
DESIGNING A SUI GENERIS FRAMEWORK FOR EQUITABLE COMPENSATION TO INDIGENOUS COMMUNITIES IN INDIA FOR THEIR TRADITIONAL MEDICINAL KNOWLEDGE

Mr. Indranil Banerjee, Ph.D. Scholar, CCS University, Meerut

Dr. Kuldeep, Assistant Professor, DAV College, Muzaffarnagar

ABSTRACT

India's traditional medicinal knowledge, deeply rooted in indigenous systems such as Ayurveda, Siddha, and Unani, has long stood as an invaluable asset to both domestic and global healthcare. Yet, the increasing commercialization of this knowledge by pharmaceutical corporations, alongside the challenges of biopiracy faced by indigenous communities, underscores the urgent need for a comprehensive legal framework that guarantees fair compensation for the use of their ancient medicinal practices. This paper delves into the formulation of a sui generis framework designed to protect and remunerate indigenous communities for their invaluable contributions to the realm of traditional medicine. The analysis critically addresses the inadequacies of existing intellectual property rights (IPR) systems, including patents and trademarks, which often fail to capture the intrinsic cultural and communal nature of traditional knowledge. The proposed framework advocates for a specialized legal regime that incorporates the unique cultural, social, and environmental dimensions of indigenous knowledge, promoting an equitable model of benefit-sharing. By drawing upon global conventions such as the Nagoya Protocol, TRIPS, and WIPO guidelines, the paper envisions a sui generis mechanism that not only shields traditional knowledge from exploitation but also empowers indigenous communities through active participation and the assurance of rightful compensation. Through an in-depth examination of case studies, legal paradigms, and indigenous viewpoints, this research aspires to offer pragmatic solutions that secure the ethical and just utilization of India's rich medicinal heritage while encouraging sustainable and responsible practices in the international pharmaceutical industry.

Keywords: Indigenous Communities, Traditional Medicinal Knowledge, Sui Generis Framework, Intellectual Property Rights, Equitable Compensation

1. PROLOGUE

In an era marked by global economic integration and accelerated knowledge exchange, the preservation of indigenous wisdom—particularly traditional medicinal knowledge (TMK)—has become more urgent than ever. TMK, a dynamic and living system of healing rooted in centuries of indigenous interaction with nature, forms the backbone of healthcare for many Indian communities. It not only underpins local health traditions but also contributes significantly to global pharmacological advancements.¹

Yet, despite its immense value, TMK remains largely unprotected within modern intellectual property regimes, which favour individual, novel, and commercially viable innovations. This framework fails to account for the communal, intergenerational, and evolving nature of TMK. As a result, indigenous communities are often excluded from the economic rewards derived from their ancestral knowledge.

This research proposes a *sui generis* legal framework uniquely suited to the realities of TMK in India. Such a system would affirm collective ownership, safeguard intergenerational transmission, and ensure fair compensation and recognition for indigenous communities—the rightful custodians of this invaluable heritage².

Central to this exploration is the question of how to situate TMK within the broader global discourse on intellectual property and human rights. Global systems of IPR often fail to reconcile the communal nature of indigenous knowledge with the individualistic framework of Western legal traditions. Thus, this paper aims to critically analyse the shortcomings of existing legal mechanisms and propose a model that accommodates the complexities of indigenous knowledge systems³.

¹ Economic Advisory Council to the Prime Minister, Documenting Traditional Knowledge, available at: <https://eacpm.gov.in/reports/documenting-traditional-knowledge/> (Last visited April 27, 2025).

² Bhatt & Joshi Associates, Intersection of IPR and Traditional Knowledge in India, available at: <https://bhattandjoshiassociates.com/intersection-of-ipr-and-traditional-knowledge-in-india/> (Last visited April 17, 2025).

³ Legal Vidhiya, Intellectual Property Rights and the Protection of Traditional Agricultural Knowledge, available at: <https://legalvidhiya.com/intellectual-property-rights-and-the-protection-of-traditional-agricultural-knowledge/> (Last visited April 17, 2025)

2. HISTORICAL AND LEGAL PERSPECTIVES: INDIGENOUS KNOWLEDGE SYSTEMS WITHIN INDIAN JURISPRUDENCE

The evolution of indigenous knowledge systems (herein after mentioned as IKS) in India is inseparable from the cultural, social, and ecological landscapes that shaped them. Rooted in millennia of oral traditions, these knowledge systems are an amalgamation of practical wisdom and spiritual insight, passed down through generations, often without formal documentation. From ancient agricultural practices to traditional medicinal knowledge, indigenous systems have long governed the relationship between communities and their environment, nurturing both societal well-being and biodiversity. However, the historical trajectory of these systems within Indian jurisprudence has been one of both reverence and neglect⁴.

Historically, Indian society deeply valued Indigenous Knowledge Systems (IKS), with traditions like *Ayurveda* and *Siddha* rooted in ancient texts such as the *Rig-Veda* and *Manusmriti*, emphasizing collective wisdom and ecological stewardship. However, colonial rule marginalized these systems, replacing them with Western legal and scientific norms. Today, while the Constitution of India supports cultural preservation, intellectual property laws—like the *Patents Act, 1970*—fall short in protecting the communal nature of IKS. This underscores the urgent need for a culturally sensitive legal framework that both safeguards and equitably utilizes indigenous knowledge in a globalized world.

2.1 Categorization of Indigenous Knowledge under Existing Regime: The Debate over Being *Cultural Property v. Intellectual Property*

The categorization of Indigenous Knowledge (IK) within contemporary legal frameworks has sparked a significant debate, particularly regarding its classification as either *cultural property* or *intellectual property* (IP). This distinction is not merely semantic but speaks to the broader tension between protecting indigenous communities' rights and fitting their knowledge into a legal paradigm designed for individual innovation and market-based interests.

Cultural property encompasses knowledge that is communal, collective, and passed through generations, often tied to land, rituals, and identity. It reflects a worldview that prioritizes

⁴ Legal Vidhiya, Intellectual Property Protection for Traditional Knowledge in India, available at: <https://legalvidhiya.com/intellectual-property-protection-for-traditional-knowledge-in-india/> (Last visited April 17, 2025).

sustainability and shared stewardship over ownership. As such, framing IK as cultural property seeks to preserve the integrity of these systems, acknowledging their intrinsic value to indigenous communities without commodifying them.

In contrast, the intellectual property regime, rooted in individual ownership and market-driven innovation, is ill-suited for the communal nature of indigenous knowledge. Under IP law, knowledge becomes a tradable commodity, potentially subject to exploitation or misappropriation, as seen in cases of bio piracy and the patenting of traditional medicines⁵.

This debate underscores the need for a distinct legal framework that respects the collective nature of IK, ensuring its protection, preservation, and equitable use, while safeguarding indigenous communities from exploitation in the global knowledge economy. The challenge lies in harmonizing the protection of cultural heritage with the realities of modern legal systems⁶.

2.2 Legal Precedents and Gaps: A Critical Analysis of Existing Legislation and Its Applicability to Traditional Medicinal Practices

India's rich repository of traditional medicinal practices, deeply embedded in indigenous knowledge systems such as *Ayurveda*, *Unani*, and *Siddha*, represents a significant cultural and medicinal heritage. However, the legal frameworks that govern these practices have largely been shaped by modern intellectual property laws, which are not inherently suited to their collective, evolving, and communal nature. This disconnect has created a gap in safeguarding traditional medicinal knowledge (TMK) from exploitation, particularly in the context of bio piracy and unauthorized commercialization⁷.

While laws like the *Geographical Indications Act*, the *Patents Act*, and the *Biodiversity Act* offer some protection for traditional knowledge, they fail to fully accommodate the communal, evolving nature of traditional medicinal knowledge (TMK). Existing mechanisms, such as the

⁵ The Amikus Qriae, Safeguarding Traditional Knowledge and Combatting Bio piracy, available at: <https://theamikusqriae.com/safeguarding-traditional-knowledge-and-combatting-biopiracy/> (Last visited April 17, 2025).

⁶ Down to Earth, Access and Benefit-Sharing: Paper Proposes 8 Principles on Use of Indigenous Medicine, available at: <https://www.downtoearth.org.in/news/governance/access-and-benefit-sharing-paper-proposes-8-principles-on-use-of-indigenous-medicine-87891> (Last visited April 17, 2025).

⁷ KnowLaw, Protecting Traditional Knowledge and the Issue of Bio-Piracy under IP Law – A Distress Call, available at: <https://knowlaw.in/2022/03/15/protecting-traditional-knowledge-and-the-issue-of-bio-piracy-under-ip-law/> (Last visited April 14, 2025).

National Medicinal Plants Board and the *TKDL*, emphasize documentation over legal or financial protection. The absence of a sui generis legal framework leaves indigenous communities vulnerable, highlighting the urgent need for culturally sensitive laws that ensure both protection and equitable benefit-sharing.

3. THEORETICAL FRAMEWORKS: INTEGRATING EQUITY, JUSTICE, AND KNOWLEDGE OWNERSHIP

The integration of equity, justice, and knowledge ownership within the framework of traditional knowledge in India necessitates a paradigm that recognizes the collective, communal nature of indigenous wisdom. Theories of *distributive justice* and *recognition* emphasize fair compensation and the respect for cultural identity, advocating for a system that honours both the moral and economic rights of indigenous communities. Simultaneously, *epistemic justice* challenges the historical erasure of indigenous knowledge, seeking to empower its rightful stewards. A comprehensive framework, thus, must balance intellectual property protection with the preservation of cultural and ecological integrity⁸.

3.1. Theories of Justice in Indigenous Rights and Knowledge Claims

Theories of justice in the context of indigenous rights and knowledge claims underscore the need for equitable recognition and compensation for the custodians of traditional knowledge. In India, where indigenous communities are the stewards of invaluable cultural and medicinal knowledge, justice must be framed not merely in terms of individual entitlement, but within a broader communal and historical context⁹.

Distributive justice, as articulated by theorists like John Rawls, advocates for the fair allocation of resources, suggesting that indigenous communities should receive equitable compensation for the use of their knowledge, which has often been appropriated by commercial enterprises. This is complemented by *recognition justice*, as proposed by Axel Honneth, which calls for the recognition of indigenous knowledge as legitimate and vital, countering centuries of

⁸ World Intellectual Property Organization, The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, 2016 (Act No. 16 of 2016), available at: https://www.wipo.int/en/web/traditional-knowledge/w/tklaws/article_0082 (Last visited April 17, 2025).

⁹ WIPO, Traditional Knowledge and Intellectual Property, available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_tk_1.pdf (Last visited April 17, 2025).

marginalization and epistemic erasure.

Furthermore, *epistemic justice*, grounded in the work of Miranda Fricker, challenges the historical invalidation of indigenous knowledge systems by mainstream scientific paradigms. It asserts that indigenous communities should have the right to control the narrative surrounding their knowledge, ensuring its protection from misappropriation.

In the Indian context, these theories converge to demand a nuanced legal and ethical framework that respects the cultural integrity, ownership, and rightful benefits of indigenous knowledge, moving beyond colonial structures of exploitation and towards a more just and inclusive model of knowledge governance¹⁰.

3.2. Reconceiving Intellectual Property: From Individual Ownership to Collective Custodianship

The conventional paradigm of intellectual property (herein after referred as IP), rooted in Western legal traditions, emphasizes individual authorship and exclusive rights. However, this framework proves inadequate when transposed onto the complex, intergenerational matrix of traditional knowledge (TK) in India. Here, knowledge is neither solitary nor static—it is communal, dynamic, and sacred, transmitted through oral traditions, rituals, and lived practices.

India's rich repository of traditional medicine, agricultural wisdom, and indigenous craftsmanship reflects centuries of collective refinement. Yet, under current IP regimes, these cultural inheritances risk commodification and misappropriation. Bio piracy, wherein corporations patent traditional formulations or plant varieties without consent or benefit-sharing, is symptomatic of this misalignment.

A radical reconceptualization is thus imperative—one that shifts the axis from ownership to custodianship. This approach recognizes communities not as proprietors in the commercial sense, but as stewards of a living heritage. Collective custodianship affirms the ethos of shared responsibility, continuity, and respect for ancestral wisdom.

¹⁰ World Intellectual Property Organization, Traditional Knowledge, available at: <https://www.wipo.int/tk/en/tk/> (Last visited April 22, 2025).

Legal innovations such as the *Traditional Knowledge Digital Library* (TKDL) and the *Biological Diversity Act, 2002*, mark significant strides in this direction. However, beyond documentation and protection, there is a need to embed TK within a rights-based, culturally sensitive, and participatory legal framework. This necessitates harmonizing domestic laws with international instruments like the *Nagoya Protocol*.

Reimagining IP through the lens of collective custodianship offers not merely protection but empowerment. It affirms that traditional knowledge is not a relic of the past, but a living legacy—an enduring dialogue between nature, culture, and community.

3.3. Ethical Dilemmas: Balancing Commercialization and Cultural Preservation

India's traditional knowledge systems—ranging from Ayurveda and organic farming to textile artistry and spiritual practices—embody centuries of communal wisdom intricately woven into the cultural fabric. However, as globalization accelerates the commodification of culture, these knowledge reservoirs find themselves at an ethical crossroads.

On one hand, commercialization promises economic upliftment, market recognition, and global visibility for indigenous communities. It can revitalize dying crafts and reward knowledge holders. Yet, on the other hand, unbridled commercial exploitation often severs knowledge from its sacred roots, distorting its meaning and marginalizing its custodians. Sacred rituals become spectacles; healing traditions turn into marketable “wellness” trends stripped of context and consent.

This dichotomy presents a profound ethical dilemma: how can India leverage its traditional knowledge without eroding its cultural integrity?

A sustainable path lies in ethical stewardship—where commercialization is guided by principles of equity, informed consent, cultural sensitivity, and community participation¹¹.

¹¹ Riya, Protection of Traditional Knowledge Under Intellectual Property Rights Regime, Vol. 1 (01) E-JAIRIPA 149 (2020), available at: <https://cnlu.ac.in/wp-content/uploads/2022/08/10-Riya.pdf> (Last visited on April 12, 2025)

4. INTERNATIONAL MODELS AND COMPARATIVE ANALYSIS: LESSONS FROM GLOBAL PRECEDENTS

Global precedents offer valuable insights for India in safeguarding traditional knowledge. Models like Peru's *Registers of Collective Knowledge* and Australia's *Indigenous Cultural and Intellectual Property* framework emphasize community consent, benefit-sharing, and legal recognition of cultural rights. The African Union's *ARIPO initiative* also underscores regional cooperation. These frameworks highlight the need for inclusive, rights-based approaches. For India, integrating such global best practices—while respecting indigenous autonomy—can enrich existing mechanisms, ensuring traditional knowledge is not merely protected, but celebrated as a living heritage rooted in dignity, identity, and cultural sovereignty.

4.1. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and Its Influence on Global Legal Systems

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), adopted in 2007, affirms the cultural identity, collective rights, and self-determination of indigenous communities. Though non-binding, it has significantly influenced global legal and policy reforms, promoting inclusive governance and indigenous legal recognition. While India hasn't formally adopted UNDRIP, its principles align with constitutional safeguards for tribal communities, offering a transformative framework for equitable and culturally rooted legal standards.

4.2. Comparative Approaches to Traditional Medicinal Knowledge Compensation: From Latin America to Southeast Asia

Across the Global South, traditional medicinal knowledge (TMK) remains a cornerstone of cultural identity and community health. Yet, its commodification by global pharmaceutical industries has sparked urgent discourse on equitable compensation. From Latin America to Southeast Asia, diverse models have emerged, each reflecting unique socio-legal sensibilities.

In Latin America, countries like *Peru* and *Panama* have instituted legal registries of collective knowledge, mandating benefit-sharing agreements and prior informed consent before commercial use. These frameworks emphasize the collective custodianship of indigenous healers and traditional practitioners, rooted in customary law.

Conversely, Southeast Asia's approach—seen in nations such as the *Philippines* and *Thailand*—relies on hybrid models that blend statutory mechanisms with traditional governance structures. The *Philippines' Indigenous Peoples' Rights Act* (1997) notably recognizes ancestral domains and knowledge, while Thailand has explored community patent systems to guard against bio piracy¹².

Despite contextual differences, a unifying thread is the insistence on justice, respect, and reciprocity. These models collectively challenge Western IP paradigms, asserting that TMK is not a commodity to be owned, but a legacy to be honoured and shared—on indigenous terms.

It is certainly possible for India too to draw vital lessons from these pluralistic models, crafting a nuanced, inclusive framework that protects knowledge while empowering its original stewards¹³.

4.3. Successes and Failures: What Can India Learn from Global Case Studies?

In the evolving discourse on the protection of traditional knowledge, global experiences offer a trove of instructive successes and cautionary tales. As India stands at the intersection of cultural preservation and equitable utilization, lessons from across continents illuminate the path forward.

Peru's proactive establishment of a *National Commission for the Protection of Access to Peruvian Biological Diversity* is often lauded as a pioneering success. Its detailed registries of collective knowledge, community involvement, and legally binding benefit-sharing agreements serve as a model of participatory governance. Likewise, the *Philippines' Indigenous Peoples' Rights Act* (IPRA) underscores the power of legislative recognition, granting indigenous communities rights over ancestral domains and traditional knowledge with legal enforceability.

In contrast, failures emerge where frameworks are either too rigid or lack community-centric implementation. In some African nations, well-intentioned policies faltered due to inadequate

¹² Juhi Chowdhary, Intellectual Property and Traditional Knowledge, LEGAL SERVICE INDIA (Mar. 8, 2024), available at: <https://www.legalserviceindia.com/article/198-Intellectual-Property-and-Traditional-knowledge.html> (Last visited on April 10, 2025)

¹³ Ishita Chatterjee, Intellectual Property Rights and Traditional Knowledge – Indian Perspective, Manupatra, available at: <https://www.manupatra.com/roundup/363/articles/ipr%20and%20traditional%20knowledge.pdf> (Last visited on April 12, 2025)

local awareness and top-down enforcement that bypassed grassroots custodians. Similarly, attempts at commodification through community patents in Southeast Asia revealed the limitations of fitting dynamic, oral traditions into rigid legal molds designed for static inventions.

India, with its vast and diverse traditional knowledge landscape, must avoid replicating these pitfalls. While initiatives like the *Traditional Knowledge Digital Library* (TKDL) mark significant progress, genuine empowerment requires frameworks that are not merely protective, but participatory and evolving. Incorporating lessons from Latin America's legal pluralism and Southeast Asia's hybrid models, India must adopt a multi-tiered strategy—one that blends statutory safeguards with respect for customary laws, ensures fair benefit-sharing, and fosters genuine community agency.

Ultimately, the global tapestry of traditional knowledge governance underscores a vital truth: preservation without participation is hollow, and protection without justice is incomplete. India's path forward must be rooted not only in legality, but in dignity, dialogue, and the rightful restoration of indigenous intellectual sovereignty.

5. DESIGNING A SUI GENERIS FRAMEWORK: CONCEPTUALIZING AN INDIAN MODEL FOR EQUITABLE COMPENSATION

In the evolving landscape of intellectual property and traditional knowledge, the imperative to craft a *sui generis* framework tailored to India's socio-cultural ethos becomes paramount. A bespoke model for equitable compensation must transcend Western paradigms, integrating indigenous value systems, community rights, and ethical stewardship. This framework should ensure that the custodians of traditional knowledge are not mere footnotes in innovation narratives, but rightful beneficiaries. Conceptualizing an Indian model entails harmonizing legal plurality with distributive justice, crafting a jurisprudence that is both contextually resonant and globally relevant. Only then can equity be transformed from an abstract ideal into a lived reality¹⁴.

¹⁴ Saipriya Balasubramanian, India: Traditional Knowledge and Patent Issues: An Overview of Turmeric, Basmati, Neem Cases, MONDAQ (Apr. 3, 2024), available at: <https://www.mondaq.com/india/patent/586384/traditional-knowledge-and-patent-issues-an-overview-of-turmeric-basmati-neem-cases> (Last visited on April 21, 2025)

5.1. Defining the Parameters of a 'Sui Generis' Approach in the Indian Context

India's rich reservoir of traditional medicinal knowledge, nurtured by its indigenous communities over centuries, demands a legal and ethical framework that acknowledges, protects, and compensates these custodians with due reverence. A *sui generis* approach — one that is unique, context-specific, and distinct from existing international models — emerges as both a necessity and a sovereign prerogative in addressing the asymmetries of benefit-sharing.

The parameters of such an approach must be anchored in the principles of distributive justice, cultural integrity, and participatory governance.

Firstly, the recognition of *collective ownership* over traditional medicinal knowledge must replace individual-centric intellectual property regimes. Indigenous epistemologies are communal, intergenerational, and intimately linked with local ecosystems — attributes often overlooked by Western legal frameworks.

Secondly, the model must institutionalize mechanisms for *prior informed consent* (PIC) and *access and benefit-sharing* (ABS), ensuring that any commercial or scientific exploitation of traditional knowledge is preceded by transparent dialogue and fair agreements. These mechanisms should be administered by autonomous, community-led bodies that reflect the plural and decentralized nature of India's indigenous heritage.

Thirdly, *equitable compensation* should not be narrowly defined in monetary terms alone. It must include infrastructural development, healthcare access, educational initiatives, and ecological restoration — reflecting a holistic understanding of reparative justice. Legal reforms must integrate customary laws and traditional conflict-resolution methods to ensure legitimacy and acceptance at the grassroots level.

Ultimately, a *sui generis* Indian framework must transcend the limitations of imported legal doctrines, forging a jurisprudence rooted in constitutional values, cultural sovereignty, and ecological wisdom. By doing so, India not only preserves its intangible heritage but sets a global precedent in honouring the rights of its first knowledge holders with dignity and equity.

5.2. Addressing Challenges: Ensuring Transparency, Accountability, and Fair Distribution of Benefits

The realization of a *sui generis* framework for equitable compensation to indigenous communities hinges upon the effective resolution of structural and procedural challenges. Foremost among these is the imperative to establish transparent mechanisms that safeguard the interests of knowledge holders while deterring exploitation by corporate and institutional actors. Transparency must be embedded at every stage—from access negotiations to benefit-sharing agreements—through codified protocols, open registries, and mandatory disclosure of commercial intent.

Equally vital is the demand for institutional accountability. Regulatory bodies must therefore, operate under strict ethical mandates, with community representation at their core. Independent oversight committees, informed by both legal acumen and traditional wisdom, can act as guardians of equity, ensuring decisions reflect justice rather than bureaucratic expedience.

Fair distribution of benefits must transcend tokenistic royalties or isolated compensations. Instead, benefits should be equitably apportioned through inclusive consultations, respecting the internal governance systems of indigenous communities. Whether through shared intellectual property rights, long-term developmental investments, or collaborative research partnerships, the framework must foster mutual respect and sustained empowerment¹⁵.

Only by embedding these principles can India navigate the complex interplay of tradition, innovation, and justice—transforming abstract rights into tangible realities for its indigenous knowledge holders.

5.3 Stakeholder Involvement: The Role of Indigenous Communities, Government, and NGOs

The architecture of a *sui generis* framework for equitable compensation to indigenous communities must be shaped through an inclusive, participatory process, where all stakeholders—particularly those at the grassroots—are not only consulted but empowered as co-creators. Indigenous communities, as the primary custodians of traditional medicinal knowledge, must occupy the central role. Their lived experiences, oral traditions, and customary norms should inform the very foundation of policy design, ensuring cultural

¹⁵ Rukma Lavania, Traditional Knowledge in India: A Legislative Analysis, ILI Law Review 96 (2020), available at: <https://ili.ac.in/pdf/rlava.pdf>. (Last visited on April 21, 2025)

authenticity and legitimacy.

The government, as the principal policymaker, bears the responsibility of facilitating legal recognition, institutional support, and infrastructural capacity. Its role extends beyond mere regulation to enabling a rights-based approach, fostering legal pluralism, and safeguarding indigenous intellectual sovereignty.

Non-Governmental Organizations (NGOs), meanwhile, act as vital intermediaries—bridging gaps between state mechanisms and community realities. Their expertise in advocacy, capacity-building, and documentation is indispensable in ensuring that community voices are neither diluted nor misrepresented in formal processes.

A truly just *sui generis* framework emerges from the confluence of these actors—each contributing distinct yet complementary

6. EPILOGUE

The endeavour to design a *sui generis* framework for equitable compensation to indigenous communities in India for their traditional medicinal knowledge is both a legal imperative and a moral calling. At its core lies the recognition that centuries of indigenous wisdom, rooted in intimate ecological relationships and intergenerational stewardship, have long been marginalized by dominant intellectual property regimes. The Indian context, with its unparalleled diversity of traditional knowledge systems, necessitates a bespoke legal architecture—one that honours the collective, spiritual, and cultural dimensions of this knowledge.

Such a framework must move beyond the confines of Western jurisprudence and embrace an indigenized paradigm rooted in equity, consent, and shared custodianship. It must institutionalize mechanisms for prior informed consent, ensure transparent and accountable benefit-sharing processes, and foster sustained dialogue among communities, state institutions, and civil society actors. Equitable compensation should not be restricted to monetary remuneration but extend to broader developmental dividends—empowerment, education, healthcare, and ecological restoration.

The pathway to justice lies in co-creation. By centering indigenous voices and enabling genuine stakeholder collaboration, India can pioneer a transformative model that balances innovation

with tradition, rights with responsibilities. In doing so, the nation not only safeguards its intangible heritage but also sets a global precedent in recognizing the rightful custodians of ancient wisdom as indispensable partners in sustainable development and bio-cultural preservation. This *sui generis* framework, thus envisioned, is not merely a legal construct—it is a testament to India's commitment to justice, heritage, and inclusive progress.

REFERENCES

Print Sources:

1. Abha Nadkarni & Shardha Rajam, Capitalising the Benefits of Traditional Knowledge Digital Library (TKDL) in Favour of Indigenous Communities, 9 NUJS L. Rev. 183 (2016).
2. P. Narayanan, Intellectual Property Law 212 (4th ed. 2017).

Web Resources:

3. World Intellectual Property Organization, Patents Act 1970 as amended by Patents (Amendments) Act 2005, (https://www.wipo.int/en/web/traditional-knowledge/w/tklaws/article_0010)
4. Traditional Knowledge Digital Library, Traditional Knowledge Digital Library in India, (<https://www.iipta.com/traditional-knowledge-digital-library-india/>)
5. Economic Advisory Council to the Prime Minister, Documenting Traditional Knowledge, (<https://eacpm.gov.in/reports/documenting-traditional-knowledge/>)
6. United Nations, United Nations Declaration on the Rights of Indigenous Peoples, (<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>)
7. Abha Nadkarni & Shardha Rajam, Capitalising the Benefits of Traditional Knowledge Digital Library (TKDL) in Favour of Indigenous Communities, 9 NUJS L. Rev. 183 (2016), (<https://nujlawreview.org/2017/01/06/capitalising-the-benefits-of-traditional-knowledge-digital-library-tkdl-in-favour-of-indigenous-communities/>)
8. World Intellectual Property Organization, Traditional Knowledge Laws: Patents Act 1970 as amended by Patents (Amendments) Act 2005, (https://www.wipo.int/en/web/traditional-knowledge/w/tklaws/article_0010)
9. Traditional Knowledge Digital Library, Traditional Knowledge Digital Library in India, (<https://www.iipta.com/traditional-knowledge-digital-library-india/>)

10. United Nations, United Nations Declaration on the Rights of Indigenous Peoples, (<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>)