

मानव त्रासदी की गम्भीरता को देखते हुए मैंने निर्णय लिया है कि प्रत्येक मृतक के निकट संबंधी को पांच लाख रुपए, गम्भीर रूप से घायल यात्री को पचास हजार रुपए और साधारण रूप से घायल यात्री को दस हजार रुपए की अनुग्रह राशि का भुगतान किया जाएगा। उक्त अनुग्रह राशि के अलावा मृतकों के आश्रितों एवं घायलों को रेल दावा प्राधिकरण द्वारा निर्धारित चार लाख रुपए तक की राशि का मुआवजा भी अलग से देय होगा। इसके अतिरिक्त प्रत्येक मृतक के परिवार के एक आश्रित सदस्य को रेलवे में नौकरी भी दी जाएगी।

इस दुर्घटना के कारणों की जांच की जा रही है। रेल संरक्षा आयुक्त द्वारा भी इस दुर्घटना की वैधानिक जांच की जाएगी। सभी महाप्रबंधकों को इस प्रकार की दुर्घटना की पुनरावृत्ति रोकने के लिए आवश्यक कदम उठाते हुए पर्याप्त सावधानियां बरतने के आदेश दिए गए हैं।

SHRI S.S. AHLUWALIA (Jharkhand): Sir, there is a convention in the House that whenever a Minister makes a Statement, there is an opportunity to seek supplementaries. But, now, we are, I suppose, going to take up the next business. So, I would like to request that a specific time should be given for seeking clarifications on this issue.

श्री उपसभापति : जब रेलवे बजट पर डिस्कशन होगी, उस वक्त ही क्लैरिफिकेशंस दे देंगे।

श्री लालू प्रसाद : जांच रिपोर्ट तब तक आ जाएगी तो ठीक है, नहीं तो जो घटना घटित हुई है, उस पर जांच रिपोर्ट की कॉपी बाद में रख देंगे।

श्री एस.एस.अहलुवालिया : वह तो बाद की बात है, लेकिन घटनाएं घटित क्यों होती हैं।... (व्यवधान)...

श्री लालू प्रसाद : अब बीच में कैसे कर दें?

The Agricultural and Processed Food Products Export Development Authority (Amendment) Bill, 2008 (Contd.)

श्री एस.एस. अहलुवालिया (झारखंड) : महोदय, मैं The Agricultural and Processed Food Products Export Development Authority (Amendment) Bill 2008 पर बोलने के लिए खड़ा हुआ हूँ। महोदय, हमने गैट का रिजिम देखा। गैट के साथ-साथ फर्स्ट वर्ल्ड वार और सेकेंड वर्ल्ड वार होने के बाद जब वर्ल्ड के लीडर्स ने कुछ फैसले किए, भविष्य की दुनिया में देशों के साथ कैसे संबंध होने चाहिए और क्या होना चाहिए, इन सारी चीजों पर विचार-विमर्श हुआ तो गैट बनाया गया। उसी पर तरह-तरह के प्रावधान बनाए गए, तरह-तरह के कानून बने, तरह-तरह के विधेयक बने और एक इंटरनेशनल कंपैटेबिलिटी को लेते हुए, इंटरनेशनल लैवल पर एक ही तरह के कानून कैसे बन सकें और कैसे एक दूसरे के सहायक सिद्ध हो सकें, उसको ध्यान में रखते हुए इसे बनाया गया था। लेकिन शुरू में बनते वक्त भी उसमें अड़चनें आयीं और बनने के बाद उसमें अड़चनें और बढ़ गयीं।

हमारे सामने आज जो मुद्दा है, वह मुद्दा है कि एपिडा के अमेंडमेंट के माध्यम से हम geo-indications या ज्योग्राफिकल इंडीकेशंस में बासमती को लाने का प्रावधान करना चाहते हैं, क्योंकि हमने देखा है कि यह भारत देश जो हल्दी चन्दन का देश है, जहां नीम के तले हमारे विद्वान पंचायतों में बैठते हैं, बरगद के नीचे पंचायतों के फैसले होते हैं, जहां पीपल की पूजा होती है और जहां तुलसी को रोज आराध्य मानकर जल चढ़ाया जाता है, उस देश में जो यहां की bio-diversity heritage है उसको जब प्रोटेक्ट करने की बात आई तो हम फेल हो गए। हमने देखा जब यह न्यू वर्ल्ड ऑर्डर आया, जब पेटेंट का जमाना आया तो मैंने इसी सदन में यह बात उठाई थी, उस टाइम के तत्वाधान में पी०वी० नरसिंह राव जी मंत्री थे और वे मीटिंग में जा रहे थे, और वहां मैंने यह बात उठाई कि आप वहां जाकर यह सवाल उठाएं कि “जीरो” की रायल्टी हिन्दुस्तान को मिलनी चाहिए, क्योंकि axis of Earth बताने वाला आर्यभट्ट है। लेकिन उस आर्यभट्ट की भाषा को हम दुनिया

में प्रसारित नहीं कर सके इसीलिए फेल हो गए। आज अगर हम “जीरो” को पेटेंट कराने में समर्थ हो जाते, जिसमें हम उसके सारे डोक्यूमेंट, डिजाइन सब कुछ उपस्थित करते और वर्ल्ड में हम उसको स्थापित कर देते कि “जीरो” का जो कंसेप्ट है वह पेटेंटेड है और भारत का है, तो दुनिया में किसी भी कोने में “जीरो” का प्रयोग जहां होता उसकी रायल्टी भारत को मिलती। परन्तु हम चूक गए, जिसका कारण है कि हमारे जो सारे शास्त्र थे, पांडुलिपियां थीं, जब हमलवार भारत आए थे तो वे उनको लेकर चले गए या इनको बरबाद कर दिया। आज जिस तरह से... (व्यवधान)... सर, मंत्री महोदय को जरा शांत करने की कोशिश करेंगे, पार्लियामेंटरी एफ़्पेर्स मिनिस्टर हैं, सदन में चर्चा चल रही है।

श्री उपसभापति : नारायणसामी जी, वे कुछ बोल रहे हैं।

श्री राजनीति प्रसाद : जीरो का पेटेंट कैसे होता है?

श्री एस0एस0 अहलुवालिया : Axis of Earth का, एलजेबरा के थर्डिन फॉर्मूला का, राजनीति प्रसाद जी, आप बिहार के हैं।

श्री राजनीति प्रसाद : नम्बर का कहीं होता है?

श्री एस0एस0 अहलुवालिया : होता है, इंटेलेक्चुअल प्रोपर्टीज ऐक्ट में “जीरो” का कंसेप्ट लाने वाले आर्यभट्ट हैं। आप पटना के रहने वाले हैं और पटना के बगल में ही खगोल है और भारत के खगोल शास्त्री लोग सारे विश्व में माने जाते थे और आप कह रहे हैं कि इसका पेटेंट कैसे हो सकता था। थर्डिथ फॉर्मूला ऑफ एलजेबरा, एलजेबरा के जो सारे क्वेश्चन सारी दुनिया में आज किए जाते हैं और जिस एलजेबरा के माध्यम से, जिस इक्वेशंस से, हम सुपर कम्प्यूटर बनाते हैं, वह लीलावती की किताब कहां है, हमने पेटेंट नहीं की, इसका मतलब है कि हमारे पास उपलब्ध नहीं है। आर्यभट्ट का जो टोटल मेटामेटिक्स है वह कहां है? वह आज हमारे पास उपलब्ध नहीं है, जिसका कारण है कि संस्कृत का प्रकांड पंडित जर्मनी में पाया जाता है और अगर हमारे देश में संस्कृत पढ़ाने की बात की जाए तो बहिष्कार हो जाता है। तो यह सब कुछ सोचने की जरूरत है। जहां पर सरस्वती वन्दना होती हो, वहां बहिष्कार हो जाता है। तो इन सारी चीजों में हमने अपनी दकियानूसी के कारण, हमने अपने एक दूसरे के विरोध के कारण अपनी संस्कृति को, अपनी सभ्यता को और अपनी bio-diversity heritage को समाप्त किया। महोदय, यही कारण है कि हमने 90 के दशक में देखा कि वर्ल्ड में पेटेंट की लड़ाई में हम हल्दी का पेटेंट हार गए। जब हल्दी हारे तो सारे भारत में हा-हाकार हो गया, हल्दी पूजने वाला देश हल्दी के पेटेंट में हार गया। फिर हम नीम हार गए। नीम को पूजने वाला देश नीम हार गया। आज हल्दी, चन्दन के बगैर हमारे यहां कोई शुभ कार्य नहीं होता। वह हल्दी, चन्दन अगर हम भूल जाएं और उसको पेटेंट नहीं करा सके तो उसकी दोषी कौन है। अपना वक्तव्य देते हुए अभी मंत्री महोदय ने कहा कि बासमती के केस में भी जो वह कहते हैं और हम सब जानते हैं हिमालयन फुटहिल्स का प्रोजेक्ट है। किन्तु जब टेक्सॉस की कम्पनी RiceTec ने इसका पेटेंट लिया तो उसकी लड़ाई भारत सरकार ने नहीं लड़ी। उसकी लड़ाई डा0 वन्दना शिवा लड़ती रही। जब भारत सरकार की आंख खुली तब महसूस हुआ कि RiceTec की लड़ाई में टेक्सॉस की एक कम्पनी जो टेक्समति, केनमति, कासमति और किस-किस नाम पर वह बेचने लगी। जो हमारा बासमती चावल है, इसके पैदा होने का मुख्य कारण वेस्ट पंजाब या ईस्ट पंजाब है या हिमालय की तराइयों में इसकी पैदावार हो रही है। इसमें खुशबू होती है, लम्बे दाने होते हैं। जियो मोडिफाई सीड्स के माध्यम से टेक्सॉस की कम्पनियों ने इसमें सुधार लाकर लम्बे दानों के चावल तो बना दिए, लेकिन जब वे उसमें नेचुरल खुशबू नहीं दे सके, तो उन्होंने उसमें आर्टिफिसियल खुशबू दे दी। जब धान के छिलको को अलग निकाला जाता है, तब उसको आर्टिफिसियल खुशबू देकर उसको टेक्समती, कासमती और केनमती के नाम से बेचा जाना शुरू किया गया। इसकी लड़ाई वन्दना शिवा जी ने लड़ी और उन्होंने इसको तीन हिस्सों में बांटा। जब वह 90 के दशक में इसके लिए लड़ाई लड़ रही थी। उन्होंने कहा, Moreover, she claims the “theft involved in the Basmati patent is, therefore, threefold: a theft of collective intellectual and

biodiversity heritage on Indian farmers, a theft from Indian traders and exporters whose markets are being stolen by RiceTec Inc., and finally a deception of consumers since RiceTec is using a stolen name Basmati for rice which are derived from Indian rice but not grown in India, and hence are not the same quality.” महोदय, यह जो बायो डायवर्सिटी की पायरेसी हो रही है, इसको रोकने के लिए बार-बार सवाल उठे। 90 के दशक में गांव-गांव में आंदोलन चलने लगा, नीम का आंदोलन चलने लगा। हमारे बासमती चावल के लिए गांव-गांव में आंदोलन चला, गांव-गांव में हल्दी के लिए आंदोलन चला। भारतीय कृषि अनुसंधान परिषद ने जियोग्राफिकल इंडिकेशन्स की स्कीम शुरू की और उसके रजिस्ट्रेशन के लिए...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Hon. Members, the debate is going on. If you want to talk, you can go to the lobby, but don't talk in the House.

श्री एस.एस. अहलुवालिया : महोदय, जब जियोग्राफिकल इंडिकेशन्स की बात कही गई, तो उस वक्त इसके रजिस्ट्रेशन का कार्य भारतीय कृषि अनुसंधान परिषद और APEDA को दिया गया। मंत्री महोदय ने अपने इनिशियल रिमार्क में कहा कि लाहौर की एक संस्था बासमती ग्राउंडर्स एसोसिएशन ने ट्रेड मार्क ले लिया है। अगर उन्होंने ले लिया है, तो आप क्या कर रहे थे? आपने क्यों नहीं लिया? आपने क्यों नहीं इसके बारे में सोचा? आपको जो करना चाहिए था, उसमें आप चूक गए। आपने खुद कहा कि बासमती के केस में हमारे APEDA का केस कुछ कमजोर है। मैं जानना चाहता हूँ कि कमजोर होने के पीछे कारण क्या है? हमारा देश ऋषि-मुनियों का देश है, हमारा देश जड़ी-बूटियों का देश है। जहां पर अंग्रेजी दवाएं आने के पहले जड़ी-बूटियों की, हर्बल मेडिसिन का ही भंडार था। लोग कहते हैं कि हिमालय की बूटियां सारे विश्व में पाई जाती हैं और एक से एक गंभीर बीमारी का इलाज उसके माध्यम से होता है।

हम रामायण में उल्लेख पाते हैं कि संजीवनी बूटी को लाने के लिए पवन पुत्र हनुमान पूरा एक पहाड़ ही उठाकर ले गए, जो पहाड़ आज श्रीलंका में उपस्थित है। श्रीलंका सरकार उस पर अनुसंधान करके अपनी वेब साइट पर दिखा रही है कि वह जो पहाड़ है, वह जो इलाका है, वह एक आइलैंड की तरह अलग पड़ा हुआ है। वहां की मिट्टी अलग है, वहां के पौधे अलग हैं, वहां के फल-फूल अलग हैं। यह बताने की जरूरत है कि बायो-डायवर्सिटी जो इंडियन हैरिटेज था, उसका जो यूज होना चाहिए था, वह नहीं हुआ। जैसे-जैसे हमारे यहां हमलावर आए, उन्होंने हम पर राज किया और इस प्रभाव को कम किया। हमारी जो सम्पदा थी, उसको समाप्त किया। आज आप भारतीय सम्पदा की किताब खोजिए, भारतीय सम्पदा की कोई एक इनसाइक्लोपीडिया खोजिए, मैं समझता हूँ कि वह आपको उपलब्ध नहीं होगी। मैंने 1978 में भारतीय सम्पदा पर, वैल्यू ऑफ इंडिया पर एक पूरी किताब सीएसआईआर की देखी थी। जब सीएसआईआर अपनी गोल्डन जुबली मना रहा था, तब उन्होंने प्रकाशित की थी। महोदय, उस सीएसआईआर की वैल्यू ऑफ इंडिया की प्रोड्यूस के बाद में आज हमारे पास कोई भी ऐसी किताब या पुस्तक उपलब्ध नहीं है कि हमारे किस इलाके में, क्या चीज उपलब्ध है।

जबकि हम Satellite में माहिर हो गए हैं और हमने Chandrayaan भेज दिया। हमारे कई Satellite आकाश मंडल में घूम रहे हैं। हम satellite के माध्यम से पता लगा लेते हैं कि कहां तेल है, कहां पानी है, कहां पत्थर है, कहां Granite है और कहां गैस है, तो हम यह पता नहीं लगा सकते कि वहां की सॉयल कैसी है और वहां पर क्या उपजाया जा सकता है, सब कुछ पता लगता है। हम पहले ये चीजें बाहर से लेते थे, आज यहां से लेते हैं। महोदय, हमारे देश की भूमि पर जो कुछ उपजता है, वह ज्यादा उपजता है। हमारा समुद्र में स्थान है, करीब 1 लाख 50 हजार Nautical Miles का एरिया, जो Exclusive Economic Zone के बारे में जाना जाता है। हमने oceanography के थ्रू उसका काफी डिटेल लिया, किन्तु समुद्र मंथन और समुद्र कन्या के रूप में हम लोगों ने जिन जहाजों को किराए पर लिया, उनके डाटा का जो decodification होता था, वह जर्मनी से आता था। हम वैसे skilled लोग पैदा नहीं कर सके और जिसकी वजह से हम अपने देश की सम्पदा की रक्षा नहीं कर

सके। यह परिलक्षित आज होता है, जब हमारे सामने यह बिल आता है कि हम अपनी intellectual properties को किस तरह से बचाएं। महोदय, मैं देख रहा था कि मंत्री महोदय ने Geographical Indications के बारे में बात कही है कि इस बिल के प्रावधान से ये अधिकार मिलेंगे कि हम Geographical Indications में क्या-क्या रजिस्टर्ड कर सकेंगे। जब मैं लंच टाइम में खाना खाने गया तो, मैंने कम्प्यूटर में Geographical Indications के बारे में Frequently Asked Questions डाला तो मुझे कम्प्यूटर से जो रिपोर्ट मिली, उसे देखकर मुझे बड़ा शॉक लगा। यह वैबसाइट भारतीय कृषि अनुसंधान परिषद् की है। इसमें Examples of possible Indian Geographical Indications के नाम लिखे हुए हैं। आपको यह सुनकर आश्चर्य होगा कि उन नामों में Basmati Rice लिखा है, यह बहुत महत्वपूर्ण है, Darjeeling tea, महत्वपूर्ण है, Kanchipuram Silk Saree, सिर्फ जहां पर साड़ी पहनी जाती है, वहीं पर पहनी जाती है। Alphonso Mango, यह महाराष्ट्र का उत्पाद है, किन्तु हमारे उत्तर प्रदेश, बिहार और बंगाल के Mango growers यह जानकर बड़े दुखी हो गए हैं कि उनका दशहरी आम, लंगड़ा आम और चौसा आम तथा और जो उनके विभिन्न आम हैं, उनके बारे में कुछ नहीं है। फिर नागपुर का ऑरेंज है, जब नागपुर के ऑरेंज के बारे में सुनें तो जो हमारे Darjeeling के ऑरेंज हैं, हमारे चेरापूंजी के ऑरेंज हैं, चेरापूंजी में सबसे ज्यादा वृष्टि होती है, वहां का ऑरेंज इतना छोटा और इतना मीठा होता है कि नागपुर का ऑरेंज उसका कम्पेरिजन कर ही नहीं सकता, किन्तु उसका कहीं उल्लेख नहीं है। फिर कोल्हापुरी चप्पल है, कोल्हापुरी चप्पल को ला रहे हैं, किन्तु हम कहते हैं कि कोल्हापुरी artisan की चप्पल की मर्यादा, उसकी इज्जत बचनी चाहिए और उसको सुरक्षित रखना चाहिए। किन्तु उसके साथ-साथ बिहार की लीची कहां गई! फिर बीकानेरी भुजिया है, यह बीकानेरी भुजिया जुग-जुगांतर से चली आ रही है, पर हम उसको पेटेंट करने में ज्यादा इच्छुक हैं, क्यों? क्या इसके पीछे कोई लॉबी लगी है। जो राजस्थान के जंगली बेर हैं, क्या उनका पेटेंट नहीं हो सकता? उनकी औषधीय वैल्यू बहुत है।... (व्यवधान)...

श्री शान्तराम लक्ष्मण नायक (गोवा) : गोवा की फेनी।... (व्यवधान)...

श्री एस.एस. अहलुवालिया : मैं उस पर भी आता हूं।... (व्यवधान).... फिर सर, मथुरा के पेड़े, तिरुपति के लड्डू... (व्यवधान).... और फिर बनारस की भांग... (व्यवधान).... आगरा का पेठा। सर, यह मैं इसलिए बता रहा हूं कि मंत्री महोदय ने बड़े फख से कहा कि Geographical Indications के लिए जो यह इंडस्ट्री चेन्नै में खुली है, उसका हम GI करेंगे। किन्तु उसमें जो example के नाम से नाम उल्लिखित है, या तो आप पूरी लिस्ट सामने रखें कि क्या-क्या बनाने जा रहे हैं, क्या इन्होंने Geographical Indications के लिए हर एक राज्य को नोटिस दिया कि वहां जो उस इलाके की बॉयो-डायवर्सिटी हैरिटेज है, उसके बारे में जानने की कोशिश की? अगर की तो किन-किन राज्यों में की और उन्हें क्या-क्या मिला? अगर नहीं गए तो क्यों नहीं गए?

SHRI JAIRAM RAMESH : Sir, if the hon. Member would yield for a minute, I have got a list of all the 104 GIs that have been issued so far which I would gladly place on the Table of the House. It is available on the website.

MR. DEPUTY CHAIRMAN : You may also take note of the names he has mentioned.

SHRI JAIRAM RAMESH : It covers many of the examples that the hon. Member has mentioned; it does not cover some examples like Tirupati laddu which has also been applied for a GI. So, 104 GIs have been granted and I am willing to place them on the Table of the House. Hon. Member's fears would be allayed to a very large extent.

श्री एस.एस.अहलुवालिया : वे लड्डू के बारे में कहते हैं, आगरा का पेठा लाया जा सकता है। जिस वक्त हम अमरीका में बासमती का केस लड़ रहे थे... (व्यवधान).... शक्तिगढ़ का लेंचा, बर्दवान का मिहिदाना और सीताभोग है। शक्तिगढ़ का लेंचा वर्ल्ड फेमस है। महोदय, आजकल विनोद दुआ जी एक चैनल चलाते हैं, टाइम्स नाऊ पर भी एक प्रोग्राम चलता है, जिसमें सारे हिंदुस्तान में, जगह-जगह जाकर खाकर बता रहे हैं कि किस-किस जगह पर कौन सा अच्छा भोजन मिलता है और कब से आ रहा है। उस दिन हैदराबाद का दिखा

रहे थे कि वहां पर मुगलिया सल्तनत के टाइम से एक रेसिपी का पालन किया जा रहा है। कहीं डच, कहीं फ्रेंच, कहीं इंग्लिश, कहीं पुर्तगीज का दिखाते हैं। गोवा में पुर्तगीज डोमिनेंस के टाइम में जो कुछ हुआ और जैसा खाना चला, वह भी दिखाते हैं। जैसे कि पुर्तगाल काजू लेकर आया। काजू आया तो उससे फेनी बनने लगी। जब हम बासमती का केस लड़ रहे थे, उस वक्त हमने कहा था कि बासमती हिंदुस्तान और पाकिस्तान के लिए उतना ही इम्पोर्टेंट है, जितना कि शैम्पेन के लिए माना जाता है कि यह फ्रांस की ड्रिंक है। स्कॉच को स्कॉटलैण्ड की ड्रिंक माना जाता है। जैसाकि अमरीकन वाइन को शैम्पेन नहीं कह सकते या अमरीका में पैदा हुई स्कॉच व्हिस्की को स्कॉटलैण्ड की स्कॉच नहीं कह सकते, वैसे ही हमारे यहां पर जो बासमती है, हम उसे टेक्सास का बासमती या दूसरे देश का बासमती नहीं मान सकते। हमने यह कहकर केस जीता है, लेकिन मेरा कहना है कि इस केस के इतने वर्षों के बाद हम जागरूक हुए और हमें लगा कि हमारे विधेयकों में कमी है। कमी यह है कि जब लुट गए और लोगों ने हमारी नकल करनी शुरू की, तब हमें यह महसूस हुआ कि इसको सुरक्षित करना चाहिए। महोदय, करीब डेढ़ लाख मिलियन, 1.5 मिलियन मिट्रिक टन बासमती इंडिया एक्सपोर्ट करता है। पाकिस्तान एक छोटा सा देश है, भारत बहुत बड़ा देश है, परंतु भारत के जिस हिस्से में यह पैदा होता है, वह छोटा सा इलाका है, इसलिए 1.5 मिलियन एक्सपोर्ट करता है। पाकिस्तान 1.2 मिलियन एक्सपोर्ट करता है, क्योंकि उसका वेस्टर्न पंजाब का इलाका, जहां पर बासमती उगता है, वह बासमती का इलाका बहुत उपजाऊ और उर्वरक है। वहां धनी फार्मर्स हैं, इसीलिए वह हमारे कंपीटिशन में 1.2 मिलियन टन है और हम 1.5 मिलियन टन हैं। परंतु हमारी यह लड़ाई चलती रहती है। जैसाकि मंत्री महोदय ने कहा कि अगर पाकिस्तान के साथ हमारे ताल्लुकाल सुधरे तो हिंदुस्तान और पाकिस्तान के किसानों को सुरक्षित रखने के लिए या उनके इंटरस्ट को बचाने के लिए एक ज्वाइंट एक्शन कमेटी बननी चाहिए। वह ज्वाइंट एक्शन कमेटी हमारे इस इलाके की बायोडाइवर्सिटी की हेरिटेज को प्रोटेक्ट कर सके, उसके लिए प्रावधान होने चाहिए, उसके लिए कानून होने चाहिए, उसके लिए लोगों को एजुकेट करना चाहिए। क्योंकि अक्सर देखा गया कि भारत की सरकार के कान तब खुले जब नीम का आंदोलन गांव में चलने लगा, जब हल्दी का आंदोलन गांव में चलने लगा, तब जाकर इनकी आंखें खुलीं, तब जाकर कॉमर्स मिनिस्ट्री को समझ आया कि हमें यह केस लड़ना पड़ेगा और जीतना पड़ेगा।

उसके पहले एनजीओ लड़ते रहे। यह तो पेटेन्ट का खतरा है, किन्तु इसके साथ-साथ जो सबसे बड़ा खतरा है, वह युग-युगान्तर से हमारे यहाँ जो बीज चले आ रहे हैं, उनको बचाने की जरूरत है। आज जो genetically modified seeds आ रही हैं और genetically modified कलम करके जो नई चीजें आ रही हैं, उन चीजों से ऐसा होगा कि हमारी जो सभ्यता थी, संस्कृति थी, जो हमारे साथ पनपी थी, हमारे साथ ही चली थी, जो सिन्धु घाटी सभ्यता के समय से चली आ रही थी या रामायण, महाभारत या वेदों में जिन चीजों का उल्लेख है, वे आहिस्ता-आहिस्ता genetically modified seeds के द्वारा विलोपित होती जाएंगी। इसको रोकने के लिए हमारे पास कोई उपाय जरूर होना चाहिए। एक, जो cash crop हो, वह अलग है, जो रोजमर्रा की चीजें हैं, जिनसे किसानों को रोटी कमानी है और दूसरा, जो हमारी धरोहर है, इस धरती के साथ जुड़ी हुई जो चीजें हैं, हम उनकी रक्षा कैसे कर सकें। अब बोध गया का एक वृक्ष, उस वट वृक्ष को ढूँढ़ने के बाद कितने वट वृक्ष बाँटे गए। जहाँ बुद्ध सिद्धार्थ से गौतम हो गए, जहाँ वे निर्वाण प्राप्त करने आए थे, वह वृक्ष यहाँ से श्रीलंका गया। वह धरोहर तो हिन्दुस्तान की है। न वह नेपाल में था और न श्रीलंका में था, वह था तो बोध गया में और बोध गया से सारी दुनिया में बाँटा गया और सारी दुनिया में गया। उसका origin यहाँ पर है, इसलिए उसका पेटेन्ट यहाँ होना चाहिए।

उसी तरह बरगद है, पीपल है। अगर आप राष्ट्रपति भवन के पीछे वाले रिंग पर चलेंगे, तो आपको देखने में आएगा कि जब अंग्रेज हिन्दुस्तान आए और निर्माण करने की कोशिश की, जब उन्होंने राष्ट्रपति भवन बनाया और राष्ट्रपति भवन के पीछे का गलियारा बनाया, जहाँ अंग्रेज लोग टहलते थे, तो उसके किनारे सिर्फ पीपल के दरख्त लगाए गए, क्योंकि पीपल ही एकमात्र दरख्त है, जो 24 घंटे ऑक्सीजन देता है। और कोई

पेड़ नहीं देता! वह सिर्फ ऑक्सीजन देता है। जब आप exercise करते हैं, jogging करते हैं, घूमने जाते हैं, तो आपको ऑक्सीजन की ज्यादा जरूरत होती है, कार्बन डाई-ऑक्साइड की नहीं या और विषैली गैसों की नहीं। जब आप साँस छोड़ते हैं, तो कार्बन डाई-ऑक्साइड गैस निकलती है या विषैली गैसों निकलती हैं और जब आप inhale करते हैं, तो आपको ऑक्सीजन की पूरी मात्रा चाहिए। इसलिए वहाँ पीपल के वृक्ष लगाए गए। वह पीपल कहाँ से आया! पीपल का वृक्ष सबसे ज्यादा हमारे देश में ही पाया जाता है। इसीलिए पीपल की पूजा होती है और पीपल के वृक्ष को काटने पर अपराध माना जाता है। गाँवों में उसको पाप माना जाता है। बरगद की पूजा होती है। बरगद को चींटी से, दीमक से बचाने के लिए सारे उपाय किए जाते हैं। देखिए, साधु-सन्तों और ऋषियों-महर्षियों ने बरगद को कैसे बचाया! जब कोई आदमी उनके पास जाता था कि उन्हें कोई दुख है, तकलीफ है, शोक है या अशान्ति है, तो वे कहते थे कि कोई बात नहीं, गाँव के बाहर जो बरगद है, वहाँ जाकर गुड़ डाल आओ, चीनी डाल आओ, आटा डाल आओ। इसके ऊपर बहुत से लोगों ने अनुसंधान किया कि यह गुड़, चीनी, आटा डालने के पीछे कारण क्या है, तो देखा गया कि उस गुड़, चीनी और आटा को खाने के लिए लाल चींटियाँ आती हैं या काले चींटे आते हैं। जहाँ काले चींटे या लाल चींटियाँ हों, वहाँ white ants नहीं रह सकतीं, वहाँ दीमक नहीं रह सकता। दीमक और लाल चींटियाँ-काले चींटे एक दूसरे के दुश्मन हैं। उस बरगद को बचाना है। एक पौधे को बचाने के लिए सबसे पहले हवा से, पानी से और तपिश से बचाने के लिए उसको ढक कर रखा जाता है। उसके बाद उसको जानवर न खा ले, बकरी न खा ले, गाय न खा ले, उससे बचाया जाता है। उसके बाद जब वह बड़ा हो जाता है, तो उसको लकड़हारे से बचाया जाता है कि वह उसको काट कर न ले जाए। वह उसे काट कर न ले जाए, इसलिए बरगद को काटना पाप है, यह तो कह दिया, किन्तु उसको दीमक से कौन बचाए! उसको दीमक से बचाने के लिए हमारे महात्माओं ने कह दिया कि उसकी जड़ में आटा, चीनी या गुड़ डाल आना। इस तरह से उसे बचाया गया। हमारी संस्कृति, हमारी धरोहर, biodiversity heritage को बचाने के लिए युग-युगान्तर से हमारे पूर्व पुरुषों ने कोशिश की थी। जब गणतंत्र आया, सरकारें आईं, तो सरकार को उस biodiversity heritage को protect करने के लिए जो चाहिए, हमारे पास वे कानून पूरे समर्थ होने चाहिए। यह उसी समर्थता में एक पहल है।

महोदय, जिस वक्त हम बासमती का केस हार गए थे, उस वक्त एसोचैम ने जाकर खुद file किया था कि यूएस को यह पेटेंट नहीं देना चाहिए था।

खास करके उनको यह ध्यान रखना चाहिए था कि जो International Treaty on "Trade Related Intellectual Property Rights" (TRIPS) है, इसका एक मैम्बर सदस्य जो शुरू से GATT का मैम्बर भी है, उस सदस्य के साथ में Texas का धोखा हुआ। अमरीका को इस चीज का खयाल रखना चाहिए था, लेकिन उन्होंने खयाल नहीं रखा। अंततः पिछले डेढ़-दो साल में हम यह केस जीते हैं और मैं समझता हूँ कि यह एक अच्छी पहल है। लेकिन आइन्दा पेटेंट के केस में हम अपनी भारतीय bio-diversity heritage का कोई भी product न हारें, उसके लिए हमें एक digital format बनाना चाहिए। जिस तरह से हमारी आयुर्वेदिक जड़ी-बूटियों का pharmacopeia है, उसी तरह से bio-diversity heritage का भी एक digital formation होना चाहिए। Geographical indication के रूप में आप कितने पदार्थों को लेंगे, यह मुझे नहीं मालूम, किन्तु जिस तरह से आपने 1978 में CSIR में "Wealth of India" को produce किया, उसी तरह पुनः CSIR भारतीय सम्पदा के नाम से इस चीज को लाए। उसमें natural produce तो है ही, लेकिन natural के साथ-साथ हमारी सभ्यता के साथ चली आई जो भी manufactured चीजें हैं, जिसमें design भी आता है, drawing भी आता है, creation भी आता है, construction भी आता है, produce भी आता है, इन सभी चीजों को जोड़ कर अगर हम एक digital format बनाएं और उसे world के Internet पर रखें और साथ ही उसे हम Patent Organisation को भी दें और उसे Instruction दें कि जब कभी भी कोई इन subjects को patent करने आता है, उसका पहला नोटिस हमें आना चाहिए, हम स्वयं उसका जवाब देंगे, तभी आप उसे पेटेंट कर सकते हैं। जैसे कोर्ट में caveat लगता है, उसी प्रकार आप इस तरह की restriction लगा कर रखें, तभी हम अपनी सम्पदा को बचा कर रख सकेंगे। इन्हीं शब्दों के साथ, मैं इस बिल का समर्थन करना चाहता हूँ। आपने मुझे बोलने के लिए समय दिया, उसके लिए धन्यवाद।

SHRI SHANTARAM LAXMAN NAIK : Sir, I stand here to support the Agricultural and Processed Food Products Export Development Authority (Amendment) Bill, 2008. Sir, this Amendment Bill contains a very few provisions - one or two - maybe the ones that hon. Minister needs very urgently. Those are said to have been incorporated in the Bill. But, most of the things have been left to the rule-making authority. If one sees clause 10(a), one does not get any detail as to how the Government is going ahead with respect to the registration and other processes because they are left to the rule-making authority. Therefore, only a skeleton section is available for us for our perusal, but we hope that the hon. Minister will frame proper rules and regulations for the implementation to achieve the objectives of these provisions. The title of the Bill becomes bit confusing in the sense that it apparently covers two-three Ministries. When it speaks of agriculture, it covers the Ministry of Agriculture; when it speaks of food processing, it covers the Ministry of Food processing; and, patent comes under your Ministry. Therefore, from the point of view of the title, it is a multi-concept Bill; may not be in the substance.

Taking benefit of this opportunity, I would like to say a few things about food processing. Food processing is a futuristic industry because today, our agriculturists do not get proper price. It is the processed food which ultimately gives them some relief. One potato, which hardly costs 25 paise, can produce one packet of chips costing Rs.20. Therefore, eventually, we expect that our agriculturists will also get benefited from these processed foods. Similarly, with wheat, we can produce biscuits. Then, there are other agricultural products like maize, etc. So, these should ultimately benefit the agriculturists as far as the support price is concerned. So, this industry of food processing is very important and a futuristic industry. But, Sir, the question is how to popularise processed food in this country. It can be popularised provided it is available at a reasonable price. In foreign countries, a housewife will feel that the fridge is for one week or even a fortnight with processed foods.

In today's condition, in India too, women work in offices and other places, and, therefore, processed food plays an important role in average household in the country, and, therefore, in this connection, the quality of processed food has to be improved. As far as literacy with respect to processed food is concerned, I would submit that still there is a question in the minds of the people as to whether this food causes harm to the health of the citizens. This aspect has also to be explained that if this food is properly preserved and maintained, it does not cause harm. Therefore, people from developed countries are continuously increasing its use. So is the case with this country.

Same thing applies to juices. Sir, nowadays, we carry juice-cans or tetra packs of juices of different flavours like orange etc. to the hospitals. One does not know whether these tetra packs contain pure juice or not. Sometimes, doctors advise us not to carry these types of juices for the patients. However, in some cases, they advice for taking these juices. Therefore, in

this connection, the concerned Ministry — whether it is your Ministry or any other Ministry — has to come forward to educate people regarding it. If the processed juices are good for health, then, these can be increasingly used in the country, which will, ultimately, help the farmers also.

As far as patenting is concerned, it is on increasing side. Due to increase in awareness regarding patent-rights, people are going in for patenting and research. The increasing numbers of patents show that the research is on increasing trend. In our country, we can fulfil our food requirements only through research. We cannot do wonders because, at times, we have to face natural calamities which take place from time to time. We have to face them but one miracle seed of rice or wheat can do wonders. If our researchers are able to find some seed which can multiply the production of wheat or rice, it can solve the entire problem. Therefore, research is very, very important. Once research is done, patenting increases. Once people know that patenting is there and it is an easy process, then, research also gets encouraged.

Sir, let me give you some figures in respect of Indian patents in agriculture. In 1995-96, out of a total of 2,780 patents granted, 47 patents were in agriculture, which comes to 1.69 per cent. In 1997-98, out of a total of 4,780 patents, 100 were in agriculture, which comes to 2.9 per cent. In 1999-2000, out of 3,250 patents, 91 were in agriculture. In 2001-02, out of 3,820 patents, 109 were in agriculture. In 2003-04, out of 4,930 patents, 102 were in agriculture. So, therefore, within a period of ten years, out of 20,560 patents, only 449 patents were in agriculture. This does not give a very clear picture. Nowadays, this tendency is increasing, and, more and more people are going in for research and patenting.

The Minister has explained the problem with respect to basmati in respect of State of Punjab. Registration has been done there. We made representations. Our representation was dismissed, and, now with the support of this Bill, the hon. Minister wants to go to Lahore High Court. I do not know as to how this Bill will help you to win the case in Pakistan High Court. They will say, you have brought this legislation subsequently, and, that does not relate to the case already dismissed by the authority. Your Act is a subsequent Act. Kindly clarify on this point whether we can win the case with retrospective effect. So, let us advise the Pakistanis that since their basmati is grown in Pakistan, let us call it 'Pakmati' and because ours is grown in Bharat, it is called 'Basmati'. So, yours is Pakmati and ours is Basmati. Let us tell them and convince the Government of Pakistan. Let us have this battle together.

Then, Sir, the question is, of other States. The Minister said that Basmati was grown in Madhya Pradesh and some other States also. People from other States have to be convinced. This is a serious problem. I can understand. Let us stick to the four States where Basmati is grown, as mentioned by the hon. Minister. But, if an effort is made and those agriculturists are convinced to restrict the concept of Basmati to those areas, perhaps this can work and help us internationally also.

Taking this opportunity, Sir, I would also like to suggest that we should have a uniform legislation as far as quality and standardisation of food items is concerned. We have got Prevention of Food Adulteration Act, Agriculture Produce (Grading and Marketing) Act, Essential Commodities Act, Bureau of Indian Standards Act, etc. Can we not have one consolidated legislation for the purpose of quality and standardisation as far as food items are concerned? I think, Sir, with this, I wish the hon. Minister the best that he is fighting the case of patenting Basmati and other patents. I wish him all the best at international fora. Thank you.

SHRI MATILAL SARKAR (Tripura): Thank you, Sir, for giving me this opportunity. I support the Bill. At the same time, I would like to register some of my observations also. Sir, the Bill, as presented by the hon. Minister, Shri Jairam Rameshji, has warranted urgent necessity to register the export trademark in regard to our very valuable agriculture product Basmati with a geographical indication. Sir, the situation has arisen out of the drive of the Pakistan to get their own variety registered in the trademark. This is the reason why the hon. Minister has said that we have to hurry up. This reason cannot be accepted because this exposes the inability and the callousness of the Government in regard to protection of our own product in the international market. It is a sheer callousness of the Government. I would like to ask why we had not been faster than Pakistan or any other country to protect our own agriculture product. That is why this has been brought so hurriedly. Sir, in this case also, the Basmati varieties of other States cannot come under this, as the hon. Minister himself has described. Only one variety, which is from Punjab, is coming under this. But the varieties of other States are still out of the jurisdiction of this Bill. Sir, I don't understand why this differentiation has been made. In the very beginning, this Bill is creating some differentiation from one State to another State. This has to be addressed.

SHRI JAIRAM RAMESH: Sir, if the hon. Member yields for a minute, I just want to clarify that it is not restricted only to Punjab. It is Punjab, Haryana, Uttarakhand, a number of districts in Western Uttar Pradesh, and two districts in Jammu and Kashmir. It is not only Punjab.

SHRI MATILAL SARKAR: Sir, I stand corrected. Punjab is also one of the regions. The varieties of other regions are out of the fold. Why will this happen? May I ask the hon. Minister this? How many Indian agricultural products are still being sold in the international market under foreign brand, not as our brand? Neem, haldi, pigeon pea, and some other products are also there. What steps have the Government taken to bring those products into our own patents system? I want to know whether we have contested it. What is the result? And how far we have succeeded in bringing back these commodities, these products into our own patent system?

Sir, while I support the Bill, I would like to give some information about our export position in this regard. Sir, in the international market, our share of export of agriculture and processed food is only 1.6 per cent whereas we are the largest producer of fruits and vegetables in the

whole world. But as far as its export is concerned, our share is only 1.6 per cent. Where do we stand now? Why are we in this position? We are the largest producer of fruits and vegetables, but what is the percentage of that as processed food? We have not succeeded even to get two per cent of the whole quantity as the processed food. It is a mere 1.8 per cent or 1.9 per cent. About 30 per cent of fruits and vegetables go waste. We take it as raw, and to the extent of 30 per cent of it go waste. We cannot process it. Not to speak of outside the country, even inside the country, we cannot get it processed for domestic use.

Of course, it is not his subject. For that, Department of Food Processing is there. Even then I have taken the advantage to expose this reality. Our share in the international market is 1.6 per cent only. We cannot even maintain that. If I am not wrong, I have seen it in the newspapers, this year our export has declined by 21 per cent. The Minister may confirm this. I have seen it in some newspapers. So, our share is small. Even then, we are declining. How can we stand internationally? This has to be seriously taken care of. As for fruits, there are many like mangoes, apples, leechis, grapes, etc. We produce plenty. As regards mangoes, I think, we produce as much as 60 per cent of the whole world. We produce 60 per cent mangoes. There are different varieties of mangoes in different States. I don't know whether there are brands for all the States or whether there is a single brand to sell them in the international market. I think each and every State is producing mangoes of different taste. Each State is having different taste. If you go from North-East to Kashmir or Chennai or Kanyakumari, the whole country has varieties of mango species. I don't know how far we have been able to get them processed and to register them as our own patent for international trade. Sir, what is the difficulty? The difficulty is that we lack in preharvest and post-harvest techniques. We must admit that. What are the steps that the hon. Minister has taken to promote these techniques so that we can make our position better in the international arena?

Sir, coming to the Bill, I would like to emphasise two points. The hon. Minister has brought the Bill to incorporate one schedule that is called the Second Schedule and only those products will get a place in the Second Schedule which are called special products. If we give entry to special products, what will be the fate of those products which are not special products or which are given in the First Schedule? Whether the importance of the commodities placed in the First Schedule will get diluted. (Time-bell rings) Sir, I will take three more minutes. Sir, by creating a separate schedule, namely, the Second Schedule and by placing the special products there at, we ourselves are going to dilute the importance of those products which are in the First Schedule. Sir, I do not know what is the necessity of creating another schedule. If the hon. Minister can clarify this, it will be better for me.

Sir, in another amendment, clause 3 has been substituted. Sir, for paucity of time, I would not read the clause. But, what does clause 3, as substituted, say? It says that we, the

Parliament, are going to empower the Central Government to add to or to omit from any commodity from the First Schedule or the Second Schedule without coming to the Parliament. The Central Government wants this power from the Parliament. Sir, my point is, for addition, like the case of Basmati Rice, there may be some hurry. But, in cases of omission, there may not be such hurry. There, we cannot give a blank cheque to the Central Government. We cannot give a blank cheque that you add or subtract whatever you like. We cannot give a power like that. So, my request is, will the hon. Minister assure the House that the Parliament will be kept informed of the changes, made from time to time, and the Parliament will not be bypassed in any way? But there is no addition like this in the Bill. If an opportunity comes next time, such clauses may be incorporated so that the Parliament may remain aware of what is going on in this sector.

Lastly, Sir, I know the hon. Minister, Shri Jairam Ramesh. He is a very good friend of mine. He is very much interested in the affairs of the North-East region, and he frequently visits that region. I have the great pleasure to express this feeling here. The North-East has its own resources like rubber, pine apple, orange of its own kind, and jack fruit, which is very important fruit growing in plenty, banana, and all these are there. Whether the hon. Minister has hit upon any plan to pick out any of these to make a brand and to sell it nationally and internationally because he takes keen interest in the North-East region. In the North-East, we produce horticultural products in plenty. So, if the hon. Minister can give some idea that he has such and such plan for the North-Eastern producers, I will be very glad. With these words, I conclude.

PROF. M.S. SWAMINATHAN (Nominated): Thank you very much, Sir. As the Minister mentioned this morning, I think, this Bill is long overdue, and I am glad that at long last, it is coming through. I also want to endorse what he said about the use of the term basmati to note a variety of rice because we can grow the variety seed anywhere in India and elsewhere. But that particular specific quality which is enshrined in Heer Ranjha you see, there what the basmati is described, that comes only from a particular area largely because in genetics, we say what we see is the product of interaction between the genotype and the environment, any expression, whether it is a human being or a variety, there is a strong co-relation between the genotype and the environment. So, I agree with his plea that we must restrict the use of basmati and not quality. But having said that, I would also like to request the Minister, through you, Sir, that there are many other varieties. He should encourage the State Governments to identify other varieties of rice. We are the primary centre of origin of rice. For example, in Orissa, Kalinga Kala Zeera, an excellent variety from Koraput region. In Uttar Pradesh, there is this Kala Namak variety of rice. I can go on saying that almost every State has some unique varieties of rice. We must develop them and by giving a GI, you give a brand name and promote them.

3.00 P.M.

Finally, I think, I would request the Minister again to request APEDA to organise in every State Headquarter a workshop on what is G.I., some kind of awareness generation so that people are aware what can be done and what cannot be done under this particular provision. With this, I wish to support very strongly this particular Bill.

MR. DEPUTY CHAIRMAN : Shri Shivanand Tiwari.

DR. K. MALAISAMY (Tamil Nadu) : What about me, Sir?

MR. DEPUTY CHAIRMAN : Malaisamy is always there.

श्री शिवानन्द तिवारी (बिहार) : महोदय, मुझे इस विषय में ज्यादा जानकारी नहीं है लेकिन अभी जब माननीय सदस्य यहां बोल रहे थे, तो उनका कहना था कि इस बिल में ऐसा प्रावधान है कि आगे जब इस तरह की चीजों की जरूरत होगी, तो उन्हें पार्लियामेंट में आने की जरूरत नहीं होगी। इस तरह से वे पार्लियामेंट से blank cheque लेना चाहते हैं। मुझे ऐसा लगता है कि हर डिपार्टमेंट में आज यह प्रवृत्ति पैदा हो गई है। मैं Standing Committee on Finance का मेम्बर हूँ, वहां भी हमने देखा है कि इस तरह के प्रस्ताव लाए जाते हैं कि सरकार को आज के दिन जो पार्लियामेंट में आने की बाध्यता है, वह बाध्यता खत्म हो जाए और बगैर पार्लियामेंट को inform किए, बगैर उसे कॉफीडेंस में लिए हुए वे जो करना चाहें, कर लें। इस बिल में वह जो प्रावधान है, हम माननीय मंत्री जी से अनुरोध करते हैं कि उसको हटा दें और भविष्य में भी पार्लियामेंट को कॉफीडेंस में लेकर जो भी निर्णय करना हो, करें क्योंकि इस देश में ऐसे कई समझौते हुए हैं, ऐसे कई फैसले हुए हैं जिनमें पार्लियामेंट को अवेयर नहीं रखा गया है और देश को उसकी भारी कीमत चुकानी पड़ी है।

उपसभापति महोदय, यह जो पेटेंट वाला मामला है, उस संबंध में अहलुवालिया जी का भाषण सुनकर मैं बड़ा आश्चर्यचकित था कि आम पर भी पेटेंट हो सकता है, चावल पर भी पेटेंट हो सकता है, नीम या हल्दी पर भी पेटेंट हो सकता है।

[उपसभाध्यक्ष (प्रो० पी.जे.कुरियन) पीठासीन हुए]

यह मेरे जैसे आदमी के लिए, जिसकी पृष्ठभूमि गांव से है, जो गांव के रहने वाले लोग हैं, हमें आश्चर्य होता है कि आज ऐसी दुनिया बन गयी है जिस दुनिया में ऐसे-ऐसे कानून बन गए हैं कि कोई पीपल का पेटेंट करा ले, कोई नीम का पेटेंट करा ले, कोई हल्दी का पेटेंट करा ले। यह पेटेंटीकरण की पहल दुनिया के उन मुल्कों से हुई है, जिनके बारे में हम जानते हैं कि 500 वर्ष पहले या 800 वर्ष पहले उनके पास कोई ज्ञान नहीं था। अगर ज्ञान को इस तरह से सीमित कर दिया जाता, ज्ञान का इस तरह से पेटेंटीकरण कर दिया गया होता तो दुनिया में आज जो ज्ञान फैला है, वह ज्ञान नहीं फैलता। सब जानते हैं कि अरब से हमारे यहां आया, हमारे यहां से अरबों के यहां गया, वहां से ग्रीक गया, वहां से फिर यूरोप गया। ज्ञान का फैलाव इस तरह से हुआ है। आज उनके पास ज्ञान आ गया है, टेक्नोलॉजी का ज्ञान आया है, साइंस का ज्ञान आया है तो उनकी यह साजिश है कि दुनिया में हम इस ज्ञान को न फैलने दें। ज्ञान के फैलाव के कारण ही आज उनकी यह स्थिति बनी है और आज वे उस ताकत का इस्तेमाल उस ज्ञान को फैलने से रोकने में लगा रहे हैं। और तो और हमारी दुनिया के, गरीब दुनिया के भी जो प्रकृति के उत्पाद हैं, उनका भी पेटेंटीकरण करने की साजिश की जा रही है। सर, जयराम रमेश जी बहुत ही काबिल मिनिस्टर हैं, बहुत ऊर्जावान मिनिस्टर हैं, हम तो कहेंगे कि हम लोगों को यह वकालत करनी चाहिए कि प्रकृति ने हमें जो दिया है और सदियों से मनुष्य जाति ने, समस्त मानवजाति ने अपने अनुभवों के आधार पर जिन चीजों का विकास किया है, चाहे वह चावल का हो, चाहे वह हल्दी का हो या अन्य मसालों का हो, उसका कम से कम पेटेंटीकरण न किया जाए। जो नए ज्ञान आ रहे हैं, नया अनुसंधान हो रहा है, नयी टेक्नोलॉजी के माध्यम से जो कुछ हो रहा है, हालांकि मैं मानता हूँ कि उसका भी पेटेंटीकरण नहीं

होना चाहिए लेकिन फिर भी मैं इतना मानने के लिए तैयार हूँ कि अगर उसका पेटेंट होता है तो बात समझ में आती है लेकिन हजारों वर्षों से हम जिन चीजों का इस्तेमाल कर रहे हैं, कोई कहे कि हम हवा का पेटेंट करा लेंगे, हम ऑक्सीजन का पेटेंट करा लेंगे, तो यह बात कुछ जमती नहीं है, इसलिए जयराम रमेश जी से मैं यह अनुरोध करूंगा कि दुनिया के उस मंच पर, जहां इन चीजों के बारे में चर्चा होती है, वहां इस बात की जोरदार वकालत करनी चाहिए और दुनिया में एक ओपीनियन बनाया जाना चाहिए कि कम से कम इन चीजों का पेटेंटीकरण न किया जाए। इसी अनुरोध के साथ मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you very much, Mr. Tiwari. Dr. K. Malaisamy.

SHRI JAIRAM RAMESH: Sir, before Dr. Malaisamy makes his speech, I just want to make this point clear. This is our concern.

DR. K. MALAISAMY: Sir, you have permitted me to speak.

SHRI JAIRAM RAMESH: If the hon. Member can yield for half-a-minute, Sir, I want to make this clear...*(Interruption)*... I will take half-a-minute.

THE VICE-CHAIRMAN (PROF. P.K. KURIEN): Please sit down, Mr. Malaisamy.

SHRI JAIRAM RAMESH: Please yield for half-a-minute. Sir, I am sure, he will also add his voice to it since Mr. Matilal Sarkar and Mr. Shivanand Tiwari have raised this point. Sir, there is no intention to bypass Parliament whatsoever. Let me make this point very clear; what we are seeking for is only an enabling provision for APEDA to apply for the GI. So, we are not bypassing the Parliament. There is no question of keeping Parliament in the dark. I am sure that once the GI is granted, Parliament will be fully informed. All that the Bill does is to allow APEDA to apply for the GI. And surely, the hon. Members do not want that even for application, APEDA should come back to Parliament. I don't think that is the intention of the hon. Members' point.

SHRI MATILAL SARKAR: But this should be redrafted.

SHRI JAIRAM RAMESH: I agree with you.

SHRI MATILAL SARKAR: Please redraft it.

SHRI JAIRAM RAMESH: I agree with you.

DR. K. MALAISAMY: Thank you very much, Mr. Vice-Chairman. To be very frank with you, Sir, I have not read the Bill in detail, in advance, but I was carefully listening to the introductory remarks of the well-informed, intelligent hon. Minister, which provoked me to react for a couple of minutes. The Minister is very emphatic about the reason why he has brought this Bill, though belatedly, for the purpose of protecting the interests of certain States within and abroad. So, with reference to certain special products he wants to protect the interests of certain States in our own country and protect them from competition from others. This is what he has been telling us. As far as I am concerned, the object with which the Bill has been brought forward is well taken. But my point of difference is very simple. The Intellectual Property Rights Act has been in existence for years and it has been in use. Now he has brought in the amendments. What I am trying to say is that from the way in which it has been brought forward I doubt whether he has

applied his mind to this Bill properly for the simple reason that it is very difficult to execute. The point is whether this law can be implemented and whether the real objective can be achieved by bringing in this Bill. I have got my own doubts. I will illustrate one simple example. Now the hon. Minister has been telling us about Basmati rice and other special products. He wants to have a geographical barrier for Punjab, Haryana States and other regions where Basmati is grown. Our agricultural scientist, Dr. Swaminathan, may agree with me that these are the days when the science and technology has advanced to such an extent that anything can be brought from anywhere, in the sense that the genetics or varieties or whatever be the special feature of a particular product, whether it is paddy or any other food grains, can be easily brought to elsewhere by means of science and technology, research and all, and in those States, where they were not there earlier, they have become so popular. In other words, what I am trying to say is that if a product which is popular in Punjab, say, Basmati, is capable of being produced in Tamil Nadu and other places also. What are you going to do? When you got a geographical barrier, I would like to know whether that barrier would apply to Tamil Nadu or Kerala when the product is able to satisfy the ingredients, norms, etc. Then it has to be agreed. In that case, the Minister may, probably, say that he will notify it. If that is the case, I am happy about it. On the other hand, if you want to have a total barrier for a particular region, it will not be in the interest of other States; it may be in the interest of that particular State only. We speak about "all India". In such a situation, I would like to know whether that kind of a restriction is necessary or not. That is the first point.

Secondly, according to me, it will be very difficult to achieve the purpose even if the amendment is approved. I would like to know whether he has got an organisation, whether he has got enough manpower, whether he will be able to operate it, etc. For executing anything, we need an objective, an organisation, a structure, manpower, etc. I would like to know whether his Department or the executing Department is well-equipped to execute all these things. Practically it is not going to be there. In other words, what I am trying to insist on, again and again, is that it may be only on paper and it can never be implemented fully. What is the use, particularly, when there are persons misusing the product? One can make an almost equal product and make a claim as if it is the original. In such a situation, many people who are capable of misusing it, will become cleverer than your law. In other words, they will find a lot of loopholes and take advantage of them. What I am trying to emphasise, again and again, is whether you have got the organisation, the objective, etc., to execute what you are trying to do. Some of our colleagues have stated that it is only an Act. The Minister may try to explain that it is only an Act. In terms of rules, in terms of orders, in terms of instructions, etc., he may cover up all these things. With all that, I wish to forewarn the Minister that the purpose will never be served by this Bill. You think over how it can be tightened up so that it will serve the purpose. Thank you, Sir.

SHRI KUMAR DEEPAK DAS (Assam): Mr. Vice-Chairman, Sir, I stand here to support the Bill. I just would like to talk about some important varieties of rice which are produced in Assam.

Assam is a State of riceeaters. We also produce various varieties of rice in the State of Assam. I would like to mention here two well-known varieties of rice which are never found in any other part of India or in any part of the world, that is, *Joha* rice and *Komal* rice. *Joha* rice is very popular because of its sweetness and smell. This variety of rice is mostly used by the people of Assam, neighbouring State West Bengal and seven sister States. There is one more variety of rice, that is *Komal* rice, which is quite unique. As is known to all, we need fire to prepare rice. But we need only water to prepare this *Komal* rice. It is a unique kind of rice which is produced in Assam. You can prepare this variety without using any fire. This variety is very useful in the coldest areas. It is useful especially for security personnel who are doing their duty at places which are very cold. I would request the hon. Minister to consider this as a special product. Sir, only one variety of rice, that is, Basmati rice, has been included in the Second Schedule of the Amendment Bill. Therefore, I request the hon. Minister to consider including these two varieties of rice, that is, *Joha* rice and *Komal* rice in the Second Schedule. Thank you.

SHRI JAIRAM RAMESH: Mr. Vice-Chairman, Sir, I thank the seven hon. Members who have made very useful and valuable suggestions. Unfortunately, the person who opened the debate is not here. He spoke the longest. I would like to respond to some of the points that the hon. Member, Shri Ahluwaliaji raised. This is a geographical indications issue that we are discussing, not patents, not the larger issue of Intellectual Property Rights. The word that we have to keep in mind is 'geographical'. What is 'geographical indication'? It is a produce which is special to a particular geography. Champagne and scotch whisky are the examples that the hon. Member has mentioned. In our country, we have the example of Darjeeling Tea. It is confined to 87 tea estates of Darjeeling. GI was granted to Darjeeling Tea when my distinguished colleague, Shri Arun Jaitley was the Commerce Minister. He may recall that that was the first GI which was granted. Similarly, we have Kancheepuram Saree. Kancheepuram Saree is made in Kancheepuram. Bhagalpur Silk is made in Bhagalpur. If we are able to establish a peculiar geography, we apply to the Geographical Indications Office in Chennai. They go through the legal process and then GI is granted. Now there are some absurd examples of people wanting to apply for GI. There is an application for a GI in the GI office for Krishna Godavari gas. Krishna Godavari gas cannot be given a GI. There is also an example of Tirupati Laddu, as I mentioned. People are saying, "Tirupati Laddu is unique to Tirupati. The GI office will establish it." The point I was making is that Geography is key to the concept of Geographical Indication. Sir, in Basmati, the first point I want to make is geography. Geography is the Himalayan foothills of undivided India. It is, as the hon. Minister, Shri Gill would know, basically *sue generis* to the undivided Punjab. It spreads from Punjab to Haryana to Uttarakhand to the districts of Western Uttar Pradesh. Now, of course, it is sort to be cultivated elsewhere. Sir, if we expand the definition of Basmati Rice, we are going to dilute the concept of Geographical Indication. So, my first request is, we are not trying to divide India here. There are enough people wanting to divide India on

other grounds. But, through GI, we are not trying to distinguish Basmati Rice from Assam Rice or Bengal Rice. What we are saying is that there is a special quality of rice with high aroma and long grains that is grown in this region which needs to be protected because other people are trying to infringe on the name 'Basmati' and take advantage of its characteristics. So, the first point is, let us restrict the definition of Basmati Rice to the region where it is grown. And I will address the issues of Assam Rice and Tripura Rice separately. The second point is, why it had taken so long for us to do this. Sir, I take full responsibility for this. The Government is a continuing entity. I wish, Basmati, along with Darjeeling Tea, had been the first or second GI that was granted. Shri Arun Jaitley was the Commerce Minister at that point of time, and he will testify that Basmati is an extraordinarily complex issue. It is complex because of a variety of reasons. It is complex because of India-Pakistan issue. How do you have GI for a product which is grown in Pakistan too? After all, Darjeeling tea is grown only in Darjeeling. Kancheepuram Saree is made only in Kancheepuram. Kohlapuri Chappal is made only in Kohlapur. Kangra tea is grown only in Kangra. But Basmati is grown both in India and Pakistan. So, the first complication was this. The second complication, as the hon. Member, Shri Jaitley, will recall, is the enormous divergence of opinion as to what constitutes Basmati in the first place. There is a difference in the stand taken by the scientists of our country. There is a difference in the stand taken by the Ministry of Agriculture. The hon. Member here had been a distinguished Secretary of Agriculture; he would recall this. The Ministry of Commerce has a third view as to what constitutes Basmati. The original definition of Basmati was that one parent should be Basmati. Then, it became that grandparent should be Basmati. Today the definition of Basmati is so broad that it is like the relationship between Bhishma and Arjuna. If Bhishma and Arjuna are related, then, the new Basmati Rice should be classified as a traditional Basmati. We have not been able to arrive at a fool-proof definition and restrict the definition of what Basmati is. Only last year, we declared 1121, a variety, as Basmati. And 'Super' was declared Basmati. Pakistan violently protested against it. The hon. Member, Shri Ahluwalia's question was: "Why has it taken four years? Why didn't we do this four years ago?" The answer is this. Basmati, unlike any other GI, is a very complex issue because of definitional problems and because of the geographical problems between India and Pakistan. Now, I am glad that the hon. Member agrees that it would be in the best interest to have a joint GI. When I joined this Ministry three years ago, that was exactly my mindset that we should have a joint GI. We set up a joint Working Group between India and Pakistan to explore the concept of a joint GI. That Working Group held two very valuable meetings. As I mentioned, the second meeting was on the 7th and 8th November. We had made considerable progress towards a joint GI. Unfortunately, the tragic events of Mumbai intervened and, quite rightly, we had put this issue on the backburner. I hope once the political situation between the two countries changes, we would be able to resume our discussions on Basmati and, I agree with the hon. Member that in the national interest, it would

be a great booster, if we have a joint GI between India and Pakistan — India registers for a GI in India; Pakistan registers for a GI in Pakistan and India and Pakistan register for a joint GI internationally. In an ideal situation, this would be desirable but, today, I am not in a position to say whether this would, in fact, happen.

Sir, the hon. Member is also right that a lot of cases of infringement have come up and I agree with him that the NGOs, particularly Dr. Vandana Shiva, whom the hon. Member has mentioned, have played a very valuable role in protecting our traditional knowledge. But, Sir, I want to assure the hon. Member that it is because of the intervention of the Government of India that we have won all these cases. Whether it is the NDA Government or the UPA Government is immaterial; it is the Government of India that has intervened and, out of 89 cases of adjudication on Basmati, India has won 76. Now, we have lost some cases. We have lost two cases in the Czech Republic, one case in Denmark, one case in Egypt, two cases in Greece, one in Indonesia, one in Jordan and one in Oman. And the reason why we have lost this case of infringement on Basmati is that we do not have GI registration for Basmati domestically. So, I agree with the hon. Member that this GI should have been done earlier. Unfortunately, because of a number of technical and political reasons, it could not have happened. But I do want to assure the hon. Member that the Government of India, as a continuing entity, has played a very active and aggressive role in protecting all cases of infringement. We have won the Rice Tec case. We have won the Neem case. We have won the Haldi case. I want to assure the hon. Member that these cases will be fought aggressively by India. I want to mention to the hon. Member and to the rest of the House that all these cases of infringement on Haldi, Basmati and Neem have not come from Americans, but from Non-Resident Indians in America. It is very interesting that it is the Non-Resident Indian scientists who have provided the intellectual fire power to all these violations of India's traditional knowledge. The House would be happy to know that the CSIR has set up, what is called, the TKDL, the Traditional Knowledge Data Laboratory; it is an online repository of all traditional knowledge, and as the hon. Member was suggesting, this is a documentation of all the traditional resources of India. This is available, not freely, but to those who register themselves. But I would certainly pass on the request of the hon. Member and of the rest of the Members to my colleague, the hon. Minister of Science and Technology, to make this website accessible to as many Members of Parliament as possible so that the MPs are aware of the extent of traditional knowledge that is being protected through this online database. This has been created during the last five years. Again, as I said, it started when Dr. Murlu Manohar Joshi was the Minister for Science and Technology. It is being taken forward by Shri Kapil Sibal, the Minister of Science and Technology. The objective is that all of India's traditional knowledge should be documented online and we should aggressively use this to fight cases of infringement in overseas markets.

Sir, a number of other comments have been made. I have already responded to the comments made by the hon. Members Shri Matilal Sarkar and Shri Shivanand Tiwari. We are not bypassing Parliament.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI V. NARAYANASAMY): ...to answer each and every point...*(Interruptions)*...

SHRI JAIRAM RAMESH: I am going through each and every point, if the hon. Chief Whip does not interrupt me, Sir. There is absolutely no intention for me...*(Interruptions)*...

SHRI V. NARAYANASAMY: How many times you interrupted?...*(Interruptions)*...

SHRI JAIRAM RAMESH: There is no intention to bypass Parliament. This is only an enabling provision for the APEDA to apply for the GI. It will apply for the GI, and I assure the hon. Members we will create a system to keep hon. Members totally up-to-date on the GIs that have been granted. I have already, Sir, handed-over to the Table a list of 104 GIs that have already been granted, and as the hon. Members will see from that list, almost all States are covered; Kanchipuram Saree, Kolhapuri Chappal, Mysore Silk, Kangra Tea, and very recently, Sir, we were able to get Kashmir Pasmeena, Kashmir Sozni, Kashmir Kani, and we have got Assam's orthodox Tea. So, we have tried to cover all knowledge that is available. But, I agree with my good friend from Assam that we need to be more aggressive in popularising the concept of what GI is. Dr. Swaminathan is quite right that the knowledge of GI must increase so that products that are special in particular regions are protected. I have, in fact, some months ago, asked the APEDA to carry out a technical analysis of both Komal Rice and Joho Rice in Assam, and I can assure the hon. Member that once that technical exercise is complete, we will apply for a Geographical Indication. Wherever there is a request that has been made, we have always gone and done the technical analysis. I hope the Members of Parliament will appreciate the fact that we really have to do a lot of scientific work before we establish the unique characteristics why this product qualifies for a GI. But, I take the point that all hon. Members have made that we must aggressively protect traditional knowledge, wherever it exists, and we must also ensure that the people who own that knowledge benefit from the GI. The GI is not just a piece of paper. It should be used for the benefit of those who are users of that GI and, Sir, I will be pleased to report to you that on Darjeeling Tea, which is the first GI that was granted, the Tea Board spends Rs.70 lakh every year protecting the word 'Darjeeling Tea' from infringement by Nepal, by Sri Lanka, by Germany, by various countries, and our experience has been that after Darjeeling Tea GI has been granted, Darjeeling Tea value has gone up by 10 to 15 per cent. What is the ultimate objective of a GI? The GI must benefit the farmers; the GI must benefit the users; the GIs must benefit those people in whose name we are carrying out the GI. The APEDA will take the GI on behalf of the 300,000 or 400,000 Basmati growers. And I can assure all the hon. Members in the

House that the additional value that will accrue from the GI will not be taken by the APEDA, but will go to farmers of Punjab, Haryana, Western U.P., Uttarakhand and parts of Jammu and Kashmir.

Sir, Dr. Malaisamy is not here. He has raised the issue of implementation. In the GI concept, there is an owner of a GI. In the case of tea, it is the Tea Board. In the case of Basmati, it is going to be the APEDA. It will be APEDA's responsibility to ensure that all cases of infringement of the word 'Basmati' are fought and fought successfully. And, I can assure him that as far as implementation is concerned, there will not be any gaps allowed to exist, and I am speaking from experience. I can honestly tell you from the experience that we have had in the case of tea, pepper, coffee and other agricultural products, wherever we have had a GI, wherever we have had a registered owner, that owner has proactively protected that GI for the benefit of farmers.

Sir, I have already addressed the issue of Assam. I assure the hon. Member that after the technical analysis is done, we will certainly explore the possibility and the feasibility of applying for the GI. The North-East point has been mentioned. There are a large number of products in the North-East which would qualify for the GI, whether it is oranges or pineapple or ginger, we are exploring this very systematically. Very recently, Sir, Assam Orthodox Tea got the GI. We are now looking at other varieties for agricultural and horticultural products in the North-East, and I want to assure the Members of the North-East that the North-East will remain a special area of concern and priority for the GI because the bio-resources of the North-East need to be protected much more; it need to be protected everywhere; but since the bio-diversity in the North-East is so very high and so very rich, we need to pay special attention to the North-East. I can assure the hon. Members from the North-East that this would certainly be an area of priority.

Incidentally, Sir, I do want to say that GI is not my jurisdiction. I am piloting this Bill because APEDA is my jurisdiction. GI comes under a separate Department, Department of Industrial Policy and Promotion. However, because GI is very important in the plantation area, we have taken up; I have taken it up personally; you will be pleased to know, Mr. Vice-Chairman, Sir, that Tellicherry pepper—a large number of GIs in Kerala have also been granted both for pepper as well as for cardamom. But, I think, we need to do this much more. I agree with the hon. Member, Shri S.S. Ahluwalia, that considering the potential for GI, we have barely scratched the surface. It is only 104 GIs in the last four years. I am sure, the momentum would increase. I do want to tell Mr. Ahluwalia that zero is not a GI. Zero can be a patent. Zero can be something else. But it cannot be a GI.

SHRI S.S. AHLUWALIA: I mentioned only patent, not GI.

SHRI JAIRAM RAMESH: He understands the distinction between a patent and a GI. Sir, I think, I have covered all the issues. In summary.....

SHRI MATILAL SARKAR: About potato.....

SHRI JAIRAM RAMESH : On the potato issue, I assure the hon. Member that wherever special products in every State are available, we will systematically inventorise them. I will ask APEDA to immediately call, as Prof. Swaminathan has suggested, a technical workshop of all State Governments to identify special products which would classify for inclusion in this schedule which will have only Basmati to begin with. I hope, in the months to come, the schedule will get filled. There is no desire to dilute the first schedule. Mr. Matilal Sarkarji, the second schedule is only a schedule of products for which a GI will be sought. The first schedule is not going to dwindle in importance. The second schedule is only to make clear that these are the products for which the GI is sought.

Sir, with these comments, I would request that the House pass this Bill.

THE MINISTER OF MINES (SHRI SIS RAM OLA) : There are two things — Ganganagar and Yamunanagar. They produce a lot of.....

SHRI JAIRAM RAMESH : Sir, this is precisely the point that I was trying to say that in this House, a large number of Members from Rajasthan have appealed to me saying that Basmati rice is grown in Rajasthan as well. Now, Sir, this is a very, very complex issue. If we include Basmati in Rajasthan, Basmati in Chhindwara, Basmati in Kerala, Basmati in Karnataka, then, Sir, we are going to open a Pandora's box. Let us discuss this separately. ...*(Interruptions)*... I do not think rice from Pondicherry can be taken as Basmati. I think, Sir, this illustrates the complexity of the Basmati issue. I would request the House to give a beginning. We need to protect Basmati, we need to fight this case; the trade mark issue is very important. The Basmati trade mark has been given in Pakistan. We need to fight this. APEDA's appeal has been admitted and APEDA's appeal would be strengthened if we pass this Bill. Hon. Shri Shantaram Laxman Naik had a question as to what use is there if we pass this Bill now. I want to remind the hon. Member that we actually had issued an Ordinance last year. This Bill replaces that Ordinance.

So, we were not sleeping, we were actually quite active. We have promulgated the Ordinance and now that the Ordinance has lapsed, we have come to the House with a Bill and I hope, Sir, considering the importance of basmati rice, considering the importance of GI, we pass this Bill with the hope that at some point of time — I share Mr. Ahluwalia's vision — India and Pakistan can make common cause to protect basmati jointly in the world market. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) : The question is :

That the Bill to amend the Agricultural and Processed Food Products Export Development Authority Act, 1985, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) : Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 6 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is one amendment for insertion of a new clause 6-A (No.3) by Shri Jairam Ramesh.

NEW CLAUSE- 6A

INSERTION OF SECTION 35

SHRI JAIRAM RAMESH: Sir, I move:

That at page 2, *after* line 24, the following section shall be *inserted*, namely, -

“6A. After section 34 of the principal Act, the following section shall be inserted, namely, -

“35. All things done, or, omitted to be done, an

(Validation)

all actions or measures taken, or, not taken, during the period beginning on or after the 13th day of October, 2008 and ending immediately before the date of commencement of the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, shall, in so far as they are in conformity with the provisions of this Act, as amended by the Agricultural and processed Food Products Export Development Authority (Amendment) Act, 2009 be deemed to have been done, or, omitted to be done or taken, or, not taken under the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period.”

The question was put and the motion was adopted.

Clause 6A was added to the Bill.

Clause 7 was added to the Bill.

CLAUSE 1- SHORT TITLE AND COMMENCEMENT

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is one amendment (No.2) to clause 1 by Shri Jairam Ramesh.

SHRI JAIRAM RAMSH: Sir, I move:

That at page 1, line 3, *for* the figure “2008”, the figures “2009” be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

ENACTING FORMULA

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In the Enacting Formula, there is one amendment (No.1) by Shri Jairam Ramesh.

SHRI JAIRAM RAMESH: Sir, I move:

1. That at page 1, line 1, *for* the word “Fifty-ninth”, the word “Sixtieth” be *substituted*.

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI JAIRAM RAMESH: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, the next item is Prevention of Corruption Amendment Bill, 2008.

SHRI S.S. AHLUWALIA: Sir, that Bill should be taken up later on because it was decided today that we would take up two Bills only, one is which we have passed and the second is Air Carriage Bill. It is listed for today but it can be taken up later. It needs a little more consultation.

[MR. DEPUTY CHAIRMAN in the Chair]

The Prevention of Corruption Bill needs some more consultation, Sir. Firstly, it was not referred to the Standing Committee and secondly, it was passed in a din in the Lok Sabha. It has been brought here, it has long consequences, and a lot of things are yet to be decided. I think, it needs a little more consultation. It can be deferred to some other day.

MR. DEPUTY CHAIRMAN: Let us start discussion. ...*(Interruptions)*...

SHRI PRASANTA CHATTERJEE (West Bengal): It was decided that on 16th two Bills would be taken up. ...*(Interruptions)*... My request is that this Bill should not be taken up today because it is a very important Bill. ...*(Interruptions)*...

SHRI V. NARAYANASAMY: It was not decided that the Bill will not be taken up. I am very sorry...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The Business Advisory Committee has allocated time for this Bill. Now, it is on the agenda.

SHRI S.S. AHLUWALIA: It is not like that. The BAC certainly allots time for different subjects. At the time of allocation of time, the hon. Minister of Parliamentary Affairs assured the political parties that such and such Bill would be taken up on such and such day. We were told on that day that two Bills would be taken up today. So,...

MR. DEPUTY CHAIRMAN: We will take up two Bills today.

SHRI S.S. AHLUWALIA: Sir, two Bills mean, one is the APEDA and the other one is the Carriage by Air Bill.

SHRI V. NARAYANASAMY: Sir, we have also to see the availability of the hon. Minister.

SHRI PRASANTA CHATTERJEE: Only these two Bills were mentioned in the BAC.

MR. DEPUTY CHAIRMAN: I agree that there should be consensus. Mr. Ahluwalia, we cannot take up the Carriage by Air Bill since the hon. Minister is not there.

SHRI S.S. AHLUWALIA: Sir, the Ministers have to be present when the Parliament is in session.

MR. DEPUTY CHAIRMAN: I agree that the Minister is supposed to be present. No work, other than Parliamentary work, is important. I fully agree with you. What I am trying to say is, since the Bill is listed for today, let us discuss it... *(Interruptions)*... You see, the Bill is either to be listed today or tomorrow ... *(Interruptions)*...

SHRI PRASANTA CHATTERJEE: Sir, we need time to study the Bill.

MR. DEPUTY CHAIRMAN: The only objection is why this Bill is listed today. Suppose, if it is listed tomorrow, how does it matter? ... *(Interruptions)*... I agree.

SHRI PRASANTA CHATTERJEE: It does matter, Sir... *(Interruptions)*... We get time to study the Bill... *(Interruptions)*...

MR. DEPUTY CHAIRMAN: I take your point. If this Bill was not to be taken up, the BAC would not have allotted the time. There would have been objection in taking up the Bill.

SHRI S.S. AHLUWALIA: Sir, we are not saying not to take up the Bill. Take it up, but defer it to some other day... *(Interruptions)*... The time is allotted to Bills and we participate in the discussion. But, ultimately, why the Bills are brought before Parliament? It is for deliberation and discussion. If we are not able to communicate to the Members; and we came to know about the consideration of the Bill through the 'List of Business', how can we discuss it threadbare?

SHRI PRASANTA CHATTERJEE: Sir, what is problem in taking up the Carriage by Air Bill?

SHRI S.S. AHLUWALIA: They are prepared for Carriage by Air Bill.

MR. DEPUTY CHAIRMAN: If it is the consensus of the House that the Prevention of Corruption Bill be taken up later, the Chair does not have any objection. But the question is, once the BAC has been allotted time for it and it is listed, we can take it up.

SHRI S.S. AHLUWALIA: Sir, we request you to differ it for some other day. We will pass it, but not today.

SHRI PRASANTA CHATTERJEE: It cannot be today, Sir. It is a very important Bill.

MR. DEPUTY CHAIRMAN: Okay. The House is adjourned to meet tomorrow at 11.00 a.m.

The House then adjourned at forty-four minutes past three of the clock till eleven of the clock on Tuesday, the 17th February, 2009.