number of studies have been done in this area, however many of them concentrate only upon medicinal plants aspects. Though a few academic works in the form of books and articles have been done in this area, there is hardly any work independently dealing with Medico-spiritual healing practice in Sikkim. Nevertheless, there are a good number of works covering single or multiple issues on Medico-spiritual practices as Indigenous Knowledge.

The guiding principles on Medico-spiritual healing practice constitute the basic and primary law for health care which was formulated by Representative of World Health Organization after much deliberation in the international arena. Apart from discussing this principle, the present work has made an analysis of the following international instrument

which has application to this kind of a healing regime. The list is only illustrative and not exhaustive.

- 1) United Nation Charter;
- 2) World Intellectual Property Organization 1970;
- 3) Convention on Biological Diversity;
- 4) TRIPS;
- 5) U.N Conference on Trade and Development 1964;
- 6) FAO 1945;
- 7) Int Treaty on Plant Genetic Resources for food and Agriculture 2001;
- 8) FAO International Code 1993;
- 9) U.N Environment Programme 1972;
- 10) Mataatua Declaration on Cultural and Intellectual Property Rights 1993;
- 11) Rio Declaration on Environment and Development 1992;
- 12) U.N Draft Declaration on the Indigenous Rights 19943;
- 13) Permanent Forum on the Indigenous Issues 2000;
- 14) U.N Declaration on the Rights of Indigenous Peoples 2007;
- 15) Convention Concerning Indigenous Peoples in Independent Countries 1991
- 16) The united nations technical conference on practical experience in the realization of sustainable and environmentally sound self development of indigenous peoples, 1992
- 17) The International convention for the protection of new varieties of plants, 1961

In the Indian context, since there is no particular legislation, the study has inter-alia, analysed other relevant and correlated enactments, such as;

- 1) Biological Diversity Act, 2002;
- 2) The Constitution of India;
- 3) Protection of Plant Varieties and Farmers Rights Act, 2001;
- 4) Indian Forest Act, 1927;
- 5) Wildlife (Protection) Act, 1972;
- 6) Forest (Conservation) Act, 1980;
- 7) Protection of Plant Variety and Farmers' Rights Act, 2001;
- 8) Intellectual Property Law.

In this present work not only the efficacy of the enactments has been examined but they have been critically analyzed as these laws have their own shortcoming and do not prove to be sufficient in terms of Medico-spiritual healing practice.

Apart from the different international instruments, national laws relating to Medico-spiritual healing practice it is also important to review books and literatures to find out the lacunae and to frame out solution which must be the task of every research scholar dealing with particular topic.

a) Marie Battiste and James Youngblood Henderson, Protecting Indigenous Knowledge and Heritage, Purich Publishing Ltd, Saskatoon, Canada, (2012) –

The book is a compilation of how legislative schemes in countries with Indigenous populations along with the work of the United Nations and other international bodies impact on indigenous peoples. It also illustrates why current legal regimes are inadequate to protect Indigenous heritage, language and knowledge. Some of the specific topics covered in this book include: Eurocentric views on what constitutes cultural and intellectual property, what constitutes Indigenous Knowledge and who may use it; the importance of preserving Indigenous languages; the relationship between Indigenous languages and culture; how knowledge is transmitted in Indigenous communities; issues in performing arts and artwork; and proposals for creating a legal regime that will help revive and protect Indigenous Knowledge and require consent for its use.

b) J.K. Das, Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi, (2001) –

This book explores the evolution and recognition of law, at both the domestic and international levels, relating to indigenous peoples. It demonstrates that at the international level modern human rights program has been responsive to indigenous people's aspiration to survive as distinct communities in control of their own destinies. It highlights as to how over the last several years the international system, particularly as embodied in United Nations and other international institutions has exhibited a renewed concerns of indigenous people. It discusses the resulting new generation of international treaty and customary norms, while linking the new and emergent norms with previously existing international human standards of general applicability. It further identifies and analyzes institutions and procedures at domestic level in India for realisation of international norms concerning indigenous peoples. In

finding out the contours of Indian law, it explores the evolution and recognition of political processes in realisation of the rights of indigenous peoples in India.

- c) **J.R. Subba, History, Culture and Customs of Sikkim, Gyan Publishing House, New Delhi (2008)** – This book is very informative and quite exhaustive in its survey providing a useful background in understanding the socio-political dynamics of the Sikkim society. The demographic picture of Sikkim presents the picture of a melange of diverse ethnic as well as linguistic elements. It discusses the three main groups of the Sikkim people i.e. Lepchas, Bhutia's and the Nepalis. It further provides a very informative survey of history of Sikkim from the remote past to the present times dealing separately on some of the ethnolinguistic groups. This informative and comprehensive account of the history and people of Sikkim undoubtedly presents a valuable background for the analysis of the currents and cross currents that work in the making of a pluralistic society like that of Sikkim.
- d) **Sushma Sahai, Bio-Medical Waste Management APH Publishing Corporation, (2009)** is a book which reviews critically various social, economic and regulatory policies which address environmental issues. It stresses on the interdisciplinary and inter-related nature of environments, irrational handling of biomedical waste, its impact on disease epidemiology, recycling and commercialization of biomedical waste. Since there has been a paradigm shift from curative to preventive medicine, the foundation has already been laid to encourage research on such themes, like hospital waste management. Critical issues, like lack of awareness of the Rules and risks involved during handling hospital waste and unwanted recycling of contagious waste products need to be addressed in order to develop a full proof biomedical waste management system. Instead of providing an end-of-pipe solution a cradle –to-grave approach would entail a comprehensive analysis of the management of Biomedical Waste. This would be a formal approach to define and evaluate the total environment load (physical and social) associated with the generation and disposal of Biomedical Waste from the word start to finish.
- e) **S.K. Verma, Legal Frame Work for Health Care in India, Indian Legal Institute, Lexis Nexis Butterworth (2002)** – This book is essentially the product of a project undertaken by the Indian Law Institute on behalf of the World Bank entitled “Legal Framework for Health Care in India: Experience and Future directions”. This book presents a detailed account of the liability of health professionals under the law of torts, criminal law, law of contract and consumer law. Besides giving a detailed

picture of the role of medical councils it takes special account of right to health under the constitutional scheme. The book includes an appendix, which contains relevant texts of the various legislations having bearing upon health care, including the code of ethics to be followed by the medical professionals.

- f) **Puroshattam Behera, Medical Law and Ethics, Mittal Publications, New Delhi (2007)** – This book explores moral, ethical and legal issues regarding health care professionals. It makes a comprehensive analysis of legal provisions with respect to medicine, patent and copyright laws. It provides an understanding of medical laws and ethics.
- g) **Nandita Adhikari, Law and Medicine, Central Law Publication, Allahabad (2007)** – This book in short gives a glimpse of various provisions of Indian Penal Code connected to medicine and health. Provisions of Constitution of India having bearing upon right to health have been cited in the work, regulation of medical and paramedical profession and regulation of manufacture, storage and sale of medicine have been discussed in the book.
- h) **R.K. Bag, Law of Medical Negligence and Compensation, Eastern Law House (2001)** – This book attempts to summarise entire law of medical negligence and compensation in England and other common wealth countries with appropriate reference to Indian Jurisdiction. It provides analysis of medical negligence and compensation under general, penal and consumer law. It discusses the concept of reasonable care standard of skill and competence, difference between wrong and negligent diagnosis, criteria for informed consent in treatment, variation of consent in elective and emergency surgery, unwanted child and failure of sterilization, delegation of duty, criteria of consumer, individual and vicarious liability to pay compensation, concept of deficiency in service, standard of proof of negligence in civil court as well as consumer court, mode of assessment of compensation and text of important statutes connected with medical profession.
- i) **Rais Akhter, Healthcare Patterns and Planning, APH Publishing Corporation (2004)**– This book has grown out of numerous studies on varied topics; the spatial organization of health facilities, inequalities, accessibility, location allocation models knowledge about healthcare system in different cultures and illness and health beliefs in different region of India.
- j) **J. Kishore and G.K. Ingle, Biomedical Waste Management in India, Century Publications, New Delhi (2004)** – The book is a compilation of Government

notification and guidelines issue on the subject. The material is updated and well organised in different chapters. The authors have taken care to include legal issues and legislations pertaining to biomedical waste management in a simple and systematised manner. The issues related to the technology of biomedical waste management have been described at length. One section is entirely devoted to the alternative technologies for biomedical waste.

- k) Advancing Rights to Health: The Indian Context, By SAMA- Resource Group for Women and Health.** – This book is published on behalf of the Beyond the Circle project which brings together a small number of academics and representatives of NGOs with the aim to advance the enjoyment of economic and cultural rights in India. This book contains the concept and various issues under right to health etc. It also contains few case studies on various health care related issues, International and National instruments that discuss right to health, people’s health charter and National public hearing on right to healthcare.
- l) Deepa Basu, The Handling of Disposal of Medical Wastes, law & Medicines, Vol.3, (1997)** – drew attention on the burning of biomedical waste through incinerators which produces a dangerous by products of toxic chlorinated compounds called dioxins and furans which carcinogenic and known to suppress immune system and cause fatal and reproductive damage and thus considered as an important source of air pollution. These articles also suggested measures to be taken for the proper incineration of the bio-medical waste.
- m) Mingama Thundu Sherpa, Abhishek Mathur, et.al., “Medicinal Plants and Traditional Medicine System of Sikkim: A Review”, Vol. 4 World Journal of Pharmacy and Pharmaceutical sciences (2015)** – This article on traditional medicinal system lays emphasis on the knowledge of plants which are part of Indigenous Knowledge in Sikkim that has snow balled from generation to generation. It further highlights the different types of medicinal plants used for healing purpose in Sikkim and lays concern over the decline of medicinal flora in the State.
- n) Y.V. Rao, Law Relating to Medical Negligence, Asia Law House (2010)** – The book contains all the possible legal aspects of medical negligence touching the medical professionals and hospitals. It has referred to the authorities of eminent English authors and judges, courts of appeal of U.K. which became the foundation for development of Indian Law of Medicinal negligence. On the issue of medical

negligence case laws as evolved from judgments of Supreme Court of India, various High Courts, National Commission and State Commission has been discussed.