RAJYA SABHA

Saturday, the 13th March, 1999/22 Phalguna 1920 (Saka)

The House met at eleven of the clock, Mr. Chairman *in the Chair*.

STATEMENT REGARDING GOVERN-MENT BUSINESS

MR. CHAIRMAN: There is a statement regarding Government Business by Shri Santosh Kumar Gangwar, Minister of State in the Ministry of Parliamentary Affairs.

प्रेट्रोलियम और प्राकृतिक गैस मंत्रालय में राज्य मंत्री तथा संसदीय काग्र मंत्रालय में राज्य मंत्री (श्री संतोष कुमार) : महोदय, आप की अनुमति से मैं यह सूचित करता हूं कि 15 मार्च, 1999 से प्रारम्भ होने वाले सप्ताह के दौरान इस सदन में निम्नलिखित सरकारी कार्य लिए जाएंगे :-

1. आज की कार्यसूची से बकाया सरकारी कार्य की किसी भी मद पर विचार,

2. नगर भूमि (अधिकतम सीमा और विनियमन) निरमन अध्यादेश, 1999 का निरनुमोदन चाहने वाले सांविधिक संकल्प पर चर्चा और लोक सभा द्वारा पारित किए गए रूप में नगर भूमि (अधिकतम सीमा और विनियमन)निरसन विधेयक, 1999 परविचारऔर पारित करना

 वर्ष 1999-2000 के लिए गोआ राज्य के लिए बजट पर सामान्य चर्चा,

 लोक सभा द्वारा पारित किए गए रूप में निम्नलिखित विनियोग विधेयकों पर विचार और वापिस करना:

(क)गोआ विनियोग (लेखानुदान) विधेयक, 1999

(ख)गोआ विनियोग विधेयक, 1999

5. वर्ष 1999-2000 के लिए बजट (रेल) पर सामान्य चर्चा,

6. वर्ष 1998-99 के लिए लाभांश की दर के संबंध में रेलवे अभिसमय समिति की सिफारिशों के संबंध में सकंल्प पर चर्चा, तोक सभा द्वारा पारित किए गए रूप में निम्नलिखित विनियोग विधेयकों पर विचार और वापिस किया जाना :-

(क) विनियोग (रेल) लेखानुदान विधेयक, 1999

(ख) विनियोग (रेल) विधेयक, 1999

(ग) विनियोग (रेल) संख्या-2विधेयक, 1999

8. केन्द्रीय सतर्कता आयोग अध्यादेश, 1999 का निस्नुमोदन चाहने वाले संकल्प पर चर्चा तथा लोक सभा द्वारा पारित किए गए रूप में केन्द्रीय सतर्कता आयोग विधेयक, 1998 पर विचार और पारित किया जाना,

9. वर्ष 1999-2000 के लिए सामान्य बजट पर सामान्य चर्चा,

10. लोक सभा द्वारा पारित किए गए रूप में निम्नलिखित विनियोग विधेयकों पर विचार और वापिस किया जाना :-

(क) विनियोग (लेखानुदान) विधेयक, 1999

(ख) विनियोग विधयेक, 1999

11.लोक सभा द्वारा पारित किए गए रूप में निम्नलिखित विधेयकों पर**िवचार और पारित** करनाः-

(क) काफी (संशोधन) विधेयक, 1999

(ख) विस्फोटक पदार्थ (संशोधन) विधेयक,1998

12. निम्नलिखित विधेयकों पर विचार और पारित किया जानाः-

(क) उत्तर-पूर्वी परिषद (संशोधन) विधेयक,1998

(ख) सिविल प्रक्रिया संहिता (संशोधन)विधेयक, 1997

MR. CHAIRMAN: Shri Gurudas Das Gupta will move the Statutory Resolution.

श्री बनारसी दास गुप्त (हरियाणा) : सभापति महोदय, मैं आप की आज्ञा से...

श्री सभापति : आप ने कोई आज्ञा नहीं ली है । ...(व्यवधान)... अभी कुछ नहीं, अभी कुछ नहीं ..श्री गुरूदास दासगुप्त ।

श्री बनारसी दासगुप्त ः सभापति जी...(व्यवधान)...भारी अत्याचार हुआ है ...(व्यवधान)... ज्यादती हो रही है ...(व्यवधान)...

3 The Patents

MR. CHAIRMAN: You have not taken the permission.

श्री बनारसी दासगुप्त : सभापति जी, ,पंजाब के मुख्य मंत्री श्री प्रकाश सिंहं बादल ने बयान दिया है कि ...(व्यवधान)... लिंक नहर...

MR. CHAIRMAN: I have not permitted you to raise this. (*Interruptions*) Nothing will go on record. Shri Gurudas Das Gupta, please. (*Interruptions*) आप को समय देंगे । अप मेरे पास आतें, मैं आप को समय देता । समय के अनुसार मैं आप को जरूर मौका दूंगा ।

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PATENTS (AMENDMENT) ORDINANCE, 1999 (NO. 3 OF 1999)

II. THE PATENTS (AMENDMENT) BILL, 1998

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, while moving the Statutory Resolution, I have to seek a clarification and one piece of information, which I consider to be vital, from my good friend, the hon. Minister, Shri Sikander Bakht. I would most respectfully like to know if the Government is in possession of a suo motu report of the Law Commission and if the Government is in receipt of such a suo motu report from the Law Commission, whether the Government has considered that report, whether the Government has been able to look into the five amendments which the Law Commission has suggested and whether any of the amendments, that have been suggested or proposed by the Law Commission, has been incorporated in the Bill passed or sought to be passed or presented in the other House. I would like to know whether it has been incorporated. If it has not been incorporated, then it is incumbent on the Government to let us know why it has not been incorporated. I do not, for a moment, suggest that the Commission's recommendations are mandatory on the Government. But since the Law Commission is a statutory body, since the Law Commission is an important body, set up by the

Government to advise the Government on the question of inactment of law, I would like to know whether the Government is legally bound because the Government has a moral responsibility to look into it. I would like to know whether enough consideration was given to the report. If no consideration has been given, why has there been no consideration? Above everything, my good friend speaks of transparency. I believe he is a transparent personality. I also believe that the Government works on principles of transparency. Why has the report not been shared with us? Why has it not been tabled? If there is no provision for tabling it, why has it not been shared and why has it been kept as a guarded secret? Does is not give rise to a serious suspicion that the Government has something to gain by keeping it a well-guarded secret? I do not impute a motive because I cannot impute a motive to a gentleman. But the motive becomes obvious because there is a lurking suspicion that the report has been kept secret deliberately as it is inconvenient for the Government, because the Government believes if the report is made public, many of the past pronouncements that the Government sought to make from the pulpit, would fall flat. The loopholes, the gaping loopholes in the report, which vitally affect the interests of the nation, have not been taken into consideration. Sir, I beg to submit most regretfully because this is also our Government, that this Government has surrendered the interests of the country. I submit this most regretfully. Most regretfully I submit that all that has been said in the report points out seriously to the inadequacies in safeguarding the national interest. That is what the report says. So, if such a comment had been made in the report, it was altogether incumbent on the Government to come to us and say that this was the reaction. Otherwise, silence may be golden, but here silence speaks more than ... (Interruptions) He is reminding me of UL1P. Sir, silence is more intriguing than the voice of the Minister. I seek