

RAJYA SABHA [28 August, 2001]

"कि ऊर्जा के प्रभावी उपयोग और इसके संरक्षण तथा तत्संबंधी या आनुवंशिक मामलों का उपबंध करने वाले विधेयक पर, लोक सभा द्वारा पारित रूप में, विचार किया जाए। "

प्रस्ताव स्वीकृत हुआ।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): अब हम विधेयक पर धारा-वार विचार करेंगे।

धारा -2 से धारा -62 तथा अनुसूची विधेयक का अंग बने।

धारा-1 तथा अधिनियमन सूत्र और शीर्षक विधेयक के अंग बने।

SHRI SURESH PRABHU Sir, I move : *"That the Bill be passed."*

प्रस्ताव पर मत लिया गया और वह स्वीकृत हुआ।

SHRI O. RAJAGOPAL : Mr. Vice-Chairman, Sir, I would like to make a request to you. The next Bill, the Delhi Rent (Amendment) Bill, 1997 be taken up later on because there is a move to bring forth amendments to this Bill. In view of this, I would request you to take up the Protection of Plant Varieties and Farmers' Rights Bill, 2001. There is some urgency also with regard to this Bill.

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS BILL, 2001

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): अब हम पौधा किस्म और कृषक अधिकार संरक्षण विधेयक , 2001 लेते हैं। माननीय कृषि मंत्री

THE MINISTER OF AGRICULTURE (SHRI AJIT SINGH): Mr. Vice-Chairman, Sir, I move :

"That the Bill to provide for the establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants, as passed by the Lok Sabha, be taken into consideration. "

[THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) in the Chair]

The Protection of Plant Varieties and Farmers' Rights Bill was introduced in the Lok Sabha on the 14th September, 1999. Thereafter, the Bill was referred to a Joint Committee of both Houses of Parliament, comprising 20 Members from the Lok Sabha and 10 Members from the Rajya Sabha, under the Chairmanship of Shri Sahib Singh Verma. The Joint Committee presented its report to the Lok Sabha and Rajya Sabha on the 25th August, 2000. The JPC visited 15 States and recorded oral evidence of representatives of farmers, experts, individuals etc. and received 132 memoranda containing suggestions. The Joint Committee have revised the Bill, based on their extensive interaction with the representatives of farmers, experts, individuals etc., during their visits to various States.

The concept of Plant Breeders' rights arises from the need to provide incentives to plant breeders engaged in the creative work of research which sustains agricultural progress through returns on investments made in research and to persuade the researcher to share the benefits of his creativity with society. A system of plant breeders' rights encourages better and mission-oriented research for development of varieties that are fully suited to a given agro-climatic region.

India has developed commendable strength in agricultural research. Indian breeders working, mainly, in the public research system have developed a large number of new varieties. In the absence of plant breeders' rights, these varieties would be freely available to others for exploitation. New varieties developed on the basis of these varieties could get protected in other countries without any benefit accruing to Indian institutions/organisations, whereas the availability of varieties developed in countries which provide for plant breeders' rights would be restricted in India. Therefore, putting in place a system of plant breeders' rights through law in India provides protection to the plant varieties developed by public research system. A system of plant breeders' rights in the country would also encourage foreign companies to organise buy-back production of seeds in India for export to their countries without any fear of unauthorised use of their genetic material.

The objective of the proposed legislation is to give a significant thrust to agricultural growth by providing an effective system for the protection of plant varieties and farmers' rights which will stimulate investments for research and development, both in the public and the

private sectors, for the development of new plant varieties by ensuring appropriate returns on such investment. It will also facilitate the growth of the seed industry in the country through domestic and foreign investment which will ensure the availability of high quality seeds and planting material to Indian farmers. The proposed legislation recognises the role of farmers as cultivators and conservers and the contribution of traditional, rural and tribal communities to the country's agro biodiversity by rewarding them for their contribution through benefit sharing and protecting the traditional rights of the farmers.

"Farmers" Rights' have been assigned special status and prominence in the "Protection of Plant Varieties & Farmers' Rights Bill, 20001". A separate chapter relating to "Farmers' Rights" entitles a farmer the same level of protection as in the case of breeder, if he has bred a new variety. Farmers' variety, like other extant varieties, will also be entitled for protection. A farmer, who is engaged in conservation of genetic resources of land races, wild relatives etc., is also entitled for recognition and reward. The farmers' rights include his traditional rights to save, use, sow, re-sow, exchange, share or sell his farm produce, including seed or a variety, protected under this Act, with the exception that he will not be entitled to sell branded seed of a protected variety. There are other unique features like protection extended to farmers for innocent infringement and compensation to be given to farmers if the registered variety does not meet the promised level of performance under given conditions.

The draft of the Bill, as revised by the JPC, was circulated to all concerned Ministries and Departments for their views. On the basis of the feedback, two modifications were suggested: firstly, limiting of benefit sharing to citizens of India and firms etc. established in India; and secondly, authorising the Government of India to issue directives to the PVP Authority in the public interest. In addition, linguistic and legalistic amendments have been introduced.

The Protection of Plant Varieties & Farmers' Rights Bill, 2001, as revised by the JPC, with the official amendments, was considered and passed by the Lok Sabha on the 9^h of this month.

The Rajya Sabha may consider the Protection of Plant Varieties & Farmers' Rights Bill, 2001, as passed by the Lok Sabha, and pass the Bill. Thank you, Sir.

The question was proposed.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Now, the motion is open for discussion. Before we start the discussion proper, let me say one thing. As the Minister has rightly pointed out, the Bill has gone through the process of the Joint Parliamentary Committee. I am given to understand that we have a very heavy schedule of business tomorrow. So, we will make an all-out attempt to conclude the discussion and reply of the Minister, and pass the Bill today itself. Therefore, I request all the hon. Members, who are going to speak, to make precise observations on the specific provisions of the Bill. Dr. A. R. Kidwai.

DR. A.R. KIDWAI (Delhi): Mr. Vice-Chairman, Sir, thank you very much for giving me this opportunity to speak on the Protection of Plant Varieties and Farmers' Rights Bill, 2001. May I say that there is a general feeling in the country that the farmers' interests have not been well served while dealing with international agreements? In 1974, when the Uruguay Conference was held, agriculture was brought under the sphere or ambit of it. Without consulting the farmers, without consulting the States, the subject of agriculture has been brought under it. That is not all. When the TRIPs Agreement took place, agriculture was brought under the Intellectual Property Rights Act. Throughout the series of agreements, the farmers have not been consulted, the States, who should have been consulted in the matter of agriculture, have not been consulted. The Centre has entered into agreements at the TRIPs, at Uruguay and others place, without consultations and taking into account the views of the farmers, whose interests have been sacrificed, as you see in the present case. But take, for example, the case of Europe. In all the agreements, the European countries have protected their farmers' interests. But in the case of Indian farmers, the benefit of protection is restricted to only 10 per cent of production. As far as European countries are concerned, they get full protection and even if they do not sow their land and the land is fallow, they get full compensation. There can be no comparison of the subsidy and support that the European farmers get, which are denied to the Indian farmers under the GATT. Similarly, in the USA, the farmers get the social security benefits and, in fact, they provided under their law that the US law will prevail over the international agreements, as far as the farmers' interests are concerned. But in India, which is a country of poor, small and marginal farmers, we have not taken any such steps or measures to protect their

interests. This Protection of Plant Varieties and Farmers' Rights Bill is something which has to be considered seriously. I am happy that the Minister of Agriculture is himself a leader, of farmers. He will give due attention to what is happening and see how we can remedy and correct the situation.

There is a union for protection of plant varieties. Some multinational companies thought that the farming community has not been well-exploited so far, except in the case of fertilizers, and that seed was an area where they could further exploit them, not only for one year or two years but also for a long time to come.

Therefore, they formed a union for protection of plant varieties, which is called UPOV. But the Indian Government has not agreed with the policy of UPOV. The multinational companies interested in the patenting of seed varieties formed a union and invited India to become a member of this union. But India has not so far become a member of this union. A considered decision was taken that since this organisation was against the interest of the farmers, we would not join it. We have not yet joined them. But I do not know as to when a scheme for protection of plant varieties was presented by them and we accepted that scheme without taking into consideration the interests of the farmers. Actually, they want seed varieties to be patented for 15 to 18 years. The^bre, for one generation, you cannot make any improvement or developments the seed varieties which have already been patented by the multinational companies. 15 to 18 years is a very long period. Some of us who were Members of the Joint Select Committee had protested against it. We have also incorporated a note of dissent on this in the report of the Joint Select Committee so that when the Bill is brought before the House, the merits and demerits of the Bill are considered seriously.

The handing over of patent rights f£r any variety for 15 to 18 years to a multinational company will do serious/ damage to the interests of the Indian farmers. We cannot improve these varieties. We have also agreed that infringement of a patent right is a civil action for which we can claim compensation. We are also providing machinery for the prosecution of a farmer who infringes upon the patent right. He will have to pay heavy damages up to Rs. 10 lakhs and would be put in jail. It is a criminal action. Nowhere in the world, for infringement of a patent right, which is a civil

action, except for monetary compensation, any penalty is imposed. In India, we have not yet put up a separate authority for an industrial patent. But to protect the interests of multinationals in the seed trade, we have recommended in this Bill that an authority would be set up to enforce these measures and there is a provision of not only for monetary compensation but also for imprisonment for three years. Sir, he is a small farmer having a few acres of land. If he infringes upon a patent right, he will be put in jail for three years. His entire family would suffer. Why were these people so enthusiastic in providing this kind of protection to the breeders? Who are the breeders? These multinational companies are not the breeder of seeds. When did they become breeders? What they do is, they buy the seed varieties developed by others and make it their monopoly for a long period of time just to exploit the farmers. The seed breeder is a farmer. The seed breeders are research institutions like agricultural universities like the National Bureau of Genetic Research or the ICAR or the other research institutions in India and outside. These are the breeders, but they don't figure anywhere in this Bill. Now, the multinationals are calling themselves the breeders. By what stretch of imagination can these self-titled breeders, the multinationals, be called the breeders? And you are helping them to get into this business! In this Bill, you have defined the multinationals as the breeders of seeds entitled to long-term patent rights, which means, India cannot develop its own resources. I would like to draw the attention of this House that India is one of the richest countries in the world in biodiversity, in plant genetic resources. There is no other country which can match India's resources. In the beginning, we were persuaded to set up a Plant Genetic Resource Centre, and we did that. We are proud that today ours is one of the richest centres in the world in the field of Plant Genetic Resource. And, we had donated all our varieties to the United States and to other developed countries in the name of research and for the sake of development of plant varieties. Now, they want to patent these germ plasms, which they have taken from us, and they want to sell them back to India. First of all, it was wrong on the part of India to have donated its germ plasms. We should have made it a condition that if it was used for commercial purposes, then, India would have the right to take royalty on this. This condition was not made. In our enthusiasm to donate to the world, we did not protect our interests. We handed over all the materials that we had collected. Now they are coming up with patent on basmati, haldi, amla and jeera. There are hundreds of other Indian germ plants which would be patented by them. And, now, we are in a hurry to give them the

patent rights as soon as possible. Why is this hurry? The WTO has agreed that the developing countries can take time; originally it was 2000 A.D. but this has been extended up to 2005. Then, why are we in such a hurry that by postponing all other Bills, we have brought in this Bill? Is it to ensure that the multinationals immediately get the patent right for the exploitation of Indian agricultural resources? The other developing countries of the world, namely, Indonesia, Malaysia, Holland and the ASEAN countries are waiting for our move because they consider India as their leader. We are setting a bad example by hurrying up and passing this Bill, which is totally against the interests of the developing countries, and we are handing over our genetic resources and their utilisation to the multinationals. To sum up, this is the story.

Sir, if you see the provisions of clause 30 of the Bill, it says that no country, no researcher, has the right to use the parent material without the permission of the patentee country, and this they have taken from us. Now, they say, we cannot use the parent material for our own research work. What kind of a Bill is it? Mr. Minister, every provision of this Bill requires a serious discussion and in depth study not only by the experts, but also by the farmers because it is their fate. It is the farmers who have developed various varieties. If you go to any part of the country, the farmers have their own peculiar genetic material available, whether it is wheat, rice, oil or anything, a rich collection of plant material and genetic material. Today, the wheat that we are using in this country is not the original Mexican wheat. It is the Mexican wheat that India has improved from its own resources and that is now the best quality of wheat all over the world. Why are they after Basmati? Basmati is an Indian product which our farmers, over generations and over years and years, have protected and developed. If we call these multinationals as breeders and give them patent rights so as to exploit us, there cannot be a greater mistake. It is our research institutions, the Agriculture Universities, ICAR, National Bureau of Plant Genetic Material, which are doing active research work and producing these varieties. And our method is not confined only to research institutions. The ICAR has the National Coordinated Research and Development Programme. Any variety developed in any university or anywhere else is sent to the national centres at Kanyakumari, Kerala, Gujarat and other centres for trials and after these varieties are found to be useful in all parts of the country and after these go through the farm trials, then only we accept them. That is how we have developed the 'Sharbati' variety of wheat and basmati. Here, a farmer is an

equal partner in testing, in developing, in field trials of varieties developed by research institutions on the basis of traditional varieties which have been, for thousands of years, maintained by our farmers. Are you going to hand over so easily their hard work, their preserved traditional genetic resources, to the multinationals, the way we are proposing to do through this Bill? All the scientists whom we have met and with whom we have discussed it, are of the view that we are selling our farmers, our rich traditional genetic resources to the multinationals for nothing, and to the detriment of our farmers. Once they have taken it, we cannot use it without their permission, as per section 30 of this Bill whereby no parent material can be used for research purposes without their permission. What is happening in the country? We cannot be silent witnesses to what is happening, the way our national wealth and natural resources, with which we have been endowed with and on which we have been living and on which a large population of our farmers has been living, is being sold in this way. The criminal and civil provisions, the setting up of an authority to help promote their interests, are all detrimental to our farmers' interests. For any discovery, nobody has been given the right for patent for fifteen or eighteen years. All these things require a serious review and consideration. Then, what is the hurry? This decision to accept the model of the union of the multinationals is against the decisions of the Ministry -- to accept patent rights. Patent means that you have given up the entire right, even of the patent material. The WTO has suggested that you can also protect breeders' rights by giving them trade marks. By *sui generis*, by making laws so that they can sell their products as monopoly products. But you don't have the right for eternity on the material developed by us. Why can't we accept this model, namely, *sui generis*? Therefore, when our agricultural scientists and the Centre for Development of Agriculture and Environment saw that the Ministry has adopted a model against their own decision, they prepared another model of agreement to protect breeders' right. We agree that we must protect the breeders' right. Two organisations, one the Gene Campaign, and the other, the Centre for Development of Environment and Agriculture, came together, held a convention; after that convention, they developed a model called COFAPB, Convention of Farmers and Plant Breeders. This, is an ideal model which suits this country. This Committee did not take into consideration the COFAPB model. I want to know why this model was not considered. It has been produced by Indian farmers and breeders and it is an ideal model which suits the role of scientists and farmers together in developing new varieties which protects India's interests. I would like the hon. Minister to tell

us why COFAPB model was not given due consideration, the merits of COFAPB model and its suitability for Indian conditions. These are some of the serious considerations. I know these are scientific subjects in which, first the scientists should be involved. Let them meet -- as in this case, the Gene Campaign and the Centre for Environment and Agriculture, when they felt disappointed with this kind of activity, they called a convention, developed a model which served their requirement, and that requires, at least, some consideration.

Sir, I have one last point. What is the hurry in passing this Bill; when we can wait up to 2005? Another five years are there.

SHRI SURESH A, KESWANI (Maharashtra): This Bill is being examined by the Joint Select Committee on Patents.

DR. A.R. KIDWAI: At the Seattle Conference of WTO. all the developing countries of Asia and Africa came together; when they realized that on WTO and TRIPS, they were being exploited, they came together and placed certain demands at the Seattle Conference. They made certain recommendations. They said, "Unless these demands are met, we are not going to consider." That is why the Seattle Conference adjourned. Now, recently, in Delhi, there was a meeting to convene another meeting of the Conference, where India came out and said there was no need for convening another meeting of the WTO, unless our demands were fully met. This was only about two weeks back. Then, what is the hurry? Because the provisions of TRIPS and WTO, under which this is being done will be governed by the final decision on the basic issues which have been there before the WTO. It should be postponed. It should not be held, unless the issues which were before the Seattle Conference are discussed and finally settled. Mr. Minister, this is my request to you because you are a farmer; you are a leader of the farmers. Therefore, you have an independent look at this issue, from the point of view of the farmers. I would suggest, for the present, after discussion, this Bill should be postponed. No final voting should be held on this because we need time to examine this. This is not a matter of urgency for the whole nation. Therefore, it should be postponed, and no decision should be taken, unless the Minister has some time to consult and satisfy the farmers, the scientists and others on this subject. Thank you very much.

श्री कैलाश जोशी (मध्य प्रदेश): माननीय उपसभाध्यक्ष जी, हमारा देश अत्यंत प्राचीन काल से कृषि प्रधान देश रहा है और आज भी आजीविका के कई नये अवसर उपलब्ध होने के बावजूद भारत की 70 प्रतिशत जनता या तो कृषक हैं या कृषि पर निर्भर है। इसलिए कृषि आज भी हमारी अर्थव्यवस्था का मूल आधार है। इस दृष्टि से ही हमें कृषि की सारी समस्याओं को देखना होगा। हमारे देश में पहले किसान स्वयं कृषि के मामले में आत्मनिर्भर हुआ करता था। वह स्वयं बीज तैयार करता था। उसी बीज के बोता था। अगले वर्ष के लिए सुरक्षित रखता था और इतना ही नहीं तो जरूरतमंद अपने पास पड़ोस के किसानों को भी बीज उपलब्ध कराया करता था। मैंने तो अपने बचपन के समय से यह देखा है कि यहां बीज एक किसान दूसरे किसान को सवाया और ड्योढ़े के आधार पर दिया करते थे। ऐसे नहीं लेते थे- कहते थे कि तुम बीज ले जाओ, जब फसल आ जाएगी तो सवाया बीज हमको लाकर वापस दे देना। यह परंपरा 50-60 वर्ष पहले तक देश में रही है।

हमारे देश में कृषि का अनुसंधान कोई अभी अभी हुआ, ऐसी बात नहीं है। बहुत पुराने समय से अनुसंधान होते रहे हैं। इतिहास में उल्लेख मिलता है कि हमारे ऋषि मुनि जो जंगलों में रहते थे, आश्रम बनाकर शिक्षा देते थे, वहां भी वे कृषि अनुसंधान का काम करते थे और किसान उनके अनुसंधानों का लाभ लेने के लिए उनके आश्रमों में जाया करते थे। परशुराम की कथा तो बड़ी प्रसिद्ध है कि परशुराम दक्षिण भारत में गए और वहां जाकर उन्होंने देखा कि लोग वनों में रहते हैं, कृषि करना नहीं जानते हैं तो उन्होंने उत्तर भारत से बीज मंगवाए और 12-15 वर्षों तक वहां रहकर उनको कृषि करना सिखाया। ऐसी प्राचीन हमारे यहां कृषि की परंपरा रही है।

बाद में परिवर्तन आए, और पहली बार जो परिवर्तन आया वह ऐसा आया कि आवागमन के साधन बढ़ जाने कारण एक दूसरे देश आपस में एक दूसरे के निकट आ गए और बीजों का भी आदान प्रदान होने लगा। हमारी जो अन्य पौध है, औषधियों की जड़ी बूटियां हैं और इस प्रकार के जो अन्य जैविक साधन हैं उनका आपस में आदान प्रदान होने लगा। लेकिन उस समय भी यह आदान प्रदान या तो किसान से किसान के माध्यम से होता था या कभी कभी यह भी हुआ कि राजाओं के माध्यम से हुआ। यह परंपरा जब चलत रही तो उसमें भी हमको कुछ हानि हुई। हमारे यहां के कुछ अच्छे बीज विदेशों में चले गए और उसके बाद वे बीज हमारे यहां समाप्तप्राय हो गए। हमें नये बीजों को फिर से विकसित करना पड़ा और उनके बल पर हमारी कृषि काम करती रही।

उपसभाध्यक्ष महोदय, फिर एक ऐसा दौर भी आया जब इस सबको विकसित करने का व्यवसायिक स्वरूप आरम्भ हुआ। लोग व्यापारिक आधार पर इन सबको एक देश से दूसरे देश ले जाने लगे और अपने हिसाब से उनकी ब्रीडिंग भी करने लगे। नयी नयी प्रजातियां उन्होंने उत्पन्न कीं। अभी यहां उल्लेख भी किया गया है कि एक अंतर्राष्ट्रीय सम्मेलन 1961 में हुआ जिसमें यूरोप और अमेरीका के सभी बड़े बड़े देश सम्मिलित हुए और उन लोगों ने मिल करके इस पर गहराई से विचार किया। उसको पेटेंट का रूप दिया और जैसे अभी यहां उल्लेख किया गया है कि इसके बाद एक स्थायी रूप से अपनी संस्था भी बनायी और वह संस्था काम करती है। परंतु इसके बावजूद भी हमारे देश में बहुत वर्षों तक इसका कोई प्रभाव नहीं पड़ा। पूर्व में विदेशियों के आने के बावजूद हमारी कृषि की जो समृद्ध संपदा थी, वह केवल देश में ही नहीं, दूर दूर के देशों तक जाती रही। हमारे सब प्रकार के मसालों के लिए यूरोप के लोग तरसते रहते थे। हमारे यहां की मलमल पहनने के लिए यूरोप की रमणियां तरसा करती थीं। हमारे यहां के व्यापारी बड़ी मात्रा में इन सब वस्तुओं को ले करके यूरोप के देशों में जाते थे और वहां जाकर अपना व्यापार बढ़ाया

करते थे। उस समय कौन से अनुसंधान हुआ करते थे? मुझे पता नहीं उस समय कौन सा आईसीएआर था, जिसने ऐसी कपास की प्रजाति उत्पन्न की कि जिसके कपड़े का बना हुआ थान एक अंगुठी में से निकल जाया करता था? उल्लेख है कि एक बार शाहजहां लाल किले के बाहर बैठे हुए थे कि उनकी बेटी अंदर से आकर खड़ी हो गई। उसे देख कर शाहजहां ने कहा कि तुमको इस तरह कम कपड़े पहन करके बाहर नहीं आना चाहिए था जिसमें इतना जिस्म दिख रहा हो। तब उस लड़की ने उत्तर दिया था कि अब्बाजान, इस समय मेरे जिस्म पर सात कपड़े हैं। अब उसके बावजूद मेरा शरीर दिख रहा है तो यह कसूर मेरा नहीं है, आपके कारीगरों का है। यह हमारे देश की समृद्धि थी। यह हमारे देश का कला कौशल था। जो आज से तीन सौ वर्ष तक भी बराबर हमारे देश के अंदर कायम रहा। यहां से हमारे देश के इतने अच्छे किसानों को, बेगार में मजदूर बना कर अन्य देशों में ले जाया गया। उनमें से अनेक परिवार आज भी वापस लौट कर नहीं आए हैं और वे वहीं जा कर बस गए हैं। हमारे यहां पर ढाका की मलमल बनाने वाले कारीगरों के अंगूठे कटवा दिए गए, जिससे कि उनकी वह कला ही समाप्त हो जाए, जिस कला के लिए सारा यूरोप तरसा करता था। यह स्थिति जब देश में उत्पन्न हुई तो किसान के सामने अनेक परेशानियां पैदा हुईं। विदेशों में जाने के हमारे जो साधन थे वे रुक गए। किसान कठिनाई में आए। किसान बड़ी प्रतिकूल परिस्थितियों में, मजबूरी में खेती करने लगे। ऐसा समय भी आया जब यह लगने लगा कि खेती अब घाटे का सौदा होने लगी है। लोग बोला करते थे कि खेती में अब वह आमदनी नहीं है जो कि पहले हुआ करती थी। खेती तो अब घाटे का सौदा है। कर्ज लेने के बावजूद किसान के सामने उसकी आर्थिक विपन्नता समाप्त नहीं हुई। इस प्रकार की स्थिति हमारे देश में उत्पन्न हुई थी। इस परिस्थिति के बाद हमारे देश में फिर से जागृति की लहर आई। आजादी के पहले भी कृषि के व्यापक संसाधन जुटाने के लिए, कृषि के विकास की दिशा में कुछ कदम उठे और स्वतंत्रता के बाद तो बड़ी तेज गति से वे कदम उठे। अनेक संस्थाएं बनीं जो कि केन्द्र सरकार ने बनाई, राज्य सरकारों ने बनाई। अनेक प्रकार के अनुसंधान हुए। अच्छे अनुभवी कृषि विशेषज्ञों ने कृषि की दशा सुधारने की दिशा में अथक प्रयत्न किये। उन सब का परिणाम यह हुआ कि इस अवधि में जो प्रगति हुई है उसको संतोषजनक ही कहा जा सकता है। यद्यपि उसमें कुछ कमियां आज भी हैं। इसके बावजूद उस अवधि में जो विकास हुआ है, वह संतोषजनक विकास ही कहा जा सकता है। आज स्थिति यह है कि हमारे सामने नई चुनौतियां उत्पन्न हो गई हैं। जिनका अभी यहां उल्लेख भी किया गया। परन्तु हमारे पास उसका उपाय क्या है? गैट का समझौता आज का समझौता नहीं है। वह हमको विरासत में मिला है। 1947 से हम उसके सदस्य बने हुए हैं। 1995 में हमने उस समझौते पर हस्ताक्षर किए थे। इसलिए आज अगर हम इस बात पर ही चिंता करते रहेंगे और उपाय तलाश नहीं करेंगे तो मैं समझता हूं कि कठिनाइयां समाप्त होने वाली नहीं हैं, बल्कि हमारी कठिनाइयां और बढ़ने वाली हैं। मल्टी नेशनल कंपनियां हमारे यहां नए बीज लेकर आएंगी। आज दुनिया भर के सवाल हमारे सामने हैं, लेकिन जब उन का कुशलता से हल निकालेंगे तब तो हम बच सकेंगे अन्यथा बचाव का कोई दूसरा उपाय हमारे सामने नहीं है। उपसभाध्यक्ष जी, आज हम डबल्यू.टी.ओ. से बाहर नहीं आ सकते हैं। डबल्यू.टी.ओ. जो निर्णय लेगा हम उसे से बंधे हुए होंगे, लेकिन हमारे सामने यह अधिकार अवश्य है कि हम अपने देश और अपने देश की सम्पदा को बचाने के लिए जितने तरीके इस्तेमाल कर सकते हैं और जितने निर्णय हम देश हित में डबल्यू.टी.ओ. से स्वीकृत करा सकते हैं, कराएं।

उपसभाध्यक्ष महोदय, इस दिशा में सरकारें सचेत रही हैं और आज भी सरकार सचेत है। अभी उल्लेख किया गया कि कुछ मामलों में डबल्यू.टी.ओ. की बातों को हम ने नहीं माना और

यह ठीक भी है। यह आवश्यक नहीं कि हम डबल्यू टी.ओ. में जाएं और वहां की हर बात स्वीकार करके आए। जो बात हमारे देश के लिए हितकर होगी, जो बात हमारी सम्पदा के लिए हितकर होगी, हम वही बात मानेंगे। इसके अतिरिक्त कोई बात स्वीकार नहीं करेंगे।

उपसभाध्यक्ष महोदय, मैं माननीय कृषि मंत्री जी को यहां यह भी कहना चाहूंगा कि हम पहले बहुत उगे गए हैं। इसलिए अब ऐसी स्थिति निर्मित न होने पावे जिस में हम और उगे जा सकें। हमारी सम्पदा बहुत समृद्ध है और दुनिया के लोगों की नजर हमारी सम्पदा पर 200-300 वर्षों से लगी रही है। आज भी उन के प्रयास हो रहे हैं, लेकिन हम को इतना भोला और सीधा भी नहीं होना चाहिए कि वह आकर हमें उगने का प्रयास करें और हम उन के कहे में आ जाएं। अभी तक हमारे पास इस संबंध में कोई कानूनी अधिकार नहीं थे। आज इस विधेयक के पारित होने के बाद हम को जो अधिकार मिलने वाले हैं, वह मिलेंगे और हमारा यह प्रयास होना चाहिए कि हम अपने देश की कृषि संबंधी सम्पदा को बचाने के लिए, पौधों की सम्पदा को बचाने के लिए, जड़ी बूटियों की सम्पदा को बचाने के लिए, वृक्षों की सम्पदा को बचाने के लिए प्रयास कर सकें।

उपसभाध्यक्ष महोदय, इस देश में अनेक वर्षों पहले से पेड़ पौधों का इतना सदुपयोग किया जाता रहा कि दुनिया के लोग चकित रह गए हैं। हमारे आयुर्वेद का ज्ञान चुरा चुरा कर लोग विदेशों में ले गए। आज उन के आधार पर दवाइयां बना रहे हैं और उन का पेटेंट कराकर बेच रहे हैं। इसलिए आज आवश्यकता इस बात की है कि वह ज्ञान जो हमारे पास अभी भी सुरक्षित है, उस का सदुपयोग करें। उस सम्पदा का समुचित रूप से दोहन देसी माध्यमों से, यहां के लोगों के माध्यम से अपने देश के हित में कर सकें। मान्यवर, आज भी वनों में रहने वाले वनवासियों के पास अनेकों चमत्कारी दवाएं हैं। वे एक जड़ी बूटी, दो जड़ी बूटी दूढ़कर लाते हैं, उसे शरीर पर लगाते हैं जिस से बड़े बड़े रोग ठीक हो जाते हैं। यदि किसी के शरीर में घाव है और उस से खून बह रहा है तो जड़ी बूटी लगाते ही खून बहना बंद हो जाता है। यह मैंने मध्य प्रदेश के निमाड़ जिले में अपनी आंखों से देखा है। तो इन जड़ी बूटियों की सुरक्षा की व्यवस्था कैसे हो, यह महत्वपूर्ण है। उपसभाध्यक्ष जी, आज एक उपकरण हमारे पास है, एक कानून बन गया है तो उस का उपयोग हमारी जनता के हित में होना चाहिए। आज हमारे यहां के कई वृक्षों से दवाएं बनती हैं – अर्जुन से दवा बनती है, बबूल से दवाएं बनती हैं, नीम से दवाएं बनती हैं। इसलिए इन वृक्षों के संरक्षण की दिशा में प्रयास होने चाहिए।

उपसभाध्यक्ष जी, जैसे कि मैंने कहा हमारे यहां अनुसंधान तो बहुत हुए हैं। कृषि के क्षेत्र में बहुत प्रगति हुई है, किंतु मंत्री जी यह भी कहना पड़ेगा कि जिस सजगता से इस दिशा में काम होना चाहिए था, वह नहीं हुआ है। हम अच्छी अच्छी नीतियां तैयार कर लेते हैं, लेकिन उन का लाभ नीचे के लोगों तक नहीं पहुंच पाता है, उन का लाभ न तो जनता के हित में और न ही देश के हित में हो पाता है। इसलिए इस दिशा में प्रयास होना चाहिए और हम को सावधान भी रहना पड़ेगा कि जिस तरीके से हम अभी तक उगे गए हैं, उस प्रकार से आगे कोई हमें उग न सके। जिस तरीके से हल्दी और नीम का पेटेंट कराने का प्रयास किया गया था, उस प्रकार का दूसरा प्रयास दूसरे देश के लोग न कर सकें। यदि उससे लाभ लेना है तो हमारा देश ही लेगा फिर चाहे वह शासकीय स्तर पर ले, निजी स्तर पर ले या जनता के स्तर पर ले, लेकिन उस का लाभ हमारे देश को ही मिलना चाहिए। हमें इस समय ऐसा प्रयास करने की आवश्यकता है। यह करने की आज हमको आवश्यकता है।

मंत्री जी, मैं ऐसा मानता हूं कि यह विधेयक काफी पहले आ जाना चाहिए था क्योंकि

इस बीच में कुछ हानि हमको उठानी पड़ी है, परन्तु जो देरी हुई है उसके भी कुछ कारण हैं और उन कारणों के उल्लेख की आवश्यकता नहीं है, सब माननीय सदस्य उनको जानते हैं। इसलिए मैं कहना चाहता हूँ कि यह बहुत अच्छा विधेयक आप लाए हैं और इस विधेयक के आने के बाद अनेक शंकाएं जो डब्ल्यू.टी.ओ. के समझौते को लेकर जनमानस में हैं, वे निश्चित रूप से दूर होंगी।

मैंने देखा है कि इसमें किसानों के हितों को पूरा संरक्षण देने का प्रयास किया गया है। यह जो प्रचार अभी तक होता रहा है कि डब्ल्यू.टी.ओ. के समझौते के कारण विदेशी मल्टी नेशनल कम्पनियां यहां बीज लेकर आएंगी, हर साल वे बीज देंगी, नया बीज बनाकर लाएंगी, पुराना बाज काम नहीं आएगा और इसके कारण किसान बर्बाद हो जाएगा, लेकिन ऐसा नहीं है बल्कि इसमें किसान की पूरी सुरक्षा का प्रावधान किया गया है। किसान को अपने बीज को सुरक्षित रखने का अधिकार है। किसान अपने बीज को उपयोग में ला सकता है, किसान अपने बीज को दूसरे को दे सकता है, किसान अपने बीज को पड़ोसी को बेच सकता है, किसान अपने बीज को बाजार में भी बेच सकता है, उसे कोई रुकावट नहीं होगी और इसलिए यह आशंका भी अब निर्मूल हो गई है कि इससे किसानों का हित संवर्द्ध नहीं होने वाला है।

दूसरी ओर इसमें यह भी प्रावधान किया गया है कि जो भी बीज संवर्द्ध होगा, ब्रीडकर होगा, उसको पर्याप्त मात्रा में बीज रखना होगा क्योंकि अनेक बार ये भी अनुभव आए हैं कि कई बार बहुत अच्छी गुणवत्ता का बीज मिल जाता है, लेकिन बाद में उसका संवर्द्धक कह देता है कि अब हमारा बीज समाप्त हो गया है, हमारे पास नहीं है। इसलिए समझौता करते समय इस बात को भी ध्यान में रखा जाना चाहिए क्योंकि हमारा देश इतना विशाल है कि इसमें अलग अलग प्रदेशों में, अलग अलग स्थानों पर अलग अलग फसलों की पद्धतियां हैं और उन पद्धतियों को ध्यान में रखकर वहां जितने बीज की आवश्यकता हो उतना बीज सुरक्षित रहे, इसको देखना भी सरकार का दायित्व होना चाहिए। मैं इस ओर भी ध्यान दिलाना चाहता हूँ कि यह भी देखा गया है कि हमारे जो शासकीय संस्थान हैं, वह जो बीज बनाते हैं, कई बार वह भी उच्च गुणवत्ता का नहीं होता। मैंने मध्य प्रदेश में देखा है कि हमारा एक फार्म और बीज विकास निगम है, उसने एक साल ऐसा बीज पैदा किया। मैं एक जिले में गया था तो मैंने देखा कि वह बीज उगा ही नहीं, उसका अंकुरण ही नहीं हो पाया। निजी कम्पनियों की भी ऐसी शिकायतें आती रहती हैं। हमको कड़ाई के साथ इन शिकायतों को दूर करने की व्यवस्था करनी चाहिए। यद्यपि कुछ कानूनी प्रावधान पहले से बने हुए हैं लेकिन इसके बावजूद भी किसान को परेशान होना पड़ता है, वर्षों तक मुकदमें चलते रहते हैं, उसके बाद भी जो उसको हानि हुई है, उसको उसका पैसा मिलेगा या नहीं, इसकी कोई सुनिश्चितता नहीं है। इसलिए इस दिशा में भी हमको सजग रहना पड़ेगा, इस दिशा में हमको प्रयास करना पड़ेगा।

यहां पर जो अधिकरण बनाया जा रहा है, मैं तो उसको उचित मानता हूँ क्योंकि बिना किसी प्रशासकीय तंत्र के काम कैसे चलेगा। अब उस अधिकरण में अधिकारी भी रखे गए हैं, लेकिन अधिकारियों के साथ साथ किसानों के प्रतिनिधि, जनजाति के और महिलाओं के प्रतिनिधि भी रखे गए हैं और यह प्रयास किया गया है कि सभी वर्गों का उसमें प्रतिनिधित्व हो जाए और उन वर्गों के हितों के लिए वे उनका प्रतिनिधित्व करके उनकी बात को वहां पर रख सकें।

मैं माननीय मंत्री जी को एक बात और कहना चाहता हूँ कि आपने किसान को ये अधिकार तो दिए हैं कि वह अपने बीज के मामले में स्वतंत्र हो जाएं, उस पर किसी प्रकार का

बंधन नहीं हो लेकिन जिस प्रकार से बीज की कठिनाइयां हमारे देश में पैदा हो रही हैं, उसको ध्यान में रखते हुए हमें उचित गुणवत्ता वाले अच्छे बीजों के उत्पादन की दिशा में और अधिक युद्धस्तर पर प्रयास करना होगा, इसलिए आवश्यक होगा कि जो व्यावसायिक दृष्टि से ब्रीडर आते हैं, वे भी आएँ, वे भी अपना काम करें लेकिन अधिक अच्छा यह होगा कि हम किसानों को और किसानों में जो स्नातक किसान हैं, बीएससी एग्रीकल्चर हैं, एम.एसी.सी एग्रीकल्चर हैं, उनको हम इस बात के लिए प्रोत्साहित करें कि वे कोआपरेटिव्स बनाकर, समूह बनाकर या व्यक्तिगत रूप से भी वहाँ पर बीज संवर्द्धन का काम प्रारम्भ करें जिससे अधिक मात्रा में बीज तैयार हो सकें और किसानों को आवश्यकता पड़ने पर बीज की कठिनाई उत्पन्न न होने पाए। माननीय मंत्री जी, मैं दो बातें और कह कर अपनी बात समाप्त करूँगा। जैसे कि मैंने कुछ वस्तुओं का उल्लेख किया है, हमारी संपदा इतनी समृद्ध है कि यदि उसका समुचित रूप से दोहन कर लिया जाए तो हम फिर से कृषि के क्षेत्र में विश्व में नेता बन सकते हैं और अन्य क्षेत्रों में भी नेता बन सकते हैं। इस दृष्टि से भी हमें इस ओर ध्यान देना चाहिए। कानून पास कर देने से एक आवश्यकता पूरी होती है लेकिन उसको क्रियान्वित करते हुए बिल्कुल निचले स्तर तक उसे पहुँचाना चाहिए ताकि प्रत्येक किसान को, प्रत्येक वनवासी को जानकारी मिल जाए कि मेरे पास जो विशेष उपलब्धि है, उस उपलब्धि का किस प्रकार संवर्धन करके समाज के हित में उसका उपयोग किया जा सकता है। इस दिशा में प्रयास होना चाहिए।

उपसभाध्यक्ष महोदय, अंत में मैं आपके माध्यम से मंत्री जी को अपना एक अनुभव सुनाना चाहता हूँ। यद्यपि इनके विभाग से इसका संबंध नहीं है लेकिन हमारे यहां जो प्रशासकीय प्रणाली बन गई है, यह निश्चित रूप से उसकी ओर इशारा करता है। महोदय, एक गांव में एक व्यक्ति रहता था, उसके यहां एक साधू आए थे, उन्होंने उसको एक योग दिया था एक नुसखा दिया था जिसमें पांच जड़ी बूटियां थीं जो गांव में पैदा होती हैं। उन्होंने बताया था कि अगर इन जड़ी बूटियों का योग बनाकर महिलाओं को उनके मासिक धर्म के पहले तीन दिनों में दिया जाए तो परिवार नियोजन हो सकता है। इस आधार पर उस व्यक्ति ने यह योग बनाकर कुछ महिलाओं को दिया और उसे सफलता मिली। उसने इस बारे में सरकार को सूचना दी और नाम वगैरह भी सरकार को भेजे। कहीं किसी फार्मस्यूटिकल कंपनी को पता लग गया कि इनके पास ऐसा फारमूला है। उस कंपनी के लोग उस व्यक्ति के पास पहुंचे और उससे कहा कि हम इसके लिए इतने रुपए देने को तैयार हैं, तुम हमें यह फारमूला दे दो, हम इसके आधार पर दवाई बनाएंगे और बचेंगे और इसे पेटेंट करा लेंगे। उस व्यक्ति ने यह जवाब दिया कि जिस साधू ने मुझे यह फारमूला दिया था, उन्होंने मुझे से सौगंध ले ली थी कि न मैं इसका पैसा लूंगा और न इसे बेचूंगा, इसलिए मैं इसको बेचना नहीं चाहता। इस आधार पर उसने मध्य प्रदेश शासन को लिखा। मध्य प्रदेश सरकार ने कहा कि यह तो केन्द्र का मामला है। उसने केन्द्र सरकार को लिखा। यहां जब उसका पत्र आया तो यहां से उसको जवाब भेजा गया कि आपने जो 5 वन औषधियां बताई हैं, आप उनके संस्कृत और लैटिन नाम हमको भिजवाइए। यानी सरकार से यह काम भी नहीं हुआ कि वह उनके संस्कृत और लैटिन नाम तलाश करवाती। उस व्यक्ति ने कई जगह जाकर, वैद्यों से मिलकर, पुराने लोगों को ढूँढकर उन दवाइयों के संस्कृत और लैटिन नाम मालूम किए और सरकार को भिजवाए। उसके बाद उसको कोई जवाब नहीं मिला। जब वह यहां आया यह पूछने कि क्या हुआ तो उन्होंने कहा कि हमने इसको पंजाब भेजा है, वहां हम इस पर प्रयोग करने वाले हैं, जब इसमें सफलता मिल जाएगी तो हम आपको बताएंगे और आगे की कार्यवाही करेंगे। किन्तु बाद में आज तक उसे कोई सूचना प्राप्त नहीं हुई। माला

6.00 P.M

महोदय, मैं मंत्री जी को यह उदाहरण इसलिए सुना रहा हूँ कि भविष्य में इस प्रकार की नौबत न आए। इस प्रकार के जो मामले हैं, जिनमें हम अपने देश की उत्तम और श्रेष्ठ दवाइयों का अधिक से अधिक सदुपयोग कर सकते हैं, उस ओर हमें ध्यान देना चाहिए। आज हम अपनी जनसंख्या वृद्धि को देखकर बहुत चिंतित हैं। ऐसे समय अगर कोई हमें इस प्रकार की जानकारी देता है तो उसका सदुपयोग करना चाहिए।

मुझे उम्मीद है कि इस कानून के बन जाने के बाद उनको जो अधिकार मिले हैं, उनका उपयोग करते हुए वे स्वयं अनुसंधान का काम करते रहेंगे। मैं सरकार से निवेदन करना चाहता हूँ कि उसे इस बात की ओर भी ध्यान देना चाहिए कि अगर कोई नया प्रयोग सामने आता है तो वह उस पर अनुसंधान करके जनता को लाभान्वित कराने की दिशा में प्रयास करे। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और माननीय मंत्री जी को इस बिल को प्रस्तुत करने के लिए हार्दिक बधाई देता हूँ। धन्यवाद।

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI O. RAJAGOPAL): Sir, I have to make a submission. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): First, let me hear the Minister.

SHRI O. RAJAGOPAL: Sir, I have to make a small submission. Today, the Minister of Health has given notice for making a statement regarding the AIIMS hospital strike. I request that he may be permitted to make a statement today. We will have a small break; and then we can continue this discussion.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) : Let me take the sense of the House.

DR. BIPLAB DASGUPTA (West Bengal) : Sir, it is all right. Let the Minister make the statement. We are agreeing to listen to the Minister fully. But the point is, whether we can continue this discussion which is going on Plant Varieties Bill in this situation or not. There is a feeling that we should take it up tomorrow, and some other things can be discussed today. I think, we can postpone it for tomorrow. It cannot be discussed in this House in this situation.

SHRI MANOJ BHATTACHARYA (West Bengal): Sir, this is an exceptional Bill. Let us not confuse it with the other things. Once we give in for a hurried passage to this Bill, we shall be committing a blunder to ourselves and we shall be betraying the confidence of the vast majority of

the population of this country. So, my submission to you is, kindly do not give way to this Bill in such a House.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Mr. Bhattacharya, the difficulty is, when the discussion on the Bill was started, I had made a statement from the Chair that we have to conclude the discussion today. The House agreed to that. But, subsequently, if the Members feel like this, then I would ask the opinion of the Government, because we have taken the sense of the House already. I mean to say, in this case, we have to take the sense of the House again. But let me hear the Minister also. ... *interruptions*...

SHRI MANOJ BHATTACHARYA: But, Sir, after hearing Dr. Kidwai and Shri Joshi," the situation has changed. They pointed out how a serious situation is going to be precipitated following the passage of this Bill. After we have heard them, we have understood this thing. ...*(Interruptions)*...So, Sir, it is my submission. ...*(Interruptions)*...

SHRI O. RAJAGOPAL : Sir, the hon. Minister wants to say something. ...*(Interruptions)*...

SHRI SURESH A. KESWANI (Maharashtra) : Sir, I would like to make a small observation. This House must know that this very issue is pending before the Joint Committee on Patents.. Sir, recently, I was invited to the United States by the Congressman Mr. Denis Kushnich who was introducing a Food Security Bill in the US Congress. He had invited me to listen to the views of the Committee as to how do we react to the fact that genetic modification is taking place and the plant varieties and seeds are being affected in a manner, which are having devastating affects on agriculture, land, soil quality and on a number of other areas. This is a matter which is of very serious consequence in all developing countries. Some multi-nationals, who are -- I do not want to name them. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Mr. Keswani, I think you are going into the substance of the Bill, which at this instance you cannot do.

SHRI SURESH A. KESWANI: What I want to say, Mr. Vice-Chairman, Sir, is that our Dr. Vandana Siva is going round the United States on this very issue.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Mr. Keswani, I would like to point out that what you are making are substantial points which you cannot make under the Rules of Business at this point of time. When you speak on the Bill, you can make all those points. But what I am saying is ...*(Interruptions)*... I am on procedure. I am on procedure. We have already taken the sense of the House. Then, subsequently, some hon. Members have a feeling that it is not to be concluded today. I do not know what could be done. As Mr. Bhattacharya ...*(Interruptions)*...

SHRI K. RAHMAN KHAN (Karnataka) : Sir, you have already taken the sense of the House. It cannot go on changing every time. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): That is why I am just taking the opinion of the Government.

SHRI K. RAHMAN KHAN: That is correct.

SHRI SURESH A. KESWANI: Sir, all we want is that let us have this debate tomorrow. That is all.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): But the point that you are making does not make out that point.

SHRI O. RAJAGOPAL : Sir, the hon. Minister wants to make a submission regarding this particular Bill.

THE MINISTER OF AGRICULTURE (SHRI AJIT SINGH) : Sir, a point has been made that we need to discuss it more; that we need more time; that Members are not here. Sir, this Bill was first introduced last week. But some Members came and said, 'there are not enough Members today; let us postpone it till the next week.'

So, it was postponed to today. Now, again the same point is being made that Members are not there. What guarantee is there that Members would be there tomorrow or day after? This is the first thing. Enough time has been given if people were interested, if people wanted to speak on it,

Secondly, this Bill was introduced in 1999. A Joint Parliamentary Committee was constituted, which took about 8 months to visit about 15 States. 132 memoranda were submitted to it. If any hon. Member or any organisation wanted to submit a memorandum on this Bill, they had all the time. This Bill incorporates, in fact, I will say most of the suggestions made by the JPC. So, I don't understand this attempt being made now not to pass the Bill. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Mr. Minister, you are complicating the matters. ...(Interruptions)... I think, some simple points have been made by the Members. There is no reason to get worked upon that. ...(Interruptions)... I think, we are not allowing a debate on this. ...(Interruptions)... We are not going to have a debate on this. The Minister has very clearly pointed out the reason why we are discussing the Bill today. Now, on that, I want a substantial procedural reason to postpone this Bill. On the content of the Bill and otherwise, we cannot postpone. If you have any procedural point as to why we should postpone, we can postpone it. But I think the Minister's remark that somebody is attempting not to pass the Bill was overstepping. It will only complicate the matters. ...(Interruptions)...

SHRI SURESH A. KESWANI: Mr. Vice-Chairman, Sir, in spite of the fact that the Joint Parliamentary Committee has considered this, in spite of some objections which were placed -- a dissent note which was there; I am not referring to that -- I am only referring to this very limited point that in the wisdom of this House, it was decided to give over this matter once again to the Joint Committee on Patents. This issue is before us. We are also debating it. The Joint Committee on Patents is considering this very issue.

डा. महेश चन्द्र शर्मा (राजस्थान): सर, टाइम वैसे ही कम है। ... (व्यवधान)...

उपसभाध्यक्ष (श्री नीलोत्पल बसु): आप बीच में मत बोलिए।

SHRI O. RAJAGOPAL : No. We will continue with this Bill. ... (Interruptions)...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Please, please, please, let him complete. Then, I will allow Mr. Sharma.

SHRI SURESH A. KESWANI: Mr. T.N. Chaturvedi is the Chairman of the Committee. We have recorded evidences from a number of witnesses on this very issue. That Committee is yet to submit its report. I would urge the Government to wait for that Committee's report before we pass this Bill in a hurry because we are dealing with the issues which can affect the lives of millions of farmers of this country. This is my submission.

SHRI LALITBHAI MEHTA (Gujarat) : Mr. Vice-Chairman, I was also a Member of that Committee. The very point that Mr. Keswani is making was discussed thoroughly. The Committee was of the opinion that we need not wait for the decision that is going to be taken by the Joint Committee on Patents. The Lok Sabha had already passed this Bill. This Bill has come to us for passing. So, we should take it up today itself. ...(*Interruptions*)...

SHRI SURESH A. KESWANI: I would like to say only one thing. ...(*Interruptions*)... The Joint Committee on Patents was constituted after the Lok Sabha had passed the Bill. Rajya Sabha did not pass it. That is how we had to set up the Joint Committee on Patents. This Joint Committee is examining this very issue. It is affecting the lives of millions of farmers. I think, the wisdom demands that we wait for their report. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): There is no point in repeating it. If you have any new point to make, I will allow you.

SHRI N.R. DASARI (Andhra Pradesh) : Mr. Vice-Chairman, Sir, the Joint Parliamentary Committee has elaborately discussed it. Its report, including dissenting notes have been circulated among the Members. I am also one of the dissenters. I want to make it clear that there is no need to refer the Bill once again to the Joint Parliamentary Committee. We should clinch the issue either this way or that way. We have already taken a long time in passing this Bill. If necessary, if the Minister feels and if you permit him, we can continue the discussion on this Bill tomorrow. But there is no question of postponing it further. There is no question of referring it back to the Joint Parliamentary Committee.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): There is no scope of referring that to the Parliamentary Committee. But, what we are discussing here is ...(*Interruptions*)...

DR. BIPLAB DASGUPTA: Sir, I want to raise a procedural point. Now, there are three Committees on patents. This may not be known to many Members in the House. There are three Committees on patents. The Bill which we are discussing now is the Plant Varieties Bill. There is also a Committee on Patents as such. The Chairman of that Committee is Mr. Chaturvedi. The third Committee is on the Bio-diversity Bill which is being discussed by the Standing Committee on Science and Technology. The

Committee considering the Bio-diversity Bill will Take one year to complete the work. The work of the Joint Committee on Patents will take time till the end of the year, that is 3-4 months. Then there is the report of this Committee. These three Committees have overlapping jurisdictions. They all talk about the authority, they all talk about the benefit sharing. There are many things which are common among the three. Differences have to be ironed out. Now, we pass this Bill today. Tomorrow, the Bill on patents will be passed. The day-after-tomorrow, the third Bill will be passed. If there is a conflict among the three, how is that conflict going to be resolved? This question has not been discussed at any level. We have raised this point several times. But it has not been discussed so far at any level. So, I want this thing to be discussed. Tomorrow, with more Members present here, there can be a more meaningful discussion of that.

SHRI B.P. SINGHAL (Uttar Pradesh) : Sir, I do not want to go into the validity or invalidity of the arguments advanced. But this is no stage for questioning the passage of this Bill. I think we should get on. We are wasting time.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): My considered opinion is this. The point raised by Dr. Biplab Dasgupta is very relevant. The three Bills are inter-related. But, at the same time, they are three separate Bills. Now, two Select Committees have not yet completed their work and their reports could not come before the House till now. This Committee has completed the work and the report has come before the House. On the basis of that, the Business Advisory Committee has discussed and decided that we will have the discussion, I cannot deny the fact pointed out by the Minister that actually this was slated for last week and because of the inconvenience of a number of hon. Members, we got it shifted. Now, what advantage do we get by again postponing it from today to tomorrow? What is the advantage? ...*(Interruptions)*... You have to explain to me. You have to explain the logic. Already, in the beginning of the discussion itself, we have taken the sense of the House. ...*(Interruptions)*... If you cite the reason why we should postpone it, then, definitely, I can take the sense of the House. I have no problem.

SHRI PRAMOD MAHAJAN (Maharashtra) : Sir, may I say this? By postponing this Bill from today to tomorrow, the heavens will not fall. But, I will tell you what the problem will be. You have asked for a calling-attention

discussion tomorrow; you have asked for a short duration discussion tomorrow. You have to sacrifice something. After all, the number of hours of the day will be the same. Sir, if you recall, we had decided to conclude the business yesterday, including the reply. But the reply was asked to be postponed. And we did it yesterday. Now, today, I do not say we have 'lost', but we have consumed two hours' time for yesterday's business. If you do the same thing today, what will happen? At the end of the Session, the Supplementary Demands on the Manipur Budget will be passed by the Rajya Sabha almost without discussion because we will not be left with time. So, my request would be, we must discuss different things. The Supplementary Demands should also be discussed by this House. I will not lose anything if the Supplementary Demands are not discussed here because they will be automatically passed. But, as a Member of the Rajya Sabha, I would like the Rajya Sabha to discuss it. We have time only up to Thursday. We have to discuss this Bill, we have to discuss the Ordinance Bill in regard to the Indian Council of World Affairs, we have to discuss the Salaries Bill, we have to discuss the Manipur Budget, we have to discuss the Supplementary Demands for Grants. ...*(Interruption)*... We have one more discussion, discussion asked for tomorrow, on rural employment and roads. We have to discuss that also.

If you postpone today's discussion, then you are postponing something of tomorrow's, and, by the end of the day, the casualty will be the Supplementary Demands for Grants, the Manipur Budget, which is a financial business, which should not be the casualty; that is my request.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): And with all due deference to all the hon. Members in the House, I don't think, so far as the attendance is concerned, by postponing it there will be a great increment in the number of the Members.

SHRI PRAMOD MAHAJAN: Sir, I am grateful to the House that at 6.15 such a large attendance is there. Many Bills were passed in this House at this time when even 10 per cent of the Members who are present now, were not present. I am very happy about the number of Members present now. ...*interruptions*...

SHRI A. VIJAYA RAGHAVAN (Kerala) : Sir, our request is to postpone it today. What is wrong in it?

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) : That is okay. .../nterruptions)...

SHRI RAJU PARMAR (Gujarat) : Sir, we are wasting the time of the House.

SHRI K. RAHMAN KHAN: Sir, no useful purpose will be served by postponing it at the cost of other things.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) : I agree. I think we should have a proper discussion now itself since there is interest and so many Members are there. Therefore, we should conclude the discussion today. I just want to have the sense of the House as to whether the hon. Minister of Health can now make a statement on the situation in the All India Institute of Medical Sciences, and you can seek clarifications subsequently.

SHRI RAJU PARMAR: Sir, clarifications can be sought tomorrow. .../nterruptions)...

SHRI MANOJ BHATTACHARYA: Sir, I would like to know from the hon. Minister, if we do not pass this Bill in this session itself, what will we lose? Let us understand from the Minister, if it is postponed to the winter Session for a thorough discussion, what we will lose.

SHRI PRAMOD MAHAJAN: Sir, this can be asked about any Bill. We do not lose anything if you want to defer it.

SHRI MANOJ BHATTACHARYA: Mr. Mahajan, let me finish. .../nterruptions).... I have already stated, Sir; I am submitting before you .../nterruptions).... Mr. Mahajan, let me submit before the Chair; please don't interfere.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): You are not being able to give me any concrete procedural logic as to why we should postpone this; I mean that is what is required. .../nterruptions).... At any point of time you can't just get up and say that you don't want to discuss this! ... /nterruptions)...

SHRI RAJU PARMAR: Since all the parties in the Business Advisory Committee have agreed to it, why can't we take it up today? In the Business Advisory Committee it was discussed, and it was decided there. .../nterruptions)...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) : Because of that I announced that if you had any objection, at that point of time you could have pointed out, "No, we are not going to discuss it today." I think, Mr. Minister, you, please, make the statement, and then we will carry on with the discussion. .../Interruptions)... That is what I am suggesting. .../Interruptions)... Just a minute. If you want to seek the clarifications first, I have no problem. But, then, we will have to sit late in the evening to discuss and conclude this Bill.

SHRI K. RAHMAN KHAN: Sir, clarifications can be sought tomorrow.... /Interruptions)...

SHRI PRAMOD MAHAJAN : Sir, if they want to seek clarifications now, then my Minister will make a statement before the House rises.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): No, no; you don't understand this. What we have discussed and decided is that he can make the statement now and, subsequently, tomorrow or a day after tomorrow, whenever it is convenient to the House, he can give a reply.

STATEMENT BY MINISTER

Situation in the All India Institute of Medical Sciences. New Delhi

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. C.P. THAKUR): Sir, the health care services in the All India Institute of Medical Sciences were affected since 22nd August, 2001 due to an agitation by the Resident Doctors' Association and the Karamchari Union of the Institute, following an incident in which some employees of the Union and Resident Doctors were involved. The OPD services and casualty had been affected during the period between 22nd and 27th August, 2001. However, the indoor patients were looked after by the faculty. The Institute had also prepared a contingency plan to ensure maintenance of essential services and support system for patient care, and all vital installations were guarded.

A Committee under the Chairmanship of Dr. H.K. Tiwari inquired into the incident which occurred on the 22nd August, 2001. On submission of the inquiry report, AIIMS issued suspension orders in respect of five employees. Also, the services of eight temporary-status employees were terminated for their misconduct during the period of agitation.