

## Social Transformation and Its Impact on Traditional Knowledge

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### *Abstract*

*As the society, so the Traditional Knowledge. with the change in society there is a change in Traditional Knowledge. Traditional Knowledge is shaped in accordance with the time and need of the society. There is a close relation between Traditional Knowledge and Social Transformation. With the society evolving towards modernization, Traditional Knowledge being a living knowledge which evolves with the society and the people is also evolving towards modern knowledge. The nature can be regarded as a laboratory where the experiment of the Traditional Knowledge takes place. Earlier, Traditional Knowledge was not universal at all, there was traditional system of protection and traditional system for the grant of permission to access it but now due to globalization, there is more chances of misappropriation and Traditional Knowledge is not safe. India is amongst the nations who is very rich in terms of Traditional Knowledge and in India, most of the population still depends on Traditional medicinal system. With the acceptance of globalization, it is high time India should take proper step for the protection of Traditional Knowledge. Traditional Knowledge is categorized under the Intellectual Property Rights, and if it is not provided proper protection then someone else under the Intellectual Property Rights will protect it and the community who owns it will loss the ownership rights.*

*The Intellectual Property Rights Law can be regarded as old and with the change in time, there should be a sui generis law for the protection of Traditional Knowledge of India and her people. With the social transformation, the world is moving towards capitalism and this has given rise to lots of Multi – National Corporations and they have in many cases been able to take advantage of the legal protection provided by India to the Traditional Knowledge.*

*Thus, the article will focus on the relation between social transformation and Traditional Knowledge, change in the legal system with the change in time for the protection of Traditional Knowledge and challenges and issues faced by Traditional Knowledge, its holders with the changes that have taken place in the society and India.*

**Keywords:** *Traditional Knowledge, society, social transformation, Intellectual Property Rights, Protection.*

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## I. Introduction

Social transformation implies a fundamental change in society, which can be contrasted with social change viewed as gradual or incremental changes over a period of time. It can be said that Social transformation is the process of change that the society under goes due to economic growth, science, technological innovations, and war or political upheavals.<sup>2</sup> Due to social transformation, the lifestyle and interactions of the people can be affected. There are two significant concepts by which social transformation can be witnessed, they are culture and globalization. In this context, culture<sup>3</sup> refers to the distinct way of life a particular group of people and globalization refers to the standardization of education policies, trade, ideas, music, art and lifestyle around the world.<sup>4</sup> Now due to so much of social transformation, the world has become a global village with the occurrence of the integration of cultures prevailing all around the world.

With decades of social transformation, the concept of ‘Traditional Knowledge’ (here in referred to as TK) has gained so much of importance. After the establishment of the General Agreement on Tariffs and Trade (GATT), TK has become very eminent and it has become the most important subject to discuss. Till date there is no definite definition of Traditional Knowledge which is accepted universally. Many have defined it regarding their own ideology. In the website of World Intellectual Property Organization, TK has been defined as “TK is knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity”.<sup>5</sup> TK can be found in agricultural, scientific, technical, ecological and medicinal knowledge, biodiversity-related knowledge and in other contexts as well.<sup>6</sup> TK is mostly transmitted orally and

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<sup>2</sup>Sharon Omondi, *What is Social Transformation?*, WORLDDATLAS, <https://www.worldatlas.com/articles/what-is-social-transformation.html>. (last visited Nov. 20, 2019)

<sup>3</sup>Culture means the beliefs, morals, laws, customs, and art related to society and it is different from one society to another.

<sup>4</sup>Sharon, *supra* note 1.

<sup>5</sup>TRADITIONAL KNOWLEDGE, WIPO <https://www.wipo.int/tk/en/tk/> (last visited Nov. 20, 2019. )

<sup>6</sup>*Id.*

has an ancient roots with the land and the community. Most had defined TK as the knowledge of the indigenous communities but now due to the effect of the social transformation, another word ‘local’ has been added along with ‘indigenous’ which opens the field to all the communities that qualify as indigenous or local.<sup>7</sup>The Inter-Governmental Committee (IGC) has defined TK as, “TK refers to knowledge originating from indigenous [peoples], local communities and/or [other beneficiaries] that may be dynamic and evolving and is the result of intellectual activity, experiences, spiritual means, or insights in or from a traditional context, which may be connected to land and environment, including know-how skills, innovations, practices teaching, or learning.” The most important aspect of this definition and the characteristic that this definition has added is ‘dynamic’.<sup>8</sup> It means that TK is constantly changing and is being adjusted with social transformation. Thus, TK is a living knowledge that is evolving every second, every minute with the social change of the land and can be regarded as a modern knowledge. It is in the form of stories, songs, artistic expressions, cultural events, beliefs, rituals, laws, languages, agricultural practices and know-how relating to architecture, textile-making, fishery, health, forest management.<sup>9</sup>And it is mostly transmitted orally and are in written form as well. The holders of the TK regard this knowledge as a way of their life, as their identity, sacred and very secret to them. With the change in time and social transformation, the definition of TK has been shaped taking in view the definition provided by various scholars, organizations, committees, etc. It provides a better understanding with regards to TK. With regards to the present scenario, TK can be defined as the knowledge which may consist of innovations, creations, and practices developed in an informal or open way and may be transmitted from generation to generation held by a community in oral or written form.<sup>10</sup>

## II. Importance of Traditional knowledge

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<sup>7</sup>DR. TOPI BASAR, DR. KANKANA BAISHYA, et al. eds., TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS: NATIONAL AND COMMUNITY PERSPECTIVES 220 (2019).

<sup>8</sup>*Id.* at 221.

<sup>9</sup>Javier Garcia, *Fighting Biopiracy: The Legislative Protection of Traditional Knowledge*, 18(2) BLRLJ 1, 5 (2007).

<sup>10</sup>DR. TOPI, *supra* note 7.

TK is used by the communities at the local level and they depend on the knowledge for the purpose of food security, human and animal health, education, natural resources management, and other various activities. Such knowledge is generated after numerous trials and practices. Such knowledge has helped in cracking out the way for medical advancements and treatments of various diseases.<sup>11</sup> According to Senanayake, “TK has been the basis for agriculture, food preparation and conservation, health care, education, and the wide range of other activities that sustain a society and its environment in many parts of the world for many centuries.”<sup>12</sup> Traditional Knowledge is the main asset of the poor as they have invested their time, efforts and understanding to come up with such knowledge. They have not only come up with such knowledge but also have managed and used such understanding for the developments of various products. As such knowledge are cost effective and useful there is a huge concern regarding the changes that can be brought about with the help of such knowledge. Both at national and international level there is an increase of gaining insight of such knowledge.

The importance of the traditional knowledge must not be ignored; the basic component of any country’s knowledge system is its TK. It includes the understandings, skills, insight and efforts of indigenous peoples. The contributions of the traditional knowledge to global knowledge with regard to medicine and veterinary medicine cannot be over looked. Similarly, such knowledge’s help in conservation and sustainable use of various biological resources. Hence, it is very necessary to recognize the importance of traditional knowledge and the holders of such knowledge.

In the name of development, TK is being manipulated; the rights of the traditional holders are often infringed and disregarded. Development is a universal agenda in the present time, but such development must be beneficial to all. In most of the countries developments has led to making deep rooted

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<sup>11</sup>TeferiTafa, *Harnessing indigenous knowledge for social changes; Oromo indigenous social development theories definition*[https://www.researchgate.net/publication/331792068\\_Harnessing\\_indigenous\\_knowledge\\_for\\_social\\_changes\\_Oromo\\_indigenous\\_social\\_development\\_theories\\_Definition](https://www.researchgate.net/publication/331792068_Harnessing_indigenous_knowledge_for_social_changes_Oromo_indigenous_social_development_theories_Definition). ,( last visited Nov. 20, 2019).

<sup>12</sup> S.G.J.N. Senanayake, *Indigenous Knowledge as a key to Sustainable Development*, 2(1) JAS 87, 89 (2006).

poverty and alienation of local people from their environment where they lived in harmony for many centuries.

Indigenous knowledge is a critical factor for sustainable development. Empowerment of local communities is a prerequisite for the integration of indigenous knowledge in the development process. The integration of appropriate indigenous knowledge systems into development programs has positive impact for it contributes to efficiency and effectiveness of sustainable development. Indigenous knowledge, like any other knowledge, needs to be constantly used, challenged, and further adapted to the evolving local contexts when it used in development program.

The use of TK is being made as the need of the society is changing. With introduction of various inventions which as more negative impacts than positive ones, the researchers and scientists are looking for environment friendly practices that the indigenous peoples have been using. This shift of interest on the TK has a negative impact on the rights of the TK holders. Though such inventions are undertaken for the betterment of the life of the people, but the knowledge holders being a part of the society, their rights over such knowledge must be recognized.

### **III. The Role of Traditional Knowledge in Social Innovation**

Social innovations are impossible without the inputs of TK. There is always help taken from the traditional way of life for dealing with the new problems. Likewise, creating new solutions to problems is embedded in traditional practices.<sup>13</sup>TK has helped in developing new drugs, new technologies, etc. TK based on agriculture has helped the farmers to increase products as well as conserve the soil. The traditional practices had no ill impacts. Apart from agricultural sectors, the role of TK on economic sectors is also being recognized. A whole range of industrial products are dependent on or use of TK in numerous ways. To name few are the pharmaceuticals, house hold goods, cosmetic products etc. The contributions of TK on health care cannot be forgotten. According to the World Health Organization (hereafter referred to as

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<sup>13</sup>Melissa Herman, *The Critical Role of Traditional knowledge in Social Innovation*, STANFORD SOCIAL INNOVATION REVIEW, [https://ssir.org/articles/entry/the\\_critical\\_role\\_of\\_traditional\\_knowledge\\_in\\_social\\_innovation](https://ssir.org/articles/entry/the_critical_role_of_traditional_knowledge_in_social_innovation) (last visited Nov. 21, 2019).

WHO), the majority of the world's population are dependent on medicinal plants that have traditional method of use. There are numerous instances where TK based on medicinal uses have helped in development of new drugs. The WHO estimates that 25% of modern medicines are made from plants that were first used traditionally. Apart from medicinal benefits, traditional knowledge has also helped in dealing with food security during various natural calamities. The indigenous peoples have lived in close with the nature and understand the behavior and changes that takes place in the surroundings. They have acquired unique knowledge about the use of wild flora and fauna and most of which are not known to the people who live away from the natural ecosystem. With recent biotechnological advancement and molecular genetics, particularly in the gene transfer technology have opened new vistas and assumed unlimited power to exploit the genetic resources of the biodiversity. As a result, the potential and actual economic values and genetic materials are increasing rapidly and stimulated international trade in genetic resources commonly known as 'bio-trade' which soon led to 'bio-piracy' or 'gene piracy'.<sup>14</sup>

Communities have understood their natural surroundings and hence, adopted agricultural, fishing practices and also the change in the climate etc. TK developed in ancient times can be used to treat various problems that are faced in recent times.<sup>15</sup> The present-day inventions though helpful have various side effects, either to human health or to the environment. But the traditional knowledge has been developed by studying the environment and the needs of various species and hence is more sustainable.<sup>16</sup> Traditional knowledge strives for sustainable development. A society needs development but such development must be a sustainable one. But there is a constant erosion of

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<sup>14</sup>PalpuPushpangadan, Varughese Geogre&Manikantan Ambika Chithra, *The Importance of Traditional Knowledge, Intellectual Property Rights in Benefit Sharing*, GAVIN PUBLISHERS <https://www.gavinpublishers.com/articles/Review-Article/Current-Research-in-Complementary-Alternative-Medicine-ISSN-2577-2201/The-Importance-of-Traditional-Knowledge-Intellectual-Property-Rights-in-Benefit-Sharing>. ( last visited Nov. 21, 2019).

<sup>15</sup>Ashish Kothari, *Traditional Knowledge and Sustainable Development*, INTERNATIONAL INSTITUTE FOR SUSTAINABLE DEVELOPMENT (PM).[https://www.iisd.org/pdf/2007/igsd\\_traditional\\_knowledge.pdf](https://www.iisd.org/pdf/2007/igsd_traditional_knowledge.pdf). ( last visited Nov. 21, 2019).

<sup>16</sup>*Id.*

Traditional knowledge. Without strong policies and programs recognizing the rights of traditional holders it is difficult to provide protection to the same.

Traditional knowledge also plays an important role in preservation of cultural heritage of any community. As the knowledge has been passed through generations, the values as well as the unique characteristics of any culture is also transmitted. Such knowledge reminds and also provides as identification to any cultural groups.<sup>17</sup> The importance of the cultural heritage is also explained by the traditional knowledge. As such knowledge provides an insight to the values and importance of such place or practices. Similarly, environment is very important to every society, right to live in a clean environment is a right recognized under constitution of various countries. Traditional practices have always taken keen interest in preservation and protection of the environment. With various biotechnological inventions, there is negative impact on the environment and the societies. Hence, the traditional practices for preservation and conservation of environment must be recognized for the betterment of the society because without environment or biological resources life on earth is impossible.

Apart from above mentioned contributions, traditional knowledge has numerous applications. But with rapid industrialization, globalization there is tremendous, misappropriation and erosion of traditional knowledge. Such erosion and misappropriation have not only an impact on the rights of traditional knowledge holders but also on the society that we live in. There is a need to recognize the importance of TK and also to acknowledge the rights of the traditional knowledge holders as the inventors of such knowledge.

#### **IV. Protection of Traditional Knowledge in India**

With the growing commercial use of TK has made it vulnerable to misuse and misappropriation by the third parties. There is a constant debate going on for

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<sup>17</sup>DondeTrabajamos, *The Power of Traditional Knowledge; how it is helping to preserve Cultural Heritage, the Environment and provide Income for Local Communities in Mozambique*, MDGIF, <http://www.mdgfund.org/es/node/1609>, ( last visited Nov. 21, 2019).

efforts towards adapting to the changing requirements.<sup>18</sup> The National Intellectual Property Rights Policy, 2016 recognizes that there is ‘considerable unexplored potential for develop, promoting and utilizing traditional knowledge of India’. It also lays the importance on acknowledging the inputs of the less visible Intellectual property generators like the traditional knowledge holders. Similarly, AYUSH<sup>19</sup> Policy 2002, and the draft AYUSH Policy 2016, supports promotion of the Traditional Medicine industry. Such initiatives act as a move for protection and recognition of TK and also the rights of TK holders. Apart from medicinal knowledge there are various traditional agricultural techniques, the local communities have used their understandings and identified valuable genes and traits in crops and maintained them over centuries.<sup>20</sup> Though, there is no particular legislation for protection of TK and the rights of the holders but there are certain legislations that indirectly protect the TK.

#### **IV.I. The Forest Conservation Act, 1980**

Under the Act, there are restrictions made on the de-reservation of forest or use of the forest land for non-forest purpose without the approval of the Central Government.<sup>21</sup> The legislation is a strict one and, in a way, provides for conservation and protection of medicinal plants.

#### **IV.II. The Protection of Plant Varieties and Farmers’ Rights Act, 2001**

The Protection of Plant Varieties and Farmers’ Rights Act, 2001 has been enacted as a *sui generis* act, as mentioned under the “Article 27 (3)(b)”<sup>22</sup> of the TRIPS Agreement. The Act recognizes the role of farmers as cultivators and conservers, and also acknowledges the contribution of traditional, rural and

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<sup>18</sup>*Protection of Traditional Knowledge in India*, RESEARCH AND INFORMATION SYSTEM FOR DEVELOPING COUNTRIES, <http://www.ris.org.in/fitm/sites/default/files/Scooping%20Paper%20No%202.pdf>. (last visited Nov. 19, 2019).

<sup>19</sup>Ayurvedic, Yoga and Naturopathy, Unani, Siddha and Homeopathy.

<sup>20</sup>Melissa, *supra* note 12.

<sup>21</sup>The Forest Conservation Act, 1980, No. 69, Acts of Parliament, 1980 (India).

<sup>22</sup>Article 27 (3) (b) of TRIPS Agreement states that “Members may also exclude from patentability: Plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes. However, Members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* system or by any combination thereof”.

tribal communities in the country's agro-biodiversity by making provisions for benefit sharing and compensation and also protecting the traditional rights of the farmers.<sup>23</sup>

Under the Act, the Protection of Plant varieties and farmers rights' Authority is formed. It is an agency that is concerned with protection of TK. The main function of the Authority is documentation, indexing and cataloguing of farmers' varieties; registration of extant varieties; maintenance of the National Gene Bank, and lastly, recognizing and rewarding farmers, community of farmers for conservation and improvement of plant genetic resources of economic plants and their wild varieties.<sup>24</sup>

#### **IV.III. The Biological Diversity Act, 2002**

The Biological Diversity Act, 2002 was enacted to fulfill India's obligations towards Convention on Biological Diversity. The biological diversity Act is regarded as an important legislation in India for protection of TK. The Biological Diversity Act, along with the Biological Diversity Rules, 2004 and the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014, indirectly recognizes the rights of the indigenous communities and the knowledge that they hold. There are no specific provisions that refer to TK per se, but the biological resources associated to TK are mentioned.

Among different provisions the access and benefit sharing provisions under the Biological Diversity Act must be taken into consideration. Under the Act, provisions are laid down for benefit sharing that arises out of the utilization of the biological resources.<sup>25</sup> The National Biodiversity Board has the power to regulate activities and also to issue guidelines for benefit sharing. Similarly, the Biological Diversity Act also provides provisions for access of biological resources. the provisions lay down the conditions under which persons, commercial firms, and other institutions can access biological resources available in Indian and also the knowledge that is associated with biological

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<sup>23</sup> Protection of Plant Varieties and Framers' Right Act, 2001 sec.39,41.

<sup>24</sup> Melissa, *supra* note 12.

<sup>25</sup> The Biological Diversity Act, 2002 Ch. IV, V, VII, XII.

resources, for research or for commercial utilization or for bio survey and bio utilization.<sup>26</sup>

#### **IV.IV. Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

The Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is an Act that aims to provide forest rights and occupation of forest land in forest dwelling Schedule Tribes and other traditional forest dwellers, who have been residing in such forests for generations. The Act also recognizes the right to intellectual property and traditional knowledge related to biodiversity.

#### **IV.V. Patent Act, 1970 (Amendment Act, 2005)**

The Patent Act, 1970, provided exclusive right to the inventor for his invention. Patent Act of 1970 excluded patentability of genetic resources but Patent Act as amended in 2005 under section 10 makes it mandatory for applicant to disclose the source and geographical origin of biological material in the patent application. The said Amendment Act aims to provide protection to traditional knowledge of the indigenous community but the Act does not provide any provision to oppose a patent application or to revoke a patent granted on the ground that the traditional knowledge is used without the prior informed consent of the community.

#### **IV.VI. The Geographical Indications of Goods (Registration and Protection) Act, 1999**

Geographical Indications (hereafter referred to as GIs) are signs that identify goods originating in a specific locality, region or territory, and enjoy certain quality, reputation or characteristic attributable to the geographical origin.<sup>27</sup> The Act facilitates protection of collective rights of the rural and indigenous communities and their traditional knowledge. By registering an item which is the product of TK as Geographical Indication, it can be continued to be protected indefinitely by renewing the registration when it expires after a period of ten

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<sup>26</sup> The Biological Act, 2002 (Act 18 of 2003), Ch. II.

<sup>27</sup> Agreement on Trade Related Aspects of Intellectual Property Rights, art. 22.

years.<sup>28</sup>The Act also prohibits registration of a GI as a trade mark,<sup>29</sup> thereby preventing misappropriation of traditional knowledge in public domain by an individual as a trade mark.

#### **IV.VII. The Trade Marks Act, 1999**

Trademarks are indications of distinctiveness that a trade mark holder may affix on a product for which that mark is registered. But the protection of TK under as trademarks is difficult. There is little scope of protection of TK under this Act.

#### **IV.VIII. Traditional Knowledge Digital Library**

India has adopted one of the defensive protection of TK through the development of a digital database in the form of the Traditional Knowledge Digital Library (TKDL) in 2001. This initiative was taken by India to protect Indian traditional medicinal knowledge from misappropriation at International Patent Offices. It has converted Indian Systems of Medicines like Ayurveda, Siddha, Unani and Sowa Rigpa, even Yoga into five different languages, namely, English, Japanese, French, German and Spanish through information technology tools.<sup>30</sup>

As there are numerous protection measures for the rights of the creator or inventors, the same should be made for the TK holders. There are numerous cases of misappropriation of the TK. The lack of documentation is one of the major causes for misappropriation.

### **V. Impact of Social Transformation in Traditional Knowledge**

It is a known fact that one of the concepts of social transformation is globalization and globalization is one of the most dreadful challenge to the TK.

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<sup>28</sup>The Geographical Indications of Goods (Registration & Protection) 1999, (Act 48 of 1999), sec.18(1).

<sup>29</sup>The Geographical Indications of Goods (Registration & Protection) 1999, (Act 48 of 1999), sec.25.

<sup>30</sup>*About TKDL*, TKDL

<http://www.tkdil.res.in/tkdil/langdefault/common/Abouttkdl.asp?GL=Eng.>( last visited Nov. 21, 2019).

There are numerous laws which protect certain aspects of TK but have failed to provide complete protection to it. TK has now become the victim of effects of globalization. Biopiracy and misappropriation are the effect of globalization which has hampered the TK of India and other developing countries severely. Cases regarding Neem, Turmeric, Haldi, Basmati rice, Karela, Indian Gingseng – Ashwagandha, Pudina and Kalamegha, Narcissus tazetta, Bt Brinjal, Jeevani, Asian chick pea, Ginger, Monsanto's wheat patent, Monsanto's biopiracy of Indian Melons, Monsanto's Biopiracy of climate resilience, ConAgra's Biopiracy claim on atta, Phyllanthusniruri, Aloe Vera, Syngenta's attempt at Biopiracy of India's rice diversity are the living example which give a clear cut view that with the social transformation that had taken place and is taking place, the Intellectual Property Rights legislations of India are not strong enough to protect the Traditional Knowledge of its own land and people. These laws are aged old and cannot be regarded as of global standards which has given advantages to the Multi – National Corporations to exploit and misappropriate the Traditional Knowledge.

The social transformation that India has under taken demands better protection to the Traditional Knowledge of India and her people, in fact a legislation which shall be enacted keeping in view the present scenario of the world as well as India. Keeping in view the social transformation of India and the world, the Kerala Government has come up with Intellectual Property Rights Policy of Kerala, 2008, vide Government Order (P) No. 4/2008/Law for the protection of Traditional Knowledge of Kerala. This policy is the need of the hour as it covers and protects the whole aspects of the Traditional Knowledge of Kerala and the communities that lives there. The Lok Sabha Member of Parliament from Kerala, Mr. SashiTharoor has presented a bill, 'The Protection of Traditional Knowledge Bill 2016' which will provide protection, preservation, promotion and development of the Traditional Knowledge of India and her people.<sup>31</sup> But according to this Bill, either the State or the Central Government shall be the custodian of the whole Traditional Knowledge, even those Traditional

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<sup>31</sup>*Shashi Tharoor to move bill on traditional knowledge*, DECCAN CHRONICLE (November 21, 2019, 6: 35 AM), <https://www.deccanchronicle.com/nation/current-affairs/090317/shashi-tharoor-to-move-bill-on-traditional-knowledge.html>.

Knowledge which are practiced and preserved by specific community or institution or a family<sup>32</sup> which seem to be the biggest flaw of this Bill.

There is a need for sui generis legislation for the protection of Traditional Knowledge and this legislation should take into consideration the sentiments of the Traditional Knowledge holders as it means a lot to them. The main reason for the misappropriation of Traditional Knowledge is lack of awareness. With the social transformation that has taken place, the citizens of India are unaware about the importance of their Traditional Knowledge, misappropriation, biopiracy and exploitation of their Traditional Knowledge. There is a huge gap between the Traditional Knowledge holders and practitioners and the Government policies. The customary laws of the indigenous peoples and local communities has to be codified and shall be taken into consideration when the policies regarding Traditional Knowledge are enacted by the Government. And to spread aware the Government through various NGOs, groups, etc., should carry awareness programs, distribute pamphlets, booklets, brochures regarding it.

## **VI. Conclusion**

Social Transformation plays a vital role in shaping the Traditional Knowledge. It has given the status of dynamic from static to the Traditional Knowledge. Traditional Knowledge evolves with time and the need of the society. With the social transformation that India has taken along with the world, the need for the protection, preservation and utilization of the Traditional Knowledge of the indigenous and local communities have become eminent and gained importance. With the advent of globalization, every nation is gradually turning towards capitalism and this has turn everything into economic commodity. Even the Traditional Knowledge which the indigenous peoples or the local communities have preserved, nurtured, sustainably developed and have been passed on from generation to generation within a community, is also being measured in terms of

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<sup>32</sup>*Protection of Traditional Knowledge Bill-a failure*, INTELLECTUAL PROPERTY PRIMER <http://www.intellectualpropertyprimer.com/protection-traditional-knowledge-bill-failure.html>.( last visited Nov. 21, 2019).

money. Traditional Knowledge to the indigenous peoples and local communities is their identity, it is of great importance to them, it is their wealth. The reason there is drinking water, food, green environment and such is due to TK. The older people have protected and preserve the nature through festivals, taboos, etc., and saved it for future generation. It is said that within this few decades, the resource from the earth has been used much more than it had been used within 100 years before. Traditional Knowledge provides a sustainable development in every field and India being very rich nation in TK should use it for the betterment of the society. The laws which are present for the protection TK in India are often regarded as incapable and should focus on the sui generis legislation for its protection. Until and unless there are no proper protective measures, the TK holders can be regarded as intellectual fools as their rights are not fully protected. There is so very less regarding the awareness among the people of India. Until and unless the people are not aware regarding the TK and its importance, all the effort made by the Government will just be in papers. Awareness is very essential along with the learning of the importance of the Traditional Knowledge. One of the ways to spread awareness is the celebration of "Traditional Knowledge Day" all over the country. When laws for the protection of TK is enacted, the sentiments of its holders should be taken into consideration and their customary law should be referred and codified. If India does not protect its TK, then some Multi-National Corporations or such will claim rights over it and protect it like in most biopiracy cases. With the change in time, there will be change in the TK as it evolves with time. Respect to TK is protection to Traditional Knowledge.