

THE PATENTS (AMENDMENT) BILL, 1998

THE MINISTER OF INDUSTRY (SHRI SIKANDER BAKHT): Sir, I move:

"That the Bill further to amend the Patents Act, 1970, be taken into consideration."

MR. CHAIRMAN: There are five amendments. Amendment No. 1 is by Dr. Biplab Dasgupta. Dr. Biplab Dasgupta, are you moving your amendment?

DR. BIPLAB DASGUPTA (West Bengal): I will move my amendment, but the point is my amendment has not been circulated in the House. The amendments that have given, have not been circulated to the Members.

MR. CHAIRMAN: They have been circulated.

SHRIMATI KAMLA SINHA (Bihar): Sir, I also have not received copies of the amendments submitted.

MR. CHAIRMAN: According to the information I have received, they have been circulated to the Members.

DR. BIPLAB DASGUPTA: They have not been circulated either to me or to him.

SHRI ASHOK MITRA (West Bengal): Till 10.50 I was in my house. They were not circulated to me.

श्रीमती कमला सिन्हा: आज पहुँचा ही नहीं है। आज आर्डर पेपर पहुँचा ही नहीं है।

MR. CHAIRMAN: These were circulated. The patents (Amendment) Bill, 1998. List Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14 and 15. Except List No. 5, all have been circulated.

SHRI J. CHITHARANJAN (Kerala): Sir, we have not received them. (*Interruptions*)

MR. CHAIRMAN: I do not why all the Members are standing together.

DR. BIPLAB DASGUPTA: Sir, many of us had given our amendments. I left my house at 10.30 a.m. before coming to you. I have not received the set of amendments submitted by Members. Many Members have also not received.

MR. CHAIRMAN: I am told your amendment was circulated three days back. (*Interruptions*)

DR. BIPLAB DASGUPTA: Sir, amendments have been moved by many Members of the House. Before a discussion on this Bill can take place, we must have a set of the amendments submitted by the Members.

MR. CHAIRMAN: I am going to put this motion and your amendment together for consideration of the House.

DR. BIPLAB DASGUPTA: Sir, I have not received a set of copies of the amendments submitted. You can adjourn the House for one hour so that we can receive the set of the amendments.

MR. CHAIRMAN: I have been told that they have been circulated.

DR. BIPLAB DASGUPTA: But, we have not received. Without amendments, we cannot discuss the Bill.

MR. CHAIRMAN: Mr. Satish Pradhan, have you received copies of the amendments?

SHRI SATISH CHANDRA SITARAM PRADHAN (Maharashtra): Yes, Sir, I have received.

MR. CHAIRMAN: They have received the copies.

MR. Chitharanjan, have you received the copies of the amendments?

SHRI J. CHITHARANJAN: No, Sir. I have not received.

श्रीमती कमला सिन्हा: सर, हमको, नहीं मिला है।

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, the whole set has been received by us.

DR. BIPLAB DASGUPTA: Sir unless we get the set, we cannot discuss the Bill.

SHRI S. VIDUTHALAI VIRUMBI (TamiNadu): Mr. Chairman, Sir, the fact is that the amendments have not been circulated, but they have been placed in the Lobby.

DR. BIPLAB DASGUPTA: Sir, I left my house at 10.30 a.m. I did not receive them till then. Others also did not receive. *(Interruptions)*

SHRI S. VIDUTHALAI VIRUMBI: Sir, amendments have not been circulated. They have been placed in the lobby. *(Interruptions)*

SHRI ASHOK MITRA: Sir, I too did not get copies of the amendments.

MR. CHAIRMAN: Have you received a set of the amendments?

SHRI BALKAVI BAIRAGI (Madhya Pradesh): Yes, Sir. I have received. *(Interruptions)*

MR. CHAIRMAN: Hon. Members, can you not speak one by one? Why do you all stand up together?

MR. CHAIRMAN: Have you received? *(Interruptions)* They say that they have received.

SHRI J. CHITHARANJAN: I have not received. *...(Interruptions)...*

MR. CHAIRMAN: Honourable Members, can you not speak one by one? *...(Interruptions)...* Should you all stand up together? You are an elderly person. Why are you standing? He is from your party. He is going to speak on behalf of your party.

DR. BIPLAB DASGUPTA: Sir, my suggestion is, let the Secretary-General take some time to get the amendments xeroxed and circulated among Members who have not received these copies. Let the time be given for this. *...(Interruptions)...*

MR. CHAIRMAN: Copies of amendments have been placed in the Lobby. You can take them from there.

...(Interruptions)... They have been placed in the Lobby. You can take them from there. *...(Interruptions)...*

SHRI S. VIDUTHALAI VIRUMBI: How can we go through the amendments all of a sudden? You should give us some time to go through the amendments and then make up our mind. Unless we go through the amendments and then make up our mind. Unless we go through the amendments, we cannot make up our mind.

MR. CHAIRMAN: Mr. Virumbi, you are a very senior Member. You know how to go through the amendments. It is not that you cannot go through the amendments. It is not that you cannot go through the amendments. Copies of all the amendments have been placed in the Lobby. Take the copies from there. *(Interruptions)* Dr. Biplab Dasgupta, are you moving your amendments?

DR. BIPLAB DASGUPTA: Sir, I move:

"That the Bill further to amend the Patents Act, 1970, be referred to a Select Committee of the Rajya Sabha consisting of 18 members (to be nominated by the Chairman) with instructions to report by the 1st March, 1999."

MR. CHAIRMAN: Mr. Gurudas Das Gupta, are you moving your amendment?

SHRI GURUDAS DAS GUPTA (West Bengal): Yes, Sir.

Sir, I move:

"That the Bill further to amend the Patents Act 1970, be referred to a Select Committee of the Rajya Sabha consisting of 18 members (to be nominated by the Chairman) with instructions to report by the 1st March, 1999." *(Interruptions)*

MR. CHAIRMAN: Mr. Ish Dutt Yadav, are you moving your amendment?

श्री ईश दत्त यादव (उत्तर प्रदेश): मैं प्रस्ताव करता हूँ कि

"पेटेंट अधिनियम, 1970 का और संशोधन करने वाले विधेयक को राज्य सभा की एक प्रवर समिति को सौंपा जाए जिसमें सभापति द्वारा नाम-निर्देशित 18 सदस्य होंगे। समिति को यह अनुदेश दिये जायें कि वहां 1 मार्च, 1999 तक अपना प्रतिवेदन दे।"

SHRI JIBON ROY: Mr. Chairman, Sir, I am on a point of order...(Interruptions)

MR. CHAIRMAN: What is your point of order?

SHRI GURUDAS DAS GUPTA: Mr. Chairman, Sir, I am on a point of order.

MR. CHAIRMAN: How many points of order are there? ...(Interruptions) Why are you standing? He is on a point of order...(Interruptions)

श्रीमती कमला सिन्हा: आपोजीशन को भी नहीं मिला था।...(व्यवधान)

SHRI JIBON ROY (West Bengal): My point of order is that when a Bill is circulated, it should be accompanied by all the enclosures. When a Bill is introduced to change the parent Bill, the extracts of the amendments that the Government proposes to amend, have got to be circulated. At page number 2, clause 3, it is said, "After Chapter 4 of the principal Act, the following Chapter shall be inserted, namely, Chapter 4A." The Chapter 4A which has been mentioned is a new Chapter. It is just opposite or contrary to Chapter 4. When something new has come, contrary to Chapter 4, that Chapter has got to be circulated. Otherwise, ...(Interruptions)

MR. CHAIRMAN: After Chapter 4 of the principal Act, it says, "the following Chapter shall be inserted." They have inserted it.

SHRI JIBON ROY: Without making available Chapter 4, how can we understand the relationship between Chapter 4 and Chapter 4A?

MR. CHAIRMAN: The Bill has already been circulated. ...(Interruptions)

प्रो० विजय कुमार मल्होत्रा (दिल्ली): पहले सर्कुलेट किया गया था।...(व्यवधान)

श्री दीपांकर मुखर्जी (पश्चिम बंगाल): चैप्टर-4 कहाँ है?... (व्यवधान)... चैप्टर-4 के बिना 4-ए कहाँ से आ गया।...(व्यवधान)...

Chapter 4A is here. That is amended. But where is Chapter 4?

MR. CHAIRMAN: Mr. Sikander Bakht, have you got anything to say on this?...(Interruptions)... This was the Bill circulated. This was the Bill introduced. So, the point raised by Mr. Roy may be clarified. I cannot put it...(Interruptions)... I am asking the Minister to say something on that. In the the amending Bill, you need give the whole earlier thing? ...(Interruptions)... I would like to know whether the Minister wants to say anything on this. ...(Interruptions)... Please sit down. Let him speak.

SHRI SIKANDER BAKHT: Mr. Chairman, Sir, the Bill has been circulated in its complete form. There is no other paper required to be included in the Bill. The amendments have already been circulated. What is the difficulty?

SHRI JIBON ROY: Sir, we do not know as to how the Government is going to amend it. We are not lawyers. We have to see the principal chapter. ...(Interruptions).

SHRI SIKANDER BAKHT: Sir, what is their objection? ...(Interruptions)

DR. BIPLAB DASGUPTA: Sir, I would like to make it clear to the Minister so that he is able to reply to may query. ...(Interruptions). Sir, the amendment which has been suggested in the Bill, is with respect to Chapter 4. Now, the convention of the House is like this. When an amendment is suggested, it is located in the parent Act. So, we need it with reference to the parent Act, and the reference is to Chapter 4 which is being amended. Unfortunately, in this document, there is no reference to

Chapter 4. Unless we get a copy of Chapter-4, how can we relate this amendment to Chapter 4?
...(Interruptions).

SHRI SIKANDER BAKHT: Sir, this Bill is intended to amend the 1970 Act, and whatever we have said, all the earlier papers have already been in the possession of the hon. Members.
...(Interruptions).

DR. BIPLAB DASGUPTA: No, no. You have not distributed it.

SHRI SIKANDER BAKHT: The Bill was introduced four days back. They could obtain this information from the Library or anywhere. ...(Interruptions). It has absolutely nothing to do with Chapter 4. Chapter 4 is not required to be circulated at all.

DR. BIPLAB DASGUPTA: Unless we get a copy of Chapter 4, how can we say anything; ...(Interruptions)

MR. CHAIRMAN: I do not know. I have also been a Member of Parliament and I know that the original thing need not be circulated. ...(Interruptions). This point is out of order. No. no. ...(Interruptions) Mr. Gurudas Das Gupta, are you moving your amendment or not? ...(Interruptions).

SHRI CHAIRMAN: Are you moving the amendment?

SHRI GURUDAS DAS GUPTA: Sir, while moving the amendment, I have a point. The rule book says that I will move the amendment. There is a reference to this effect in Kaul and Shakhder also. In this parliament also, while we had been discussing a controversial Bill and while the Members moved their amendments, they were allowed to speak for a short while. In 1986, when the Muslim Personal Law was being discussed. ...(Interruptions). There is a difference. To participate in the general discussion is one thing. But while at the beginning of the discussion, you are proposing a particular amendment suggesting that this may be sent to a

Select Committee, we should be allowed to make short speeches. ...(Interruptions). Why don't you allow us to speak on this amendment for a short while? It is a very important thing. Let every Member make a short speech. Let the Parliament take a decision. ...(Interruptions). Sir, I seek your indulgence. Sir, according to the rule and according to the convention of this House, whenever a Member is asked.... ...(Interruptions). Sir, I am referring to rule 70 of the rule book. While moving the amendment, I should be allowed to make a short speech. I seek your indulgence, Sir. I have done it on a number of occasions. This is not the first time that the Parliament is discussing such a Bill. ...(Interruptions).

SHRI SIKANDER BAKHT: Sir, first of all, I have made a request that the Bill be taken into consideration and it should be passed. Secondly, I have to make a small speech. After that, the hon. Members will make their speeches. If they intend to propose any amendment, they can certainly move the amendment. But it has to be in the proper order. ...(Interruptions).

MR. CHAIRMAN: DR. Biplob Dasgupta, you have shown it to me and I have seen it. ...(Interruptions). Let me say something. There have been both the convention. ...(Interruptions)... You may be knowing that. There is a convention that the amendment is moved and both the amendment and the motion are taken together. Today, I have taken a decision that the amendments and the motion are going to be taken together and each Member will not be allowed to speak. ...(Interruptions)...

DR. BIPLAB DASGUPTA: There is no justification, Sir. ...(Interruptions)...

MR. CHAIRMAN: Mr. Gurudas Das Gupta, ...(Interruptions)...

SHRI GURUDAS DAS GUPTA: Sir, I have moved my amendment. Now I may be allowed to make a short speech. ...(Interruptions)...

MR. CHAIRMAN: No. Mr. Dutt Yadav...*(Interruptions)*

SHRI ISH DUTT YADAV: Sir, have moved my amendment.
...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, want to make a short speech.
...*(Interruptions)*...

MR. CHAIRMAN: I have said that there are both the conventions.
...*(Interruptions)*... There are both the conventions. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Sir, if there are both the conventions, I seek your indulgence. Kindly allow us to make short speeches. ...*(Interruptions)*... Please allow us to make short speeches.
...*(Interruptions)*...

MR. CHAIRMAN: The question basically is that you want to speak.
...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: It is a fundamental right of the Members to move an amendment seeking the approval of the House to send a Bill to a Select Committee. ...*(Interruptions)*... We are entitled to make a short speech on that. ...*(Interruptions)*...

SHRI VAYALAR RAVI (Kerala): Sir, I am on a point of order.

Sir, rule 70 says, Discussion of principles of Bill—

“(1) On the day on which any motion referred to in rule 69 is made, or on any subsequent day to which discussion thereof is postponed, the principles of the Bill and its provisions may be discussed generally; but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved, but—

(a) if the member in charge moves that the Bill be taken into consideration, any member may

move as an amendment that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.”

Sir, it means the principles can be discussed even by a Member who moves an amendment that the Bill be referred to a Select Committee.
...*(Interruptions)*... This is what rule 70 says. ...*(Interruptions)*... Rule 70 is very clear. ...*(Interruptions)*... Rule 70(2) (a) is very clear. ...*(Interruptions)*... He can make a brief speech ...*(Interruptions)*... It is very clear ...*(Interruptions)*...

MR. CHAIRMAN: You have made your point. ...*(Interruptions)*... Mr. Venkaiah Naidu, what do you have to say?

SHRI M. VENKAIAH NAIDU: Sir, he can move his amendment as per rule 70, which Mr. Vayalar Ravi has quoted, and as per rule 69 also. But no speech can be made. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Why not? ...*(Interruptions)*... I can speak and I will speak. ...*(Interruptions)*... I can make a speech. ...*(Interruptions)*... Why has this speech to be curtailed?
...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: You are negative throughout your life.
...*(Interruptions)*... You are negative throughout your life and you brought this country to this hell...*(Interruptions)*... you are doing it again and again.
...*(Interruptions)*... We don't want the fate of Russia in this country.
...*(Interruptions)*... We don't want the fate of Russia in this country.
...*(Interruptions)*...

SHRI SIKANDER BAKHT: Sir, first of all, let us fix the sequence of things....*(Interruptions)*...

श्री विजय कुमार मल्होत्रा: आपने 6 घंटे रखे हैं। इनको बहुत मौका मिलेगा बोलने का ... (व्यवधान) आप रोक क्यों रहे हैं। ... (व्यवधान)

You will get enough time to speak. ... (Interruptions)...

इतना टाइम आपको मिलने वाला है। ... (व्यवधान)

Why are you creating all this? ... (Interruptions)...

श्री दीपांकर मुखर्जी: याद है वक्फ के बिल पर

You had walked out from the Lok Sabha. ... (Interruptions)... There are the proceedings. ... (Interruptions)... Your Vajpayeeji had walked out of the House against the Patents Bill. ... (Interruptions)...

SHRI JIBON ROY: You have won the elections on the plat-form of the Patents Bill. ... (Interruptions)... Now you can't dictate to us. ... (Interruptions)...

SHRI DIPANKAR MUKHERJEE: Your Vajpayeeji had walked out from the Lok Sabha. ... (Interruptions)...

SHRI JIBON ROY: Now, you don't allow us to speak in this House. ... (Interruptions)...

DR. BIPLAB DASGUPTA: Sir, kindly allow me to quote from this book. ... (Interruptions)... Sir I would like to quote 'Rajya Sabha At Work'. This book was written by Shrimati Rama Devi who was the Secretary-General of Rajya Sabha. ... (Interruptions)...

SHRI SIKANDER BAKTH: Sir, I would like to know whether this Bill has been taken up for consideration or not. This is the first thing which we would like to know.

DR. BIPLAB DASGUPTA: Sir, I would like to quote from page 502 of this book. ... (Interruptions). Kindly allow me to quote from page 502 of 'Rajya Sabha At W. k'.

MR. CHAIRMAN: I have read it. ... (Interruptions). I have read it.

DR. BIPLAB DASGUPTA: Sir, shall I read it for the benefit of the House? ... (Interruptions)...

MR. CHAIRMAN: Let me say something. ... (Interruptions). As I said, both the practices are going on in this House. Since certain Members have quoted the rules and wanted to say something, I will allow them. There are groups of Members. So from each group, one Member will speak for one or two minutes. ... (Interruptions).

SHRI SANATAN BISI (Orissa): Sir, I am on a point of order. ... (Interruptions). Sir, kindly allow me to raise a point of order. (Interruptions). Sir, I am on a point of order. I will take only one minute.

MR. CHAIRMAN: Under which rule?

SHRI SANATAN BISI: I will mention it. In para 6 of the Statement of Objects and Reasons, it has been stated that...

MR. CHAIRMAN: Under which rule are you raising this point of order?

SHRI SANATAN BISI: Sir, under rules 71, 72 and 91. There are several things. (Interruptions). If a Member is allowed to raise a point of order, he was every right to narrate the details. Para 6 of the Statement of objects and Reasons says:

"Subsequently, the Patents (Amendment) Bill, 1995 was introduced in the Lok Sabha in March, 1995. The Bill was passed by the Lok Sabha and then introduced in the Rajya Sabha where it was referred to a Select Committee of the House. As the Select Committee did not submit its report before the dissolution of the 10th Lok Sabha, the Bill lapsed."

My submission is, the formation of a Select Committee was as per rule 70. After the formation of a Select Committee according to rule 91, the report of the Select Committee shall be presented to the House. We do not know

what happened after the Bill was referred to a Select Committee. What was its result? That is number one. Secondly, when the Bill was referred to a Select Committee, some discussion took place on that Bill. We are entitled to know that. Then rule 71 says, "For the purpose of eliciting opinion." Rule 71 is very clear. The report of the Select Committee was not laid on the Table of the House. Therefore, we are entitled to know these things.

MR. CHAIRMAN: Please...*(Interruptions)* The points which he has made are already there in the four amendments...*(Interruptions)*

SHRI SANATAN BISI: I am not concerned with the amendments. There is a mandatory provision. Under Rule 71 it is mandatory for eliciting opinion...*(Interruptions)*

MR. CHAIRMAN: You have amendments 4 and 5 on this issue...*(Interruptions)*

SHRI SANATAN BISI: We are not concerned with the amendments.

We are concerned with eliciting opinions ...*(Interruptions)*

DR. L.M. SINGHVI (Rajasthan): Mr. Chairman, Sir,... *(Interruptions)* I am on a point of order. One issue has been raised...

MR. CHAIRMAN: On the same point, I am hearing him... *(Interruptions)* I have heard you. Let me hear him... No, no, ...*(Interruptions)* I have given my ruling. On the same point, I am hearing him.... *(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): He is not a Minister. We don't want any explanation from Mr. Singhvi... *(Interruptions)*

SHRI SANATAN BISI: Mr. Singhvi, will you please sit down?

MR. CHAIRMAN: You please sit down. Let me hear him. When the House

was dissolved, the Bill lapsed...*(Interruptions)*

SHRI SANATAN BISI: I would like to know whether my point of order has been admitted by the hon. Chairman.

MR. CHAIRMAN: I have not admitted it. I am hearing him on that point... *(Interruptions)* I have not given my ruling on that ...*(Interruptions)* I have a right to hear a Member...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: Mr. Chairman, Sir Kindly dispose this of first, and then go to him. The normal practice is that when a point of order is raised, it is taken up first. So, kindly dispose of that point of order and then allow others to speak.

MR. CHAIRMAN: I want to hear him first...*(Interruptions)*

SHRI NILOTPAL BASU. (West Bengal): Why are they responding to this? *(Interruptions)*

DR. L.K. SINGHVI: Mr. Chairman, Sir, Rule 71 is very clear when it refers to a person who is a Member in charge of the Bill. Secondly, there is no mandate...*(Interruptions)*

DR. BIPLAB DAS GUPTA: He is talking about something else...*(Interruptions)*

MR. CHAIRMAN: You are not allowing me to hear him...*(Interruptions)*

SHRI NILOTPAL BASU: Without disposing of this point of order, we cannot go ahead. He is raising some other point...

MR. CHAIRMAN: He wants to speak on the same point. I want to hear him. I will give my ruling...*(Interruptions)* I have every right to hear him...*(Interruptions)*

DR. L.M. SINGHVI: It is very strange that Members would not sit down. *(Interruptions)*

SHRI ASHOK MITRA: We don't want to hear him...*(Interruptions)*

MR. CHAIRMAN: Allow me to hear him, and then I will give my ruling...*(Interruptions)*

SHRI NILOTPAL BASU: The hon. Member has raised a point of order...*(Interruptions)*

MR. CHAIRMAN: I will reply to him...*(Interruptions)* I will reply to you...*(Interruptions)*. I want to hear him on the same point ...*(Interruptions)* Who are you to conduct the House; *(Interruptions)*. What are you doing? Do you want any ruling or not? *(Interruptions)*

प्र० विजय कुमार मल्होत्रा: चेयरमैन साहब, कब तक यह ऐसा होता रहेगा? ये किसी को बोलने नहीं दे रहे हैं। आपको बोलने नहीं दे रहे हैं।*(व्यवधान)*

SHRI M. VENKAIAH NAIDU: How can they conduct the House?

MR. CHAIRMAN: On the same point of order, if somebody else wants to speak, allow me to hear him. What is it?

DR. L.M. SINGHVI: Sir, there are two kinds of motions. One is regarding amendments relating to clauses and the other is relating to a motion for reference to a select committee or a reference for eliciting public opinion. So far as clauses are concerned, those amendment are discussed only later. As you pointed out yourself, Sir, in your statement in your ruling earlier, it is clearly stated in sub-rule (1) of Rule 70 that*(Interruptions)*....

SHRI JIBON ROY: We have already disposed of that.

MR. CHAIRMAN: I will decide. Who are you to decide? *(Interruptions)* I have to decide. Who are you to decide?

SHRI JIBON ROY: Sir, he is speaking of something else.

MR. CHAIRMAN: I want to hear him. Please sit down. *(Interruptions)*

DR. L. M. SINGHVI: Sir, kindly read Rule 71 first.
Rule 71 says that:

"No motion that a Bill be taken into consideration or be passed shall be made by any Member other than the Member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any Member other than the Member in charge except by way of amendment to a motion made by the Member in charge."

MR. CHAIRMAN: And they are making amendments! Why do you think that all intelligence lies with you? *(Interruptions)*

DR. L. M. SINGHVI: Sir, the Member in charge of the Bill is Mr. Sikander Bakht, the Minister. He is in charge of the Bill. Now, amendments have been moved for which Rule 70 will apply. They can be circulated, they can be discussed in the course of the discussion. Now, the Chairman has to decide. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Lawyers always do not know the Government rules. *(Interruptions)*

SHRI S. R. BOMMAI: Sir...*(Interruptions)*...

MR. CHAIRMAN: Yes, Mr. Bommai. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, he made a personal remark against a Member.

SHRI GURUDAS DAS GUPTA: No, no, I did not say that. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, I say the Communists never follow any rules. *(Interruptions)*

श्री जीवन राय: स्वदेशी की चूड़ियां पहन लीजिए।
...*(व्यवधान)*... स्वदेशी की चूड़ी, विदेशी की हथकड़ी
...*(व्यवधान)*...

श्री नीलोत्पल बसु: स्वदेशी की चूड़ी पहनो और विदेशी की हथकड़ी पहनो। ...*(व्यवधान)*...

श्री दीपाकर मुखर्जी: विदेशी चूड़ियां पहन लीजिए।
...(व्यवधान)...

SHRI NARENDRA MOHAN (Uttar Pradesh): Mr. Chairman, Sir, I think the whole idea is to create pandemonium and the pandemonium will be created with ulterior motives. (*Interruptions*).

SHRI M. VENKAIAH NAIDU: We are proud of ourselves, you are proud of something else. (*Interruptions*)

...(Interruptions)...

SHRI B.P. SINGHAL: Sir, the House is being held to ransom.
...(Interruptions)...

MR. CHAIRMAN: Yes, Mr. Bommai.

SHRI S.R. BOMMAI (Karnataka): Sir, this Patents Bill had been referred to a Select Committee. I would like to draw the attention of the House to the Statement of Objects and Reasons. In the Statement of Objects and Reasons, it is mentioned:—

"Subsequently, the Patents (Amendment) Bill, 1995 was introduced in the Lok Sabha in March, 1995. The Bill was passed by the Lok Sabha and then introduced in the Rajya Sabha where it was referred to a Select Committee of the House. As the Select Committee did not submit its report before the dissolution of the 10th Lok Sabha, the Bill lapsed."

Then I refer to Rule 91 of the Rules of Procedure and Conduct of Business. It says:—

"(1) The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

(2) In presenting a report the Chairman of the Committee or, in his absence, the member presenting the report shall, if he makes any remarks,

confine himself to a brief statement of fact, but there shall be no debate at this stage".

Rule 92 says:—

"The Secretary-General shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every Member of the Council. The report and the Bill as reported by the Selected Committee shall be published in the Gazette."

Sir, this Bill was referred to a Select Committee, even as per the statement of the Government.

SHRI SIKANDER BAKHT: But that Bill had lapsed.

MR. CHAIRMAN: Let him speak.

SHRI S.R. BOMMAI: Once it is referred to a Select Committee, we must get its report. When it is pending before the Select Committee, the House cannot discuss it.

MR. CHAIRMAN: Please sit down. (*Interruptions*) I will reply to that. (*Interruptions*) I will give my ruling. I have understood.

SHRI S.R. BOMMAI: Sir, when the matter is pending before a Select Committee, the House cannot debate on the Bill. (*Interruptions*)

SHRI NARENDRA MOHAN: Sir, the matter is not pending before a Select Committee. (*Interruptions*)

MR. CHAIRMAN: According to Article 107 (5) of the Constitution:—

"A Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall, subject to the provisions of Article 108, lapse on a dissolution of the House of the People".

When the Bill has lapsed, the whole reference to the Committee lapses. Nothing remains. So, your point of order is wrong. Basically, the question

is this. On these three amendments, I will allow one Member from each list.

DR. BIPLAB DASGUPTA: From each party.

MR. CHAIRMAN: Not from each party. The amendments have been given together. Now Dr. Biplab Dasgupta.

SHRI GURUDAS DAS GUPTA: Sir, it has been clubbed by the Secretariat. My amendments are all separate. It has been clubbed by the Secretariat. That does not mean that I don't have the right to move my amendments separately. *...(Interruptions)...* Since I moved the amendments separately... *...(Interruptions)...*

MR. CHAIRMAN: Let me see how the amendments have been signed. If the amendments are the same...

SHRI GURUDAS DAS GUPTA: If the amendment is the same, then one person should move. You allowed everybody to move.

MR. CHAIRMAN: No, no, please hear what I am saying. There is one amendment which has been signed by this group and the other group. The second amendment has been moved by Shri Ashok Mitra only. The third, fourth and fifth amendments are moved by Shri Rama Shanker Kaushik and Shri Ashok Mitra. There are four amendments. *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Sir, may I submit something for your kind consideration? Since there have been conventions in both the directions, the House will not lose much of its time, instead of debating on this issue, if you allow a short speech to be made by each of us. *...(Interruptions)...* Sir, it was always allowed in the past.

MR. CHAIRMAN: Let me tell you about these amendments. The first amendment is about a Select Committee. The second amendment is about a Joint Committee. The third amendment is about eliciting opinion. There are three amendments.

SHRI GURUDAS DAS GUPTA: Sir, we have different opinions. While suggesting a Bill to be referred to a Select Committee, one mover may have one argument, another may have another argument. It is for the House. *...(Interruptions)...*

MR. CHAIRMAN: No, no.

SHRI GURUDAS GUPTA: Sir, it was always allowed. *...(Interruptions)*

MR. CHAIRMAN: No. Now Dr. Biplab Dasgupta on amendment number one.

DR. BIPLAB DASGUPTA: Sir, the Bill we are discussing... *...(Interruptions)...*

MR. CHAIRMAN: Two minutes each.

DR. BIPLAB DASGUPTA: We want the Bill to be referred to a Select Committee. It is a very important Bill. It has a bearing on future development prospects and the option for technological self-sufficiency. It is a very, very important Bill. This Bill is also a very complicated Bill. Very few people understand about patents, and the language which has been used in the Bill is loaded with technical jargons, legal jargons, economic jargons and scientific jargons. It is a very difficult Bill to follow. When the committee system was introduced by Parliament through a Select Committee, later on through Standing Committee, the main objective of the committee system was to scrutinise every Bill clause by clause, not here but away from here, in a commi-

tee position and the committees are authorised to invite experts and elicit their opinion. On the basis of the opinion of the experts, and the interpretation of each clause, implications of those, long-term and short-term, for the Indian economy and the society, the committee prepares its report. Then, that report is discussed in the House, and distributed and all that. Now this is a Bill which has long-term implications. We feel it will destroy any possibility of industrialising our country. We will remain perpetually dependent on the western countries for technology, and it will not allow any indigenous industry to grow. This is our view. That view is a very serious view. It has been discussed all over the world. At least, we should have some discussion at the committee stage to ensure whether that Bill is really good enough for our people.

Another issue is this. When, last time, this Bill was discussed in 1995, many of us who are here participated in the discussion. I would say that in that discussion the BJP which is now in the Government supported us, and we managed to block that Bill. Eventually, it was agreed that the Bill would be referred to a Select Committee. If the Parliament in 1995 thought that it was legitimate and proper to refer it to a Select Committee, then why should not the Parliament in 1998 refer it to a Select Committee? That defies any understanding.

MR. CHAIRMAN: That is all right.

DR. BIPLAB DASGUPTA: No, Sir, there are a number of things. Sir, the most important thing is ... (Interruptions)...

SHRI JIBON ROY: Keep quit. (Interruptions)... Keep quite.

श्री नीलोत्पल-बासु: किसी को खेद नहीं दूँगे, अगर इनको नहीं बोलने दिया जाएगा तो। ... (व्यवधान-न)... बैठो। ... (व्यवधान)...

श्री जीवन राय: इनको बोलने दो, बैठ जाओ। ... (व्यवधान)...

SHRI GOPALSINH G. SOLANKI (Gujarat): He cannot order us to sit down ... (Interruptions)... He cannot order any Member to sit down... (Interruptions)... It is absolutely undesirable, being a Member of the House ... (Interruptions)...

MR. CHAIRMAN: Please go back... (Interruptions)... Please go back. (Interruptions).

SHRI NILOTPAL BASU: It is for the House to decide. (Interruptions). He said, it is his House. (Interruptions)

SHRI RAMDAS AGARWAL (Rajasthan): You cannot behave like this.

श्री परमेश्वर कुमार अग्रवाल: सर, हाउस इनके रूल से चलेगा या आपके रूल से चलेगा ... (व्यवधान-न)...

SHRI NILOTPAL BASU: We will not allow anybody to speak in his turn ... (Interruptions)...

SHRI JIBON ROY: He said* (Interruptions)

उन्होंने कहा ये हाउस हमारा नहीं है ... (व्यवधान-न)...

SHRI JIBON ROY: He said, Bangalis ... (Interruptions).

MR. CHAIRMAN: Please sit down. (Interruptions). आप बैठ जाइए, आप भी बैठिये (Interruptions) Let me find out. (Interruptions)

SHRI JIBON ROY: He said* (Interruptions).

MR. CHAIRMAN: Please go to your seats. (Interruptions) Please go back to your seats. Go to your seats. Go to your seats. (Interruptions). I will find out. (Interruptions).

DR. BIPLAB DASGUPTA: Let him apologise....(Interruptions)...

श्री जीवन राय: बंगाल के सब लोगों को गाली दिया। (व्यवधान) उन्होंने कहा यह हाउस हमारा नहीं है। ... (व्यवधान) उन्होंने बोला * ... (व्यवधान)

MR. CHAIRMAN: Let me find out.

आप बैठ जाइए ... (व्यवधान) आप बैठिये ... (व्यवधान) क्या कहा आपने कुछ कहा? Who said something; (Interruptions) Take Your seats....(Interruptions)...

श्री रामदास अग्रवाल: मैंने नहीं कहा ... (व्यवधान)

AN HON. MEMBER: There are three Agarwals here....(Interruptions)...

श्री कमला सिन्हा: महोदय, मेरा एक प्वाइंट ऑर्डर है ... (व्यवधान)

श्री सभापति: इनका प्वाइंट ऑफ ऑर्डर सुन लें जग ... (व्यवधान)

SHRIMATI KAMLA SINHA: Sir, this House is known as the Council of States and its Members come from the various States, they represent their own States. Now, if you say that they are Bengali or they are Bihari ... (Interruptions)...

SOME HON. MEMBERS: Who said it?... (Interruptions) ... Nobody has said it....(Interruptions)...

MR. CHAIRMAN: Please sit down....(Interruptions) ... I do not know....(Interruptions) ... I will see the record. ... (Interruptions) ... Please sit down. I am on the point of order raised by the hon. Member, Smt. Kamla Sinha. ... (Interruptions) ... Let me say....(Interruptions)...

SHRI NILOTPAL BASU: Sir, since you have not identified the Member A....(Interruptions) ... His mike was also not activated....(Interruptions) ... We

heard the abuse....(Interruptions) ... He has done so because we are opposing this Bill....(Interruptions) ... It is a shameful thing....(Interruptions) ... We will not allow the business to take place....(Interruptions)...

SHRI GOPALSINH G. SOLANKI: Sir, while the discussion was going on, he said to the other Members, "बैठ जाओ, क्या समझते हो"

That is not parliamentary....(Interruptions) ... This is kind of attitude which they are adopting today....(Interruptions) ... Sir, I would also say that a Member has made a remark....(Interruptions) ... What do they mean by this particular statement or this comment....(Interruptions)...

MR. CHAIRMAN: Please sit down....(Interruptions) ... Let one Member speak....(Interruptions)...

SHRIMATI JAYANTHI NATARAJAN: Sir, I am on a point of order....(Interruptions) ... Sir, let me speak because you have heard all of them....(Interruptions) ... Sir, there is a controversy and it is not possible for it to have gone on record. If such a statement has been made, it is highly unfortunate....(Interruptions)...

SHRI GOPALSINGH G. SOLANKI: Nobody has made this statement....(Interruptions)...

SHRIMATI JAYANTHI NATARAJAN: Let me finish....(Interruptions) ... I am not offending anyone....(Interruptions) ... Some hon. Members say that the hon. Member, Mr. Agarwalla from Dhanbad has said it....(Interruptions) ... Let him deny it....(Interruptions)...

श्री सभापति: अब अग्रवाल जी को बोलने दीजिए।
...(व्यवधान)

श्री रामदास अग्रवाल: (व्यवधान) मेरे बराबर में चार लोग बैठे हैं, उनसे पूछ लीजिए। (व्यवधान) उनके यह भी पता नहीं है कि किसने बोला है और आप मेरे को कह रहे हैं। कौन है बताइए तो? (व्यवधान) सर, अब यह बदल गए हैं। अब आप कह रहे हैं कि मैं नहीं बोला यह बोले। इनको पता ही नहीं है कि किसने क्या बोला है। कौन बोला इनको ही पता नहीं है। (व्यवधान) अभी क्या बोल रहे हैं पहले क्या बोल रहे थे। (व्यवधान)

SHRI M. VENKAIAH NAIDU: Sir, Mr. Gurudas Das Gupta, who is a senior Member, made a reference to us....(Interruptions)... We just protested and kept quiet....(Interruptions)... I heard it with my own ears....(Interruptions)... I hope this will also be....(Interruptions)... Now he says that he has said it....(Interruptions)... Nobody has said that he is a Bengali....(Interruptions)... If anything has been said against Bengal or Andhra or any other part of the country, it is unfortunate. But, nobody has said anything....(Interruptions)... There is no doubt about it....(Interruptions)... If anybody has said anything, definitely, it should be withdrawn. It should be expunged....(Interruptions)... But, he has not said it. This is the only question.

[1.00 p.m.]

MR. CHAIRMAN: He says, "I have not said it."

मौलाना ओबैदुल्ला आज़मी (बिहार): सर, मैं एक बात की इजाजत चाहता हूँ मैं अर्ज करना चाहता हूँ कि जिस मुद्दे पर बहस हो रही है, वह बहुत सेंसिटिव है। दोनों तरफ से पार्लियामेंट की स्वायत्तता का ऐहतसाम करते हुए बातें कहने का दोनों तरफ के लोगों की पूरा-पूरा हक है पर अगर कोई बात विवाद की हो जाए तो इसमें किसी ऐसे जुमले का इस्तेमाल हरिज नहीं होना चाहिए जिस जुमले के इस्तेमाल नफरत या अलगाववाद की आग भड़कती हो। अगर ऐसा कुछ हुआ है तो रिकार्ड में देख लिया जाए और देखने के बाद

जो चीजें ... (व्यवधान) नहीं तो लोगों को इस बारे की तलकीन कर दी जाए कि ऐसे शब्द इस्तेमाल नहीं किए जाने चाहिए—जो लोगों की जात-पात या दीन-धर्म या सूबे के नाम पर लोगों को अपमानित करने की बात हो, ऐसी बात नहीं होनी चाहिए। यकीनन बंगाली कहना, इस संदर्भ में कि हज़रत करने वाले हैं, झगड़ा करने वाले हैं, ज़िद करने वाले हैं, यह बड़ी बुरी बात है। अगर इस तरह की कोई रिवर्स कही गयी है तो ऐसा लोगों को रिवर्स होना चाहिए और माफी मांगनी चाहिए।

امولانا عبید اللہ خلی اعظمی "بھارت" : سر
میں ایک بات کی اجازت چاہتا ہوں۔ میں
عرف کرنا چاہتا ہوں کہ جس شخص نے یہ
ہونہر ہے وہ بحث حساس ہے
دونوں طرف سے پارلیمنٹ کی روایات
کا احترام کرتے ہوئے باتیں کہنے کا دونوں
طرف سے لوگوں کو پورا حق ہے۔ ہر انوکھی
بات داد وودائی ہو جائے تو اس میں کسی
ایسے جملے کا استعمال ہرگز نہیں ہونا چاہیے
جس جملے کے استعمال سے عزت یا الماکاؤ
کی آہٹ بھر دئی ہو۔ اگر ایسا کچھ ہوا ہے تو
ریکارڈ میں دیکھ لیا جائے اور دیکھئے
بعد جو چیزیں ... "مداخلت" ... نہیں
تو لوگوں کو اس بات کی تلقین کر دی جائے
کہ ایسے لفظ استعمال نہیں کئے جانے چاہئے
جو لوگوں کی ذات یا دین و دھرم یا
صوبے کے نام پر لوگوں کا ایمانٹ کرنے
کی بات ہو ایسی بات نہیں ہونی چاہئے
یقیناً بنگالی کہتا اس سب سے میں مراد

کرنے والے ہیں جمعہ کو کرے والے ہیں۔
 صندوق کرنے والے ہیں یہ بڑی بڑی بات
 ہے۔ اگر اس طرح کی کھڑکیاں بات کہی گئی
 ہو تو ایسے لوگوں کو ریٹ پر ہونا چاہیے
 اور سبھی مائٹنگ چاہئے [

SHRI M. VENKAIAH NAIDU: Sir, we agree with him.

ہم اس سے सहमत ہے، آپ ریکارڈ دیکھ
 (بھیجنا)...

श्री सभापति: आप मेरी बात सुनिए। इस वकत सिचुएशन ऐसी बन गयी है कि वह कह रहे हैं कि रिकार्ड में देखिए। रिकार्ड में देखने की जो बात कही तो शोर इतना मचा है कि रिकार्ड में वह लफ्ज नहीं आया होगा.... (बھیجना) मेरी बात तो सुन लीजिए।

...(बھیजना) इधर के आनेबल-मैबर्स का ख्याल है कि it might not have come on the record because there was too much noise. It is a very, very unfortunate thing for the Rajya Sabha. He says, "I have not said it." They say, "They have heard it."... (Interruptions)... Let me speak. In the present situation, when nothing can be verified, I, as the Chairman of the House, beg apology from you if such a thing has happened.... (Interruptions)... The House is adjourned till 2 o' clock.

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at three minutes past two of the clock, Mr. Chairman in the Chair.

श्री रमार्शकर कौशिक: सभापति महोदय मेरा ब्यवस्था का प्रश्न है। मैं एक संशोधन बिल में करने के लिए दिया है। उसके बारे में कहा गया है कि वह परिचालित करने के लिए दिया है।

श्री सभापति: आपकी बारी आएगी।

श्री रमार्शकर कौशिक: महोदय, यह सही है। लेकिन मेरा कहना यह है कि चूंकि वह परिचालन के लिए भेजा गया है इसलिए वह पहले आना चाहिए।..

श्री सभापति: कोई बात नहीं है आपका संशोधन आएगा। प्लीज सिट डाउन।

PAPER LAID ON THE TABLE—Contd. Indo-Russian Press Statement

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI VASUNDHRA RAJE): Sir, I beg to lay on the Table of the House the text of the Indo-Russian Press Statement issued on the official visit to India by the Chairman of the Government of Russian Federation, Mr. Yevgeny M. Primakov. [Placed in Library. See No. LT-2144 98]

SHRI PRANAB MUKHERJEE (West Bengal): Sir, I request the Government to give some time for a discussion on this. Tomorrow is the last day of the session, but still, if some time is available, we would like to have some discussion on it.

SHRIMATI KAMLA SINHA (Bihar): What about the copy of the papers?

SHRI PRANAB MUKHERJEE: They will be circulated.

MR. CHAIRMAN: The Committee will decide that.

DR. BIPLAB DASGUPTA (West Bengal): I agree with Mr. Pranab Mukherjee on this point that these four bills are very important. These agreements are very important. We should really have an opportunity to go through them and decide.