

NT>

14.28 hrs.

Title: Consideration of the Biological Diversity Bill, 2001.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): I beg to move:

"That the Bill to provide for conservation of Biological Diversity, sustainable use of its components and equitable sharing of the benefits arising out of the use of biological resources and for matters connected therewith or incidental thereto, be taken into consideration."

I have the proud privilege today of introducing the motion for consideration of a Bill which aims at harnessing the unique strength of our rich and diverse ecosystems. Hon. Members of this august House may be pleased to know that we account for seven to eight per cent of the whole world's flora and fauna, and, therefore, are hailed as one of the megadiverse countries of the world.

Biodiversity, the variety of life on earth, as you may be aware, is an essential part of our daily life and livelihood. It constitutes the resources upon which human beings, communities, nations and future generations depend. Biodiversity is essential for maintenance of the ecological balance and for sustenance of the evolutionary processes of life.

Therefore, concern for conservation of biodiversity at the global level culminated in the adoption of an international treaty, called, the Convention on Biological Diversity (CBD), in 1992. The Convention aims at conservation and sustainable utilisation of biodiversity and equitable sharing of benefits arising from its use. At the same time, the Convention affirms the principle of sovereign rights of States over their own biological resources. India is a party to the CBD.

As a treaty, the CBD is founded upon the principle of inter-generational equity, a feature which distinguishes it from other international treaties concerning sustainable development.

In the past the biological resources of the country have been shared freely with other countries treating biodiversity as a common human heritage.

The knowledge systems and practices of the local and indigenous communities have also been accessed freely by outsiders in the past. But in the post-CBD era, this scenario has changed.

The CBD enjoins upon the Contracting Parties to facilitate access to genetic resources for environmentally sound uses by other Parties on mutually agreed terms and with prior informed consent of the country providing these resources. Recipient country is to provide fair and equitable sharing of benefits arising from the use of genetic resources transferred. Facilitation of access can be provided only through national legislation and/or regulations.

In this background, we have developed the Biological Diversity legislation. I am happy to inform this august House that we are one of the very few countries in the world and the first among the 12 megadiversity nations to develop such a legislation.

The proposed legislation primarily addresses the issues concerning access to genetic resources and associated knowledge by foreign individuals, institutions or companies and equitable sharing of benefits arising out of the use of these resources and knowledge with the country and the people. The Biological Diversity Bill proposes:

- i. To regulate access to biological resources of the country with the purpose of securing equitable share in benefits arising out of the use of biological resources; and associated knowledge relating to biological resources;
- ii. To conserve and sustainably use biological diversity;
- iii. To respect and protect knowledge of local communities related to biodiversity;
- iv. To secure sharing of benefits with local people as conservers of biological resources and holders of knowledge and information relating to the use of biological resources;
- v. To conserve and develop areas important from the standpoint of biological diversity by declaring them as biological diversity heritage sites;
- vi. To protect and rehabilitate the threatened species;
- vii. To involve institutions of self-government in the broad scheme of implementation of the Act through constitution of committees.

I am happy to say that the Department Related Parliamentary Standing committee has taken note of the subtle nuances of the issues and provided necessary safeguards to protect the interests of local people, growers and

cultivators of biological diversity as well as Indian researchers. The Committee held 26 meetings with different stakeholders over a period of a year and a half to consider the provisions of the Bill and finalise its views. During its deliberations, the Committee also received 35 memoranda containing suggestions on various provisions of the Bill from various organisations, individuals and institutions.

The Committee, while reinforcing the provisions relating to equitable sharing of benefits and role of the Central, State and Local Self-Governments has restructured existing provisions relating to penalties, appeals and cognisance of offences. Exempting the value added products from the purview of the legislation, and defining 'commercial utilisation', it takes care of the interests of the Indian industry.

Some consequential and drafting amendments have been necessitated which are included in the notice of the official amendments.

The Biological Diversity Bill also provides for checking biopiracy and realize equitable sharing of benefits arising out of utilisation of our rich biological resources and associated traditional knowledge.

As the Bill reflects the collective will and wisdom of the Standing Committee, I appeal for support and consensus from all sections of the House.

With these words, I move the motion for consideration of the Biological Diversity Bill, 2000.

MR. CHAIRMAN : Motion moved:

"That the Bill to provide for conservation of Biological Diversity, sustainable use of its components and equitable sharing of the benefits arising out of the use of biological resources and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI SHIVRAJ V. PATIL (LATUR): Sir, may I read out my speech?

This globe of ours is full of bio-diversity and genetic wealth, which have been created in the laboratory of nature in periods ranging billions of years.

The bio-diversity and the genetic wealth maintain the balance in the environment and sustain the life.

Some aspects of industrial revolution, rapacity and greed of some human beings have been affecting the variety and wealth of biomass and are likely to create an impact, which may cause irreparable damage to the environment and the life.

To contain this mindless and greedy utilisation of the nature's wealth, thinkers of the world, and representatives of the peoples have met at different places of the globe and have evolved policies which can be adopted by different countries, to protect and preserve, and use in sustainable manner, the bio-diversity and genetic wealth.

India, which has the fortune of always thinking comprehensively, holistically and futuristically has agreed to enact laws to implement the policies evolved for protecting the balance and variety in the nature. Fortunately for our country, the environment, the soil, the water and the geographical location of India, have contributed towards bio-diversity. The bio wealth should be protected, preserved and used in an equitable manner for all of us in India, and the world, so that we, in India, benefit from them and the process of developing the technologies for using them for all human beings is not retarded, but accelerated in correct, just and scientific manner.

To achieve these objectives, this Bill is framed and presented to the Parliament. It aims at creating national bio-diversity management machinery and committees. It speaks about their functions, rights and duties, about the funds that can be given to them, about the manner in which the accounts can be maintained, about the posts created to manage the activities of the authority, the Boards and the Committees. It deals with the research and the development, that can be done in these fields, about the patents that can be obtained to protect the Intellectual Property Rights of the persons and bodies which are involved in producing new technologies and varieties.

Some of the countries of the world are rich in genetic wealth, and bio-diversity. Some other countries have developed genetic technologies. The countries which are rich in genetic wealth are not necessarily rich in genetic science and genetic technologies, and the countries which are advanced in genetic knowledge, science and technology are not rich in genetic wealth. The countries of the north of the globe are advanced in genetic science and genetic technologies, but as their soil is covered with snow for a longer part of the year, they have not been

able to produce genetic wealth and bio-diversity which is done in the countries of the south of the globe. If the humanity has to benefit out of the wealth of the nature, the genetic wealth, and genetic technologies should not be denied to those who need them for common weal of the humanity. They should be used in a manner which endorses the policy that they should be used as the common heritage or mankind. At the same time they should not be exploited, and misused by one, to gain advantage over the other. The just and scientific attitudes in these respects would be in fact useful and beneficial to all in the world. This Bill is an attempt to protect the interests of India in this respect, as well as to see that the genetic wealth is not denied to those who want to discover more knowledge for the benefit of one and all in the country and the world.

This Bill has certainly been examined by the Standing Committee. The Standing Committee has approved the Bill sent to it by the Government. But we are not going to accept the recommendations of the Standing Committee as they were made. There are certain areas to which the Standing Committee should have paid attention and should have suggested some amendments. Having that not been done, it is necessary for us in the Plenary to discuss the provisions of the Bill in such a manner as to see that it can be improved upon. I am going to touch upon those things now.

My objection is to the title itself. What is the title? It is called the "Biological Diversity Bill." It does not convey any meaning. There was a Bill moved by the Department of Electronics and the title of that Bill was also defective. The title of this Bill is also defective. What should the title of a Bill indicate? It should indicate as to what the Government wants to do through this Bill. The essence of the contents of the Bill should be reflected in the title. The Biological Diversity Bill, 2000 does not reflect anything. It should have been different. What kind of a title should this Bill have? I think it could have been called "The Biological Diversity, Protection, Preservation and Sustainable Utilisation Bill of 2002."

In the olden days, laws were made by the Government. Their titles conveyed the meaning. For example, take the Prevention of Atrocities Bill. It indicates as to what the Bill is aiming at. But the title of this Bill does not indicate that. It just gives a name which is meaningless. This could have been avoided. My submission is that the Government should accept this title for this Bill as: "The Biological Diversity, Protection Preservation and Sustainable Utilisation Bill." It conveys the meaning of the contents of the Bill. It exposes the contents to the readers and to those who want to use it, to the administrators, to the lawyers, to the judges and to the persons coming from India and outside also as to what this Bill is going to convey.

This Bill deals with a subject which has acquired importance world over and is going to dominate the activities of human beings in the present and future centuries. Therefore, it could have been drafted in a very careful, unambiguous, lucid and elegant manner. After reading the Bill, one comes to the conclusion that no serious thoughts have gone in framing it. It has been drafted in a casual manner. The substance and the objectives of the Bill are of great importance and acceptable. But the form is clumsy and devoid of lucidity and elegance.

The explanation to clause 13 (1) of the Bill gives the definition of "agro-bio-diversity." It could have been given in Chapter-I as a part of the clause giving definitions of other words and phrases used. This fact goes to show that it was done at the time of deciding on the contents of clause 13. In fact, it could have been shifted to Chapter-I, also, without causing any disfigurement and change into Chapter-I and clause 13.

The manner in which clause 8 has been drafted, which deals with the establishment of a National Bio-diversity Authority, is not very scientific, lucid uncomplicated, and happy.

I have quoted these two instances only. It is possible to say by quoting other instances also that the Bill is not happily worded and diligently drafted. Clause 8 (iii) of the Bill provides that the Head Office of National Bio-diversity Authority shall be at Chennai. Why should it be at Chennai? I would like to ask the hon. Minister.

Has Chennai many bio-technology labs established in and around it? Is it situated in an area of India, which is rich in bio-diversity and genetic wealth? In fact, bio-diversity and genetic wealth are found in Himalayas, in the North-Eastern States, in the Andaman & Nicobar Islands, and also in Eastern and Western Ghats to some extent. In Kolkata and some other cities in the Gangetic belt, there are laboratories and agricultural universities, which study biology, genetics and many such other subjects.

One has to look from this angle. So, it would have been better to establish the Headquarters of NBA in Kolkata. It has many other facilities required for these purposes. It is at a close distance from Himalayas, the North-Eastern States and Andaman & Nicobar Islands and sea also. We can have the Headquarters of Coast Guard in Chennai, but to suggest that the Headquarters of NBA should be there, does not occur scientific and logical but appears politically motivated.

If you want to do scientific developments through devices which are of practical and political nature and which have no relation to scientific facts, we should not be able to achieve good and speedy results. It is better to bear these

facts in mind and then take decisions. We are indeed very perplexed to see that this Bill suggest a place for the Headquarters of NBA which is not best suited for the purposes. We expect the Government to act in the national interest, in the interest of research and development in biomass and genetics and not in the interest of their party and the coalition of the parties which form the present Government.

The hon. Minister has to explain why the Headquarters is going to be at Chennai.

MR. CHAIRMAN: Chennai is also part of India.

SHRI SHIVRAJ V. PATIL : Yes, Chennai is also part of India and Kolkata is also part of India, which is nearer to Himalayas. Chennai is very much part of India and you would be very happy to send our Coast Guard Headquarters at Chennai.

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI SU THIRUNAVUKKARASAR): Why are you against having it in Chennai?

SHRI SHIVRAJ V. PATIL : I have explained that. I have nothing against Chennai or the Minister or the Chairman. But we shall have to consider that these things should not be decided in this manner. This Authority is going to be a very important authority. It is going to be a more important authority than anything done for the atomic science at Mumbai or at other places and yet Chennai is not the place because at Chennai you do not have the genetic wealth.

Where is the genetic wealth in India? India is one of the most wealthy countries as far as gene-mass is concerned. But if you take this laboratory to Chennai and not have this laboratory near Himalayas, foot-hills of Himalayas or North-Eastern States, then it would not serve the purpose fully. Guwahati would have been better, Kolkata would have been better and our friends would have been very happy to have it in Patna also. But taking it to Chennai really does not convince us. There is nothing against Chennai. Chennai is a place where there are very enlightened persons living and there are some scientists also and yet we do feel that this decision of the Government and that too mentioning as to where the Headquarters of NBA should be, in the law itself, is not correct.

This is never done. Why should you do it? You have not left any elbow- room for yourself to change the decision if it is required. If you want to have the Headquarters at any other place, you shall have to go to the Standing Committee, come to Lok Sabha, come to Rajya Sabha, and then go to the President to get it changed. This kind of a thing is not done. It should not have been done.

Chapter 7 speaks of the duties of the Central and State Governments. The Constitution of India does not use the words 'Central Government'. Generally, we use the words 'Union Government'.

There are persons in the society who want to take up economic development and solve their economic problems, paying not enough attention to the problems of protecting and preserving the environment, bio-diversity and genetic wealth. They are more for the present, and less for the future.

There are others who think that the present generation has a duty to protect and preserve the balance and diversity and genetic wealth in the environment, and has no right to endanger the future of the coming generations. They have long-term perspective and are futuristic in their attitudes. Generally, it is found that those who are in the industry, trade and commerce and agriculture, and in the business of money-making, want that the problems of the present should be tackled in an effective manner, and the present should not be sacrificed for the future and think that the issues relating to the environment should be handled in realistic and practical manner, and should not be allowed to assume proportions which look faddistic.

Those who are in the business of creating knowledge and science and technology and do not attach much importance to money-making, stand very firmly for using the bio-diversity and genetic wealth in a careful and sustainable manner.

It is also discovered that some of the State Governments are more inclined towards tackling the problems of the present and do not wish to be shackled by the chains of environmental concerns, and the issues of the days to come. The Union Government takes a view, which is more inclined to long-term issues and problems and care more for the environment and the generation to come.

It is found that many times there has been bad blood between them on the issues of this nature. In some cases, some projects have been not allowed to be constructed by those in public who say that they attach more importance to the issues of environment.

Therefore, the policies have to be made in such a manner that they help to solve the problems of protecting the environment and the problems of development of economy. The balance attitude is necessary. Taking an extreme

stand is easy but taking a balance stand is not always easy. The extreme stands have staunch supporters or opponents but the balanced approach finds itself without enthusiastic supporters, and suffer.

The provisions contained in clause 36 (3) (i) (ii) are too intricate to be easily enforceable. The skill and experience of the Government would be tested in the implementation of these provisions.

The State Governments are empowered to declare areas as bio-diversity heritage sites under clause 37 (1). We apprehend that, they would not attach enough importance to this duty, and as a result of it, the bio-diversity heritage sites are likely to be damaged. As per the schemes that exist at present under the Constitution, it is a correct thing to do. But it is not likely to produce as satisfactory a result as it would have produced if it could have been done by the Union Government.

The provision contained in clause 38 empowers the Union Government to declare a species as endangered species, which is a correct thing to do.

But declaring an area as bio-diversity heritage site is more important than declaring a species as endangered species. That is why, it is felt that it would be better if this duty, that is, the duty of declaring a bio-diversity heritage site is done by the Union Government.

I am trying to be very correct. You are allowing the Union Government to declare which is an endangered species but you are not allowing the Union Government to declare which is a bio-diversity heritage area. This duty is given to the State Governments. I am sure that the State Governments have all the good intentions. They want to reduce poverty, help people, construct dams and construct roads. They meet the immediate requirements and demands of people, but taking decisions in this respect requires a long-term, futuristic approach. This is not likely to be done in all cases because we have seen that the Union Government and the State Governments are at loggerheads in many cases where the Union Government would say, 'This is a forest; you should not touch it' and the State Government would say, 'We have to construct the dam. You should allow us to construct the dam.' A dam could be constructed at any place but bio-diversity and genetic wealth cannot be created in ten years' time or a hundred years' time. It takes millions of years in some cases. The wealth given to us by nature, which cannot be easily created even in a million years, would be destroyed. Once destroyed, it would not be available. Unless that approach is there, I am afraid, bio-diversity heritage areas would not be correctly declared. If it were correctly done, we would be very happy, but it would not be done. This law is giving that right to the State Governments. This law is giving the right to declare a species as endangered species to the Union Government. It should have been the other way round. It would have been easier to do it if it was the other way round but this is not done. This is one of the biggest lacunae of this Bill. This will create problems for you in implementing this Bill.

I am not suspecting the intelligence or the intentions of the State Governments but they are so much pressurised by people for constructing dams and roads and things like that that they give in. Once they give in, the wealth that was given to you, to us and to the humanity by nature and was created over a period of millions of years would be lost. Once lost, it would not be available to you easily. So, here, you should have been a little more careful.

Now, clause 41(1) provides:

"Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and micro organisms and chronicling of knowledge relating to biological diversity."

So, what kind of duties are you giving to these local bodies? In fact, bio-diversity is spread throughout the length and breadth of this country. It has therefore to be protected everywhere and the local bodies and the Biodiversity Management Committees can play a very important role. They are at the cutting edge of protecting the bio-diversity and the genetic wealth. They are also expected to maintain records and advise the State and Bio-diversity Boards on using bio resources and matters relating to it.

14.59 hrs. (Shri Shrinivas Patil *in the Chair*)

The intention is laudable but can it be acted upon? Are these Committees going to have the vision, the expertise, the knowledge and the managerial and administrative skills? If they are required to perform all these duties cast upon them for this purpose, the funds and finances available with them may not suffice to carry on these duties. It seems, the Government has not applied its mind to this aspect properly. It has created the authority to allow the foreigners to use the biomass and genetic wealth of this country and to share the benefits. While doing so, they might have felt that they should create some machinery to protect and preserve bio-diversity and genetic wealth

and hence they might have included these provisions in this Bill.

15.00 hrs.

But it is not a correct way to deal with this problem. It must give it power, funds, expertise and machinery to function as it is expected to. And, as the things stand that is not going to happen. It should have done these things in a better manner and not like this. It appears like an eyewash, which is not going to help.

Because of this, it can be said that the Government is willing to share its bio-diversity and genetic wealth with persons and companies coming from outside the country and in the country, but it is not equally enthusiastic to protect and preserve the bio-mass and genetic wealth in the country and hence, what is done appears to be more commercial and money oriented and made to meet the demands of globalisation and commercialisation rather than to protect the environment, bio-diversity or genetic wealth of the country.

If the Government wants to do something very real and substantial to protect the national interest of preserving the diversity and genetic wealth and knowledge, it could have created bodies at the local levels, could have given them expertise, funds, machinery to achieve the objectives, and obtained the coordination of the local bodies in these activities. The Bill expects these bio-diversity committees to earn funds. It expects that the State Governments would give them funds for this purpose. It expects that the Union Government also to extend the help to some extent. The funds that would be collected by them would be very insignificant. The State Governments are not giving them funds to discharge their main duties. That is why the *Rozgar Yojna* is there. The funds are not given to the State Governments. The funds given to the State Governments are used for other purposes by the State Governments.

In fact, the bio-diversity management committees are most important. Yet, they are going to be the weakest link in the chain used to protect the environment. So, it is difficult to appreciate such a dubious or negligent attempt to protect the environment and bio-diversity.

We all know that the Gram Panchayats do not have enough funds to clean their roads. They do not have funds to supply drinking water to the people who are living in the villages. And to them we are giving this response and we are asking them to earn money and use that money for protecting the bio-diversity which is available in the areas of the village. Now, this is expecting too much. It is a fact that there are so many people in the villages, in the rural areas who know as to how the biological material available there can be used for helping human beings and animals also. They know that certain *jadibooti* is going to be useful against diseases from which animal suffer or human beings suffer. But they are not able to go beyond that. They are not able to analyse as to why that *jadibooti* is useful; they are not able to write down as to how that *jadibooti* has to be produced there and used and why it has to be used and, in fact, in what fashion it has to be used in all cases.

If this duty is given to the Committee at the lowest level, at the Gram Panchayat level where scientists are not going to be there, there may be one or two scientists elected to the Gram Panchayats and living in the villages, but it is not going to be the case in all the Gram Panchayats and that is why this is one of the weakest links.

You have the National Authority at the national level, you have the Board at the State levels and you have these Committees at the village levels. As far as National Authority is concerned, I think, it will be in a position to discharge its duties. I am a little doubtful about the ability of the State Boards in discharging its duties. I am very doubtful about the capacity and ability of the people at the village level in carrying out the duties which are cast upon them under this law for protecting, preserving and using the bio-mass and genetic wealth and knowledge which are available in that area.

Something more should have been done. What could have been done? My suggestion is that if there is a Committee of experts and if that Committee of experts helps them – not in administration, not in action – but helps them as to how that knowledge should be collected, collated and analysed, put in the books, made available through the books or the audios or videos or in any other manner, that would have been very useful. The result of this act is going to be this. We would certainly control the biomass and bio-wealth going out of our country to other countries in a manner that we will be able to protect our interests. There is no doubt about it.

It does not provide full protection. But it will provide better protection. We want to protect the biomass not only for ourselves but for the entire humanity as such. We are not going to deny access to the biomass to the scientists and to the laboratories and to the industries coming from outside. We would give them the biomass; we would give them the genetic material and then, in return, we will take something from them. But as far as protecting the bio-diversity which is available in the country is concerned, it is more important than this and that is why it should be done. Unfortunately, the scheme of the law is such that this Committee at the local level may not be able to discharge its duties which are cast upon it in this law.

The Union Government has developed machinery and expertise to formulate policies and give proper directions for protecting the flora and fauna of the country to the National Bio-diversity Authority and other organisations. But it is difficult to say that the requisite kind of expertise and machinery is available to the State Governments to advise and guide the State Bio-diversity Boards. That is why efforts should be made to strengthen the expertise and machinery of the State Governments for this purpose. The bio-diversity is available in the areas which are not very advanced.

If we examine the scenario available in the world today with respect to the bio-wealth in the world, we will find that most backward areas are rich in bio-diversity because the human beings have not reached and destroyed the bio-diversity which is available over there. So, in our country also the most backward States are rich in bio-diversity. If the bio-wealth is used properly, it can make the backward areas very rich and advanced. The bounty of nature should be used in a wise manner. It should not be wasted; it should not be exploited but it should be used in a sustainable manner. The variety should not be reduced. The real wealth lies in the variety. Mono-culture should not be encouraged. It makes the bounty trivial. Lot of attention should be paid to understand the variety. It takes years to produce bio-diversity. The State Governments should pay attention to this aspect. They should build dams and roads. But they should not, in the process, destroy what nature has produced. If what nature has produced is destroyed, the States would not be able to generate the natural wealth. The directions given by the States should keep these things in view. They should do that. In my view, the Union Government is better placed to achieve this objective. Therefore, the Union Government, the National Bio-diversity Authority should pay more attention to it.

Biotechnology is going to dominate the present century and the future centuries. India has bio-wealth. India should develop the biotechnology and bio-sciences. Long-term plans for this purpose should be developed. Enough funds should be made available. Necessary infrastructure should be developed. If it is necessary to cooperate with other countries and international organisations and institutions, it should be done. We failed in industrial revolution. We did something in electronic revolution; but not enough is done in electronic revolution. We should succeed in biotechnology revolution.

In fact, we should lead in this field. The individuals, the organisations, the States and the Union should co-operate with one another and co-ordinate their activities. If we fail in this, we would have done a dis-service to the future generation.

Fortunately for us, slowly, we are building the organisations. We have a Biotechnology Department of the Government of India. We have the United Nations Laboratory established in India to take care of agricultural biotechnology. Now, these things should be used in a proper manner. What is really required in this respect is that we should have a long-term plan which should be not a five-year plan, not a ten-year plan; it should be a 25-year plan or 50-year plan. There should be established departments, laboratories, institutions and in universities, the courses should be taught so that we prepare ourselves for using the bio-wealth in the country and the funds should also be made available to them. The State Governments should also be requested, persuaded to co-operate in this respect. If we do these things, we would have achieved the aims and objects which are at the basis of this Bill. I hope that this Bill does not satisfy all the requirements, yet it is going to help us in some respects. We should pass it and we will co-operate with the Government to pass it, but they should please take note of what we have said and try to amend the Bill in future at least to see that the objectives of using the bio-wealth are achieved. India is one of the richest countries in bio-wealth in the world. It is seventh in the world as far as the bio-wealth is concerned. That should be used in our country.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Mr. Chairman, Sir, I rise to support the Biological Diversity Bill, 2000 which has been piloted by the hon. Minister. It has been a long-standing Bill which was sent to the Standing Committee. It was looked into and discussed in depth and suggestions were made. Today, eventually, the hon. Minister is piloting the Bill and I thank him for it, though belatedly.

Sir, as you know, when our country became Independent in 1947 and we got our Constitution in 1951, from 1951 till 1975, there was no environment or forest legislation or law to guide the activities for environment protection, forest protection or protection of natural habitats. So, the first law which came into being was in 1972 - the Wildlife Protection Act, 1972. Then, the Forest Conservation Act, 1980 came after eight years. When the Wildlife Protection Act was piloted in 1972, we had already lost 20 years. That means from 1951 to 1972, we had lost 20 valuable years to protect our environment. So, whom do you blame? We have to blame the rulers of this country at that time for they did not get any law from 1972 to 1980. After eight years, we got another law, the Forest Conservation Act, 1980 and then the Environment Protection Act, 1986 and the Public Liability Insurance Act, 1991. Then, the biosphere reserve programme was initiated.

The progress of any Government or any Department for protection of environment or forest was so slow, and so much forgetfulness was there in the administration, that in this span of time, our country lost lot of forests; a lot of species became endangered; a lot of rich habitat was lost and a lot of trees were destroyed. Today, still India is one

of the twelve mega bio-diversity countries in the world.

Seventy per cent of the total geographical area was surveyed so far, and we have 46,000 plant species and about 81,000 animal species. To protect these, we have got 89 national parks, 497 wildlife sanctuaries covering an area of 1.56 lakh square kilometres, and 27 Tiger Reserves with an area of 37,761 square kilometres. This is what we have done to save the bio-diversity of our country. Today, more teeth have been given to this Department in the form of this Biological Diversity Bill. A biological authority is being formed and then the State authorities are being formed for management of wildlife, for management of environment and for management of biodiversity. This will definitely play a very advanced role.

Recently, we attended the Johannesburg World Summit for Sustainable Development. This was held ten years after the Summit at Rio-de-Janeiro, Brazil. It is a sad thing to say in this august House that we have not taken any initiative, right from Rio-de-Janeiro to Johannesburg; no concrete measures were taken to save our ecology and our biodiversity. Therefore, as a developing country, it became our duty to have such a Bill so that we can control and save our natural resources, which are depleting. I would like to give you the example of *sal* seed. *Sal* tree is a very rich tree and it provides a lot of employment. Its leaves and seeds are utilised by the poor tribals of the area and today, due to lack of propagation, that tree is slowly dying out. I had visited the Dehra Dun Forest Institute where a piece of wood, one cubic metre by one cubic metre, was on display. They told me that it contained 18 litres of water. We had this type of forest right from Nilgiris to the Himalayas, and from Dehra Dun to Terai. Today, that forest cover has gone down drastically because of lack of management of the forest.

Our forest and environment has been overexploited and I am sorry to state that there was no proper authority to control it. For example, look at the paper mills. They are polluting all our rivers and as a result, sustainable development of biodiversity, which is supposed to be preserved, is not there. For example, the paper mills located near Brahmani and Nagvalli rivers in Orissa have completely destroyed the marine life of the river system. Who depends on the marine life? It is the poor fishermen, the poor villagers, the poor agriculturists and, generally, it is the poor Indians, who constitute 60 per cent of our population and who reside in rural India, who depend on the environment and ecology of the country, and that is slowly dwindling. How do you preserve it? We have to have some law, we have to give some teeth and have administrative control over our biodiversity. More companies are coming and they are flouting our natural resources at their sweet will. How do we stop that? Today, 'turmeric' is being tried to be patented by America, and in this global scenario, in this WTO scenario, this Biological Diversity Bill is very essential to protect our natural resources. Otherwise, we will be completely swayed, we will be completely overtaken by the developed countries.

Today, have the developed countries implemented the provisions of the Kyoto Protocol? Have they implemented the provisions of the Montreal Declaration that was signed by them? They would not do so. It is because in the event of implementing the provisions of these Protocol and Declaration, their production will fall. We are ready to implement the provisions of the Kyoto Protocol but why are the developed countries not implementing them? So, for the sake of our country this type of a Bill was very much necessary. I would like to congratulate the hon. Minister for having brought forward this type of a Bill.

Bio-diversity plays an important role in the human life system. We live on this Earth. We want a healthy Earth, a hazard free environment, particularly when the ozone layer of the atmosphere is depleting, such a step is necessary because we have to save this Earth if we want to survive. For our sustenance and for the very existence of human life, this type of a Bill was very much essential. I would once again congratulate the hon. Minister for having brought forward this Bill.

The hon. Member from the Opposition benches, who initiated the discussion on the Bill, mentioned regarding locating the headquarters at Chennai. I do not have any objection to that. Chennai is a part of our country. Moreover, I think, the national parks located in South India are very well maintained, particularly Bandipur, Nagarholey, Mudhumalai are one of the best maintained wild life parks in the country.

With these words, I conclude.

PROF. R.R. PRAMANIK (MATHURAPUR): Mr. Chairman, Sir, I rise to support this Bill. It is a very important Bill. This Bill has been brought forward in keeping with the Rio Convention of 1992. I wanted to move certain amendments to this Bill but I could not do so due to time bar. However, I would speak on my amendments here.

Sir, before I commence my speech on my amendments I would like to share certain facts with this august House. There are already lakhs and lakhs of species that have been wiped out from the surface of the Earth. Biological resources include all animals, all plants and all micro-organisms over the surface, below the water and as well as those flying in the sky. It includes all living creatures. According to the estimates by international scientists on this subject, there are, some say, two million; some say 30 million and some say 50 million species on earth, that includes all plants, all animals and all micro-organisms. Already a few lakhs of them have got extinct and wiped out

due to our negligence, unwise exploitation and greed. If we are not wise enough at least now to frame laws to conserve and preserve these natural wealth, then in the 21st century, according to estimates of scientists, 20 to 50 per cent of the species would get wiped out from the surface of the Earth. Most of these species, or I can say, all of these species are useful to the human society. According to *Charaka* in ancient India, there is no plant which has got no medicinal value. Every plant and every animal is useful for the existence of human life. If we want to live on Earth, then we must let live these species as well. If they do not live, then we also would not be able to live.

Sir, this Bill concentrates mainly on three things, namely conservation of bio-diversity, sustainable use of its components and for the fair and equitable share of the benefits coming out of the use of biological resources and the associated knowledge.

These are the three main items. This Bill has a limited scope only on these three aspects.

The word 'conservation' is there. It would have been better if the word 'preservation' was also added here. Conservation and preservation are necessary for sustainable use of its components. Similarly, instead of 'equitable sharing of the benefits arising out of the use...' it should have been 'fair and equitable' sharing of the benefits arising out of the use...' The word 'fair' is very important.

Now, the whole international community and even the rich countries are very much eager to switch over to herbal medicines. Herbal medicines are very useful. In curing the acute diseases like AIDs, cancer, asthma, herbal medicines have been proved more beneficial than the allopathic medicines. In China, there is a very famous ayurvedic doctor, Dr. Chang. In every hospital in China, there is an Ayurvedic Department dealing with ayurvedic and herbal medicines as per Dr. Chang's instructions.

So, these medicinal values and the knowledge associated with it are best known to the rural people. Most of them are illiterate. For hundreds of thousands of years, they are using these drugs obtained from herbal plants etc. Though they do not know the scientific reasons, but they use them and get the benefit. Now, it is the duty of the modern scientists to go to the rural people and learn from them about the knowledge of these herbal medicines. It is an additional knowledge. So, this Bill is meant for three purposes.

Now, Mr. Chairman, Sir, in the drafting of the Bill, the language should be done in such a way that when it becomes the Act, it should be exact, it should be rigorous and must avoid ambiguity. In law, there is no place of ambiguity. Even 'comma' and 'full-stop' have got serious consequences in the law. So, language should be clear, rigorous and exact.

Here, I want to draw the attention of the hon. Minister Shri T.R. Baalu to the preamble of the Bill. There, they have written and I quote:

"to provide for conservation of Biological Diversity, sustainable use of its components and equitable sharing of the benefits arising out of the use of biological resources and for matters connected therewith or incidental thereto. "

So, in the preamble it is written only 'equitable sharing of the benefits' while on the same page of the Bill, it is also written:

"And whereas the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilisation of genetic resources; "

Sir, here in this above para the words 'fair and equitable sharing of the benefits' are there but in the preamble only 'equitable sharing of the benefits' are there. In the preamble the word 'fair' is omitted. Why does the preamble also not contain the word 'fair' before 'and equitable sharing of the benefits'? So, the word 'fair' should have been there in the preamble also.

So, Mr. Minister, here I want to submit that while drafting the Bill, the language of the Bill should be exact. There should not be any additions or subtractions at the whims. So, it is again my request that the word 'fair' should be included in the preamble.

While moving the Bill -- as far as I remember -- the hon. Minister told about resources and associated knowledge. But in the preamble the word 'knowledge' is missing. So, in the preamble, I want the word 'knowledge' to be added after 'the use biological resources'. So, it should be "benefits arising out of the use of biological resources and

knowledge and for matters connected therewith or incidental thereto."

Why has he omitted the word 'knowledge' in the Bill?

While the hon. Member moved the Bill for consideration, he used the words 'associated knowledge'. So, knowledge must be there; not only biological resources, but also associated knowledge, associated with the rural people. Knowledge must be there and not resources alone. If you have got resources and no knowledge, then it is of no use.

SHRI T. R. BAALU: Sir, it is there in the amendment. Let him kindly go through the amendments.

PROF. R.R. PRAMANIK : Okay. Then, in page 2, in the short title, he mentioned as "This Act may be called the Biological Diversity Act, 2000." Why is it so? It should be 2002.

SHRI T.R. BAALU: Sir, everything is there. Let him go through the amendments. He is just wasting the time of the House.

MR. CHAIRMAN : The Minister says that everything is mentioned in the amendments. You may please refer to the amendments.

PROF. R.R. PRAMANIK : Then, in Clause 2 (c), the Bill says:

"Biological resources means plants, animals and micro organisms or parts thereof"

But it should have been mentioned like this: 'Biological resources means all plants, all animals and all micro organisms,' So, he must add the word 'all' to give emphasis to that, because nothing is excluded.

Coming to another point, in the Bill somewhere it is mentioned as 'bio-diversity' and somewhere else it is mentioned as 'biological diversity, etc. My point is that mentioning only 'bio' does not mean 'biological'. There are biophysics, biochemistry, bio-diversity, etc. So, only mentioning 'bio' does not mean 'biological'. So, the Minister has to define that in this Bill, 'bio' means 'biological'. In this Bill, in clause 2, he has to define that 'bio' means the same as 'biological'. If it is done, then he can very freely use the word 'bio'. Otherwise, it will lead to confusion. For example, there are words like 'astro-physics', 'astronomy', 'astrology', etc. If we just say 'astro', does it mean 'astrology'? So, he has to define the word 'bio' as 'biological'.

MR. CHAIRMAN: Please conclude.

PROF. R.R. PRAMANIK : I would like to draw the attention of the Minister to clause 2(f), where he defined the word 'research'. It says:

"Research means study or systematic investigation of any biological resource or technological application,"

Sir, I would like to say that 'study' alone cannot be called 'research'. Students are going to study in the primary school, the secondary school, the higher secondary school or even college. Does that mean that they are doing research work? So, study alone cannot be defined as research. It should be amended as 'study and systematic investigation'. Otherwise, it would mean that the students in the primary school are doing their research. So, my amendment here is that it should be 'study and systematic investigation'.

MR. CHAIRMAN: Your time is up. Please conclude.

PROF. R.R. PRAMANIK : I have taken very little time.

MR. CHAIRMAN: The time allotted to you is over.

PROF. R.R. PRAMANIK : I am not wasting the time of the House. I am a student of Mathematics. I know the value of time. I am speaking on the points only.

Clause 8(3) of the Bill says:

"The head office of the National Bio-diversity Authority shall be at Chennai."

Hon. Shivraj Patil has said that it should better to be in Calcutta. I come from West Bengal, but I have never

pleaded for the headquarters to be in Calcutta. I am a Member of the Standing Committee on Science and Technology. I move that Chennai is not a suitable place for the Headquarters of the National Bio-diversity Authority. It should be situated in Delhi. I have never pleaded for Calcutta, but after hearing Shri Shivraj Patil saying that the best place for it should be Calcutta, I would suggest that it should be located in Delhi....(*Interruptions*)

SHRI K. MALAISAMY (RAMANATHAPURAM): Chennai would be the most ideal place....(*Interruptions*)

MR. CHAIRMAN : Please conclude. There should be no quarrel on this point.

...(*Interruptions*)

PROF. R.R. PRAMANIK : In this House, I plead that the Headquarters of the National Bio-diversity Authority should be located at Delhi and not at Chennai. Delhi, being the Capital of the country, is the most convenient place.

MR. CHAIRMAN: Please conclude.

PROF. R.R. PRAMANIK : Sir, I have a point to make. Please refer to Chapter 3, clause 8, sub-clause 5. It says, 'Indian systems of medicine and homeopathy'. It should be amended to read as, 'Indian systems of herbal medicine'....(*Interruptions*)

MR. CHAIRMAN: Please conclude.

PROF. R.R. PRAMANIK : How much time have I taken?

MR. CHAIRMAN: You have already taken 15 minutes. The time allotted to you was only 11 minutes. Please conclude now.

PROF. R.R. PRAMANIK : Chapter 3, clause 13 speaks about agro-biodiversity. Shri Shivraj Patil has rightly said that it should come in clause 2, under definition. You are here defining the word agro-biodiversity. So, it should come under clause 2.

Now, come to Chapter 3, sub-clause 16. It says:

"The National Biodiversity Authority may, by general or special order in writing delegate to any officer of the National Biodiversity Authority or any other person subject to such condition, if any, as may be specified in the order. Such of the powers and functions under this Act "

So, it is the delegation of power. I would request the Minister to delete this portion, as it will be misused. If this is there, then some incompetent, inefficient persons may be delegated this power. He must be a competent and efficient person. So, this should be deleted because it has a scope for appointment of incompetent and inefficient persons.

I now come to Chapter 6, clause 22, sub-clause 4 (b). It says, "Not more than five ex officio Members to be appointed by the State Government to represent the departments of the State Government". I would say that instead of this it should read as, "Not more than five ex-officio Members to be appointed by the State government to represent the related and concerned departments". It should be the related and concerned departments so that they can actively take part, otherwise any person from any department could go there.

MR. CHAIRMAN: You have made your point. Please conclude.

PROF. R.R. PRAMANIK : It should be from concerned and related department. Otherwise, by manipulating, any person could go there.

Last but not least, this Bill is to protect the interest of the people living at the lowest level, that is the Scheduled Castes and the Scheduled Tribes, who are in possession of these medicinal plants and who also have the

knowledge of it.

Now, the multinationals will come with dollars. They will exploit this wealth and make huge money. But these poor people will be deprived of their legitimate claim. Therefore, fair and equitable sharing must be protected for the tribals, the aboriginal, rural people, illiterate people, and poor people. It should not be that the multinationals would become more richer and our people would become more poor. We must safeguard the interest of the poor people.

श्री रवि प्रकाश वर्मा (खीरी) : सभापति जी, मैं आपका आभारी हूँ कि आपने मुझे जैव विविधता विधेयक, 2000 पर बोलने का मौका प्रदान किया। यह बहुत ही महत्वपूर्ण बिल है। जैसा दिखाई पड़ रहा है कि पर्यावरण रक्षा के लिए जो पुराने कानून थे, उनके अंदर बहुत ही कम्प्लीमेंसिव नेचर की जरूरत थी, जिसे मंत्री जी इस बिल के माध्यम से लेकर आये हैं। कन्जर्वेशन का जो परपस है, उसको जरा बड़े आधार पर लाने के लिए मंत्री जी यह बिल लाये हैं।

इसके साथ एक बहुत बड़ी चिन्ता हमारे सामने यह आ रही है कि पूरी धरती का भूमंडलीकरण हो रहा है। जो मल्टी नेशनल्स कम्पनियाँ हैं, जिनके पास बहुत बड़ा फाइनेंशियल मस्सल है, टेक्नीकल मस्सल है, वे हिन्दुस्तान के बड़े जीन पूल के ऊपर निगाह गढ़ाये हुए हैं, जिसे वह एक्सप्लायड कर सकें। जो पेटेंट के कानून सामने आ रहे हैं, उससे ऐसा लगता है कि वे सभी कम्पनियाँ जो पेटेंट हासिल कर रही हैं, वे पूरी धरती के ऊपर एक विमुक्त एकाधिकार के माध्यम से काम करना चाहती हैं। इससे बहुत बड़ा असर यह पड़ने वाला है कि जितने भी विकासशील देश हैं, भारत भी जिनमें से एक है, उसकी पूंजी निकलकर उन विकसित देशों के पास पहुँच जायेगी, मल्टी नेशनल्स कम्पनियों के पास पहुँच जायेगी।

जो प्रावधान आपने दिये हैं, वे बहुत इलेबोरेट हैं। इसमें कोई दो राय नहीं है। मैं एक बात कहना चाहता हूँ कि कन्जर्वेशन का जो उद्देश्य है, वह बहुत बड़ा है। मेरे संसदीय क्षेत्र में एक दुधवा नेशनल टाइगर रिजर्व पार्क और बायोस्फियर रिजर्व है। उससे हम बड़ी गहराई से जुड़े हुए हैं। उसका जो मकसद है, उद्देश्य है, वह बहुत महत्वपूर्ण है। लेकिन उसमें जो एडमिनिस्ट्रेटिव मशीनरी इन्वाल्व है या जो उसका एग्जीक्यूशन पार्ट है, मुझे नहीं लगता कि इसके बारे में कोई नया डिटेल आपने दिया है कि कैसे आप उसको इम्पूव करेंगे। मेरा कहना है कि प्रॉब्लम कन्जर्वेशन की नहीं है, प्रॉब्लम तो कन्जर्वेशन की मशीनरी से है। जो एडमिनिस्ट्रेटिव मिस परफोर्समेंस है, उसकी प्रॉब्लम है।

आज हालत यह है कि जो एडमिनिस्ट्रेशन करने का तौर-तरीका है, उसका स्थानीय जनता से कॉन्फ्लिक्ट बन चुका है। इस संबंध में मेरी कितनी बार मीटिंग हुई है। कितनी बार मैं बड़ी अथॉरिटीज के साथ मिला हूँ। मैंने उनसे कहा कि कन्जर्वेशन का जो उद्देश्य है, कम से कम जो स्थानीय जनता है, उसको उससे मिलाइये। स्थानीय जनता से जो कॉन्फ्लिक्ट बन रहा है, उसे खत्म करिये।

मुझे अफसोस है कि आज तक कुछ भी उसके बारे में नहीं किया गया। जितने सख्त कानून हुए हैं, उन सख्त कानूनों के अंदर उन्हीं ने सजा भुगती है जो जंगल के पड़ोस में रहते हैं। यह बहुत बड़ी चिन्ता है, जिसे मैं आपके सामने रखना चाहता हूँ। एक तरफ आप इस आब्जेक्टिव को इतना इलेबोरेट कर रहे हैं, दूसरी तरफ जो एडमिनिस्ट्रेटिव मशीनरी उसमें इन्वाल्व है, जो एग्जीक्यूटिव मशीनरी उसमें इन्वाल्व होगी, उसके बारे में आप देखें कि उसका एक अलग ही कैंडर हो, जो इस परपस के लिए काम करता हो। ऐसा न हो कि हिन्दुस्तान की जो प्रशासनिक मशीनरी के जो तौर-तरीके हैं, उसका वे शिकार न हो जायें।

चूँकि आप कम्प्लीमेंसिव बिल लाये हैं, मैं समझता हूँ कि आपने बहुत सी चीजें इसमें कवर की हैं। खासकर एक बात इसमें कवर की है कि जो लोकल बाडीज हैं, जो स्थानीय जन प्रतिनिधि हैं, जो गांव या कस्बों की लोकल बाडीज हैं, उनका रोल इसमें लेने की बात की है, यह बहुत अच्छी बात है। लेकिन मेरी एक चिन्ता है कि जब आपने इस बिल को फार्मूलेट किया है, जब आप कानून पास कराने जा रहे हैं तो उसके साथ एक बड़ा इम्पोर्टेंट वर्किंग एजेंडा भी होना चाहिए क्योंकि हमारे पास समय नहीं है। सन् 2005 के बाद डब्ल्यू.टी.ओ. का कन्जर्वेशन कम्प्लीट हो जायेगा और उदारीकरण की प्रक्रिया चालू हो जायेगी। इन तीन वाँ के अंदर लोकल बाडीज की जो मशीनरी है, अगर उसमें हम पीपल्स पार्टीसिपेशन बढ़ा नहीं पाये, अगर हम उनका पूरा-पूरा कन्ट्रीब्यूशन ले नहीं पाये, उनको इस परपस के लिए ट्रेंड नहीं कर पाये,

अगर हम इसका महत्व उन्हें नहीं बता पाये तो मुझे कहने की जरूरत नहीं है कि हमारा उद्देश्य सफल नहीं होगा।

अभी एक बात आई, आदरणीय पाटिल साहब कह रहे थे कि इसमें खाली जीन पूल ही नहीं, ह्यूमन बिहेवियर भी शामिल है। खेती एक ऐसा ह्यूमन बिहेवियर है, ह्यूमन एंटरप्राइज है, जो इससे लगभग पूरी तौर पर जुड़ा हुआ है, जो खेती की हमारी प्रैक्टिसेज एडाप्ट की जा रही हैं, उन प्रैक्टिसिज से हमारा जीन पूल कहीं न कहीं डिप्लिट हो रहा है, यह चीज हमने अपनी आंखों के सामने देखी है कि जो हालत जंगलों की आज से 15 साल पहले थी या जो हमारे जीन पूल की हालत थी, वह आज नहीं है, जो बायोटिक प्रेशर उस पर एग्जम्प्ट हुआ है, उसकी मोनेटरिंग के लिए किस तरह से आप मैकेनिज्म खड़ा करेंगे, हालांकि आपके पास एक्सपर्ट्स हैं। आपने यह कहा है कि हम इसमें एक्सपर्ट्स रखेंगे, लेकिन लोकल एरिया लेवल पर किस तरह से आप उस बायोटिक प्रेशर की आप मोनेटरिंग करेंगे। किस तरीके से रूरल टेक्नोलोजी आप डिलीवर करेंगे। यह एक बहुत ही कॉम्प्लीमेंसिव सबजेक्ट है कि एक बहुत ही स्टेटिक और सिंगलर एप्रोच लेकर उसके साथ मैं न्याय नहीं कर पाएँगे। मुझे लगता है कि इस कानून के पास होते ही हमारी सरकार के पास एक बहुत स्पट और सुनिश्चित वर्किंग एजेण्डा भी होना चाहिए। उस एजेण्डे को लेकर हम कम से कम लोकल एरिया तक पहुँचें, जिन लोकल बाँडीज को हमें इन्वोल्व करना है, जिन लोकल बाँडीज की कैपेसिटी बिल्डिंग होना है, उनको फाइनेंशियल रिसोर्सज के बारे में बताया जाना है और किस तरीके से पूरी धरती पर इस जीन पूल का कारोबार बढ़ रहा है, इससे जो मैडीशंस बनने वाली हैं या इसका जो इकोनॉमिक एक्सप्लायटेशन होने वाला है, उसके बारे में बहुत बड़ी जानकारी हमें देने की जरूरत है। थोड़ी देर हमें इस कानून को लाने में हुई है। जहाँ तक मेरी जानकारी है कि हिन्दुस्तान में बहुत से फल, फूल और सब्जियाँ हैं, जिनका पेटेंट मल्टीनेशनल कम्पनीज ने हासिल कर लिया है। वे हमारे जीन पूल हैं, हमारी हिन्दुस्तान की धरती के जीन पूल हैं। हालांकि हमने देखा है कि बासमती के मामले में सरकार ने पैरवी की, लेकिन आखिर में यह स्थिति सामने आई, चूँकि वहाँ पर पैसा न होने के कारण उसकी पैरवी नहीं हो सकी और वह पेटेंट का अधिकार मल्टीनेशनल कम्पनी को मिल गया। जो ऐसी गलतियाँ हमसे हो चुकी हैं, उनके सुधार के लिए हमारे पास इस बिल में क्या प्रावधान हैं, अभी तक मुझे उसका कोई पता नहीं चला है।

मैं चाहूँगा कि माननीय मंत्री जी जब एड्रेस करें तो हमें बतायें क्योंकि संसद में हमारी जवाबदेही जनता के प्रति है। जो हमने पिछले पेटेंट कानून के माध्यम से खो दिया है, जो हमारे जीन के पेटेंट मल्टीनेशनल कम्पनियाँ हासिल कर चुकी हैं, उनके बारे में बायोडाइवर्सिटी बिल है, उसमें किस स्तर तक वे प्रभावी कार्रवाई कर सकेगा या उसके लिए कोई दूसरी एथॉरिटी आपको खड़ी करनी पड़ेगी?

सबसे बड़ी बात, चूँकि यह इतना कॉम्प्लीमेंसिव बिल है, इसकी इतनी बड़ी रेंज है, मुझे लगता है कि एजुकेशन और ओरिएण्टेशन की बहुत बड़े पैमाने पर आवश्यकता होगी। क्या हमारी सरकार जो यह बायोडाइवर्सिटी एक्ट लेकर सामने आई है, क्या इस बात के लिए कृतसंकल्प है कि जो समय की सीमा हमारे सामने है, उस समय की सीमा के अन्दर बहुत बड़े पैमाने पर जो कंजर्वेशन की थीम है या जो अपने संसाधनों को अपने तरीके से अपने हित में इस्तेमाल करने की जो हमारी थीम है, उसे प्रोपर एजुकेशन के माध्यम से और प्रोपर ओरिएण्टेशन के मामले में पूरे हिन्दुस्तान के अन्दर हर बच्चे को हम बता पाएँगे कि यह हमारी सम्पत्ति है और इस सम्पत्ति की हमें रक्षा करनी है?

आपने मुझे इस महत्वपूर्ण विषय पर बोलने का समय दिया, आपने मुझे अपनी बात रखने का मौका दिया, मैं इसके लिए आपका आभारी हूँ।

SHRI K.P. SINGH DEO (DHENKANAL): Mr. Chairman Sir, I have been told by the hon. Minister for Parliamentary Minister to cut short my speech because the Supplementary Railway Budget is coming.

First of all, I would like to congratulate the hon. Minister for having brought this Biodiversity Bill out of the cold storage. I was listening to the profound views of the hon. Members that side. It was the Rio Conference held in 1992 that made all the countries to think about biodiversity. Therefore, there was no way someone could have thought about it in 1950 or 1951. Incidentally, the Constitution of India was adopted in 1950 and not in 1951.

So, we could not have anticipated the Rio Conference 42 years earlier. But all the same, it has been languishing since 1997 when Shri Saifuddin Soz, the distinguished former Minister for Environment had brought the Bill and it was introduced in the Thirteenth Lok Sabha on 13th May, 2000. I do not know why the hon. Minister wants to take the privilege of pulling it out of the cold storage. Is it a knee-jerk reaction or is it a pressure from the United Nations or the WTO? It is because we are signatories to the Ramsay Commission, we are signatories to TRIPS under the WTO. So, these are certain points I wish he would like to take us into confidence. There is a reason as to why I am talking of taking us into confidence. I would have spoken on all the clauses if I were to speak elaborately. But since I have been told to be brief, I have to do so.

In the original Bill, there was no clause on confidentiality. This Government takes pride on calling itself a smart Government. Smart Government means simple, moralistic, accessible, responsive and transparent. I do not know why a new clause has been gone into to make it confidential from States or from its own citizens or local bodies. I think the hon. Minister would like to clarify this point.

I agree with the Deputy Leader of my Party, Shri Shivraj Patil. I am not a lawyer. I am a simple soldier. I never had done it. But in my perception, it is a very badly drafted and hasty Bill. There are a lot of faults. Otherwise, the hon. Minister, after two years, would not have come with 61 amendments. This was circulated to us alongwith yesterday's parliamentary papers and so, we did not even have the time to file our amendments. Therefore, we cannot move our amendments. There are 61 amendments. Maybe, some of them are to incorporate some recommendations of the Standing Committee. This is in clause 57. Again, I would like to compliment Shri Shivraj Patil as he was the innovator of the Standing Committees. I am glad that the hon. Minister has responded to some of the provisions of the Standing Committee. But a lot of paradoxes still remain.

One is on consultation. It is mentioned about wide consultations. But to my knowledge, I would like to be proved wrong. The Ministry of Agriculture has not been consulted. Maybe, some individuals, in their individual capacity, had appeared before the Standing Committee. It is said that a large number of persons have appeared before the Standing Committee. It is there in pages 15-17. Someone from IARI has appeared in his individual capacity. The Ministry of Agriculture which is the most important Ministry for us has not been consulted. This is my impression. I would like to be proved wrong.

Shri B.K. Deo was mentioning that forest authorities like the Forest Research Institute and many other Government of India institutions in this field have not been consulted.

Again, fish and fisheries do not find a place here. It is another important part of agriculture which includes marine and amphibian life. I would not like to go into the nomenclature. The Statement of Objects and Reasons of the Bill has given enough of what is biodiversity, although there is no definition of biodiversity in the Oxford dictionary. It is a new terminology. As has been rightly pointed out, why was it only biodiversity and other things are left delightfully vague? Why not conservation or protection or enhancement of the degradable laws? One of the former Secretaries of the Ministry of Environment, Dr. M.K. Ranjit Singh has said that it is biodegradable law.

It is a bio-degradable law which, probably, is going to be responsible for the destruction of bio-diversity instead of preventing the destruction of bio-diversity which is already depleted. There are two or three things on which I would like the hon. Minister to take the House into confidence. I would like to know whether various State Governments, Departments and Corporations can themselves extract minor forest produce, like timber, bamboo, soil seeds, soil leaves, etc., because some States, like ours, derive sustenance from these things and forest royalty, from the forest for commercial and community purposes without the approval of State Bio-Diversity Boards or National Bio-Diversity Authority? I would be grateful if the hon. Minister clarifies this point.

Secondly, as far as utilisation of reserved forest and protected forest which are there in the Forest Act of 1927 – many of the old States outside the British India all had 545 different Forest Acts which were enforceable – how will it affect that? Will it be governed by working plans and schemes of the Forest Department which is totally under the DFO, as you know, Mr. Chairman? Mr. Chairman, you had been an administrative officer in Maharashtra. Will it be controlled and coordinated by DFOs or by the State Bio-Diversity Boards or the National Bio-Diversity Authority? Clause 18 and clause 23 (b) are a little vague. There is dichotomy. There is a little bit confusion.

I have mentioned about fishing. In amendment No. 27, he talks of secrecy and confidentiality. On this, we could be taken into confidence. It is not a defence secret or any such secret. Now-a-days everything is available in website. So, why should there be secrecy and confidentiality?

What does he mean by 'promotion' of bio-diversity? There is no such thing as 'promotion'. It has to be enhancement or it has to be converting bio-degradable thing to a better form of environment or an improved form of environment rather than 'promotion' of environment. Amendment No. 38 talks of directions from the Central Government. It will not be useful unless there is time limit for abiding and implementing the directions of the Central Government. The Central Government has residuary rights under the Constitution for directing anything to the States or even to an officer of the State. Unless there is a time limit or a time period, such directions are meaningless. It will have no purpose. The environment and the entire bio-sphere or the ecology would have been damaged beyond repair.

I would like to compliment him for amendment No. 54. It is a very good amendment. It says:

"The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife. "

Otherwise, it would have created a hell. There are various Acts like the Forest Act, 1927, the Environment Act 1980 and the Forest Conservation Act, which would have worked at cross purposes. This very Parliament has passed these laws. It has got designated authorities. There is no coordination. The left hand does not know what is the right hand doing. The hon. Minister may kindly give us a clarification on this.

This bio-diversity legislation reflects India's obligation under TRIPS, and WTO. Therefore, the only apprehension that we have in our minds, which the hon. Minister who is very articulate and a good person would dispel, is that we should not suffer from bio-piracy.

16.00 hrs.

What is bio-piracy? Bio-piracy, under IPR, under WTO has led to certain things. It means:

"The process by which the rights of indigenous cultures to resources and knowledge are extinguished through monopoly rights under Intellectual Property Rights regime, resulting in a system in which people have to pay royalties for the use of bio-diversity and knowledge that was first stolen from them. The examples are *neem*, *haldi* and *basmati*. "

With these words, I conclude. I thank you very much for giving me the time and opportunity to speak on this Bill.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, बायोडायवर्सिटी बिल बहुत देर से आया है। सन् 1992 में रियो डी जिनेरियो में कंवेशन हुआ, फिर 1993 में कागज-पत्र बने और संकल्प व्यक्त किया गया कि जो बायोडायवर्सिटी, जैव विविधता हमारे देश में है, उसका संरक्षण, संवर्द्धन और इस्तेमाल सब ठीक होना चाहिए।

महोदय, माननीय मंत्री जी ने अपने भाषण में दावा किया है कि 12 देशों में एक देश हिन्दुस्तान भी है, जहां बायोडायवर्सिटी के मामले में हम लोग काफी धनी हैं, लेकिन मुझे लगता है कि हम दुनिया में इसमें सबसे पीछे हैं। हमारे वेद-पुराण एवं शास्त्रों में लिखा है कि 84 लाख योनियां हैं, जो दुनिया की 2.4 फीसदी जमीन है, उसमें 70 फीसदी जमीन में सर्वे करने से अभी तक 46000 पौधे और 81,000 जीवाणुओं का पता चला है। हमारे वेद-पुराण 84 लाख कहते हैं। अभी इन्हें 81,000 का पता चला है, 83 लाख 19 हजार कहां छूटे हुए हैं। इसकी कब छानबीन एवं जांच कराएंगे या देखेंगे। अब नये-नये अनुसंधान मल्टीनेशनल वगैरह भी कर रहे हैं, लेकिन हमारा जो पुराना शास्त्र-पुराण कह रहा है, उसमें 84 लाख योनियों की चर्चा है - "योनी बहुमत लक्ष चौरासी" और "ईश्वर अंश जीव अविनाशी," ये रामचरित मानस के वचन हैं। अभी तक एक लाख 25 हजार योनियों का पता चला है जबकि लोग बताते हैं कि लाखों-करोड़ों स्पीशिज़ हैं। हमारे यहां जैसे भेड़ है। इस तरह का स्पीशिज़ हमारे यहां तीन तरह का है - एक वह है जो ऊंचे पहाड़ों पर होता है, जिसका रोआं मुलायम है और दूसरा दक्षिण में जो होता है, उसका रोआं नहीं होता है। हम लोगों की तरफ जो होता है, वह कम्बल बीनने वाला रोआं होता है। भेड़ की हिन्दुस्तान में जो जाति है, उसके दो-तीन बच्चे होते हैं। एक ऐसी बकरी होती है, जिसके हर छ. महीने में तीन-चार बच्चे होते हैं। उसके जैसा खाल, चमड़ा और मांस दुनिया की किसी बकरी का है ही नहीं। यहां 26 किस्म की बकरियां हैं। विदेशों की गाय का खाली दूध ही काम में आता है, उनका बछड़ा किसी काम का नहीं होता है। हमारे यहां जो गाय की किस्म है, इनमें एक गाय ऐसी है, जिसका बछड़ा भी नम्बर एक का है और दूध भी पर्याप्त होता है। एक गाय ऐसी है, जिसका बछड़ा अच्छा होगा, लेकिन दूध नहीं होगा और एक वह है जिसका दूध होगा लेकिन बछड़ा खराब होगा और दूसरी ऐसी है जिसका दूध भी होगा और बछड़ा भी अच्छा होगा। हमारा यह कहना है कि सभी किस्म की गायों को बचाने का प्रयास करना चाहिए, अन्यथा ये खत्म हो जाएंगी। सभी चीजों में ऐसा हो रहा है- जैसे अनाज में है। अनाज दो तरह का है, इसमें भी फॉरवर्ड और बैकवर्ड है। गेहूं, धान, चना और जौ - ये चार अनाज ब्रह्मा जी ने बनाए थे।

विश्वामित्र ने बैकवर्ड क्लास के अनाज समा, कोदो, कज्जी, चीना, राड़ी, उर्दी बनाए, लेकिन आज वे लुप्त हो रहे हैं। मरुआ है जो मधुमेह विनाशक माना जाता है। इसी तरह से मक्का है जिसमें सबसे ज्यादा प्रोटीन होता है। इस तरह की जो चीजें हमारे यहां उपलब्ध हैं उनका संरक्षण और संवर्द्धन होना चाहिए। सरकार इसके लिए कानून लाई है, लेकिन कानून लाने में कितना खतरा है। माननीय अरुण घोषा एक विद्वान आदमी हैं। उन्होंने लिखा है कि 'Biodiversity

Bill : The Great Hoax'. जो बायो-डायवर्सिटी पर कंवेशन हुआ, उसमें उन्होंने कहा है कि

"That was the objective of the Convention of Biodiversity. That also has to be the *raison d'etre* and the purport of any new legislation in India, on the issue of protection, conservation and use of the country's rich biodiversity. The Bill presented to the Lok Sabha effectively negates the basic objectives (clearly put

on the agenda by the CBD), and purports to appropriate these resources – and all knowledge thereto – by corporate bodies with the approval of the Government. It does not require too much imagination to realise that:

- the corporates likely to benefit from the legislation would be MNCs;
- the Government qua Government (in India) today is best described as an unholy alliance between bureaucrats, a few technocrats (turned bureaucrats) and greedy politicians without a conscience, subserving the interests of private industrial capital, including the MNCs; and
- the natural fallout of the proposed legislation would be the appropriation of the rich biodiversity by MNCs (like Monsanto) through the connivance of Government functionaries."

16. 08 hrs. (Dr. Laxminarayan Pandeya in the Chair)

उन्होंने मोन्सैंटो कंपनी का नाम लिखा है। मैं जानना चाहता हूँ कि जो आशंका व्यक्त की गयी है उसके बारे में सरकार क्या कर रही है? भारत बायो-डायवर्सिटी में सबसे धनी है। चरक, सश्रुत संहिता में हरड़-बहेड़ा-आंवला, अर्जुन की छाल जिससे दिल के मरीजों का इलाज होता है - उसके हमारे यहां सबसे ज्यादा पेड़-पौधे होते हैं। हरड़-बहेड़ा, सिनाप, मैथी आदि का संरक्षण और संवर्धन होना चाहिए तथा इसका इस्तेमाल जनता तक पहुंचना चाहिए। हम सुनते हैं कि हल्दी का मल्टी-नेशनल पेटेंट करा रही हैं। ये जो हमारी पुरानी चीजें हैं जिनका वर्णन सहस्त्र-पुराण और दूसरे ग्रंथों में हमारे ऋषि-मुनियों ने किया है और जिनका इस्तेमाल भारत के लोग आज भी गांव-गांव में हजारों वाँ से कर रहे हैं, सरकार को उनका संरक्षण और संवर्धन करना चाहिए। नीम की छाल और पत्ती का इस्तेमाल हम हजारों वाँ से कर रहे हैं लेकिन आज उनका मल्टी-नेशनल कंपनीज पेटेंट करा रही हैं। इस बारे में हमारी सरकार क्या कर रही है? डब्ल्यूटीओ, ट्रीप्स, गैट से हमें संरक्षण कैसे मिलेगा, सरकार इस बारे में हमें आश्वस्त करे। हमें तो पूरी तरह से लगता है कि इस बिल से मल्टी-नेशनल के आने का खतरा है। इसलिए जो जैव-विविधताएं प्लान्ट्स और जानवरों की हैं उनका हमें संरक्षण और संवर्धन करना चाहिए। तुलसी में कितने चिकित्सीय गुण हैं यह सभी को पता है। इन सभी को सूचीबद्ध करने की आज जरूरत है, अनुसंधान करने की जरूरत है और फिर उनका प्रयोग करने की जरूरत है। उनको सभी तरीके से बचाने के तरीके इस विधेयक में पर्याप्त नहीं हैं।

आप जो नेशनल बायोडाइवर्सिटी एथॉरिटी बना रहे हैं, वह इंडीपेंडेंट नहीं है, ऑटोनमस नहीं है और डेमोक्रेटिक भी नहीं है। ऐसे में यह कैसे ठीक काम करेगा?

यहां चेन्नई का सवाल उठाया गया है। मैं इसके बारे में तीन सवाल करना चाहता हूँ। क्या सभी विशेषज्ञों ने यह कहा कि इसके हैड क्वार्टर के लिए चेन्नई ठीक प्लेस हैं या स्वामीनाथन साहब जो पुराने वैज्ञानिक हैं जिन्होंने यह बिल तैयार किया, उनके हिसाब से इसे चेन्नई में रखा या माननीय मंत्री जी वहां के हैं उस हिसाब से रखा। तीनों में से एक पेच जरूर है। यह भेद यहां खुलना चाहिए। भाण हो गया कि कोलकाता में होना चाहिए। ऐसे में कोलकाता या चेन्नई में झगड़ा होगा लेकिन बीच में पाटलीपुत्र या पटना में इसकी पंचायती होगी क्योंकि यह ऐतिहासिक स्थल है। इन सब चीजों का माननीय मंत्री जी को ख्याल रखना होगा।

अंत में मैं मंत्री जी से सवाल पूछना चाहता हूँ। छितौनी-बगहा रेल लाइन निर्माण के कारण क्षति हुई या रहुआ-कुतराह रेल निर्माण के कारण क्षति हुई? आपके विभाग ने रेल विभाग को क्लीयरेंस दे दिया और रेल विभाग ने उसे घेर लिया। इससे जल जमाव हो गया और बीच के सभी जंगल नट हो गए। इनकी कौन रक्षा करेगा?

बाल्मिकी वाइल्ड लाइफ सेंक्यूरी में बहुत पुरानी जड़ी बूटियां थीं। सरकार ने उसे वैस्टिड इंटरस्ट वालों को दे दिया और कहा कि पत्थरों को तोड़ कर समेट कर बेच दो। वहां के मंत्री जी आए थे और बालू जी से मिलना चाह रहे थे लेकिन वह इस बिल को तैयार करने में लगे थे। मैं उनका लिखित रिप्रेजेंटेशन आपको भेज रहा हूँ। इन दो बिन्दुओं पर विचार करके इसे संरक्षण प्रदान किया जाए। कागजों में यह बिल पास हो जाएगा लेकिन इनप्रेक्टिस हेरा-फेरी और गड़बड़ होगी जो ठीक नहीं है। ऐसा न हो कि बायोडाइवर्सिटी का बिल निरर्थक हो जाए।

यहां यह सवाल उठाया गया कि तमाम जैव विविधता को रिकॉर्ड में लाया जाए। 17 परसेंट का सर्वे पूरा हुआ है। तमाम क्षेत्र उत्तर से दक्षिण और पूर्व से पश्चिम सभी का सर्वे का किया जाए। प्रोटैक्शन, कनजर्वेशन के लिए प्रयोगशाला से जमीन तक सभी लोगों और पंचायत को इसके इस्तेमाल करने का अधिकार मिले। मल्टीनेशनल से बायोडाइवर्सिटी का संरक्षण नहीं हो सकता। इस पर मल्टीनेशनल आंखें लगाए बैठा है। सरकार मल्टीनेशनल से बायोडाइवर्सिटी और जीन्स को बचा नहीं सकेगी। वह सदन को आश्वासन दे कि बायोडाइवर्सिटी की रक्षा मल्टीनेशनल, डब्ल्यूटीओ और ट्रीप्स एग्रीमेंट से होगी और लोगों को लाभ होगा तथा उसका संरक्षण होगा। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRI PRABODH PANDA (MIDNAPORE): Thank you, Sir. While I am broadly supporting the aims and objects of this Bill, I am raising some important and pertinent questions with regard to this Bill.

Yes, it has been overdue. It could have been enacted earlier. But the Bill must be comprehensive, precise and must be written in unambiguous terms.

All these are lagging behind. So, I think, this Bill is not sufficient.

Yes, our country is one of the 12 mega-diversity countries of the world. Our country is equally rich in traditional and religious knowledge. This is very correct. But in the present WTO scenario, the present scenario of the so-called globalisation, the multinational companies are grabbing our knowledge, grabbing our indigenous production, our indigenous traditions and even our experiences also.

Many hon. Members have raised certain points in regard to patents, *haldi*, *karela*, *neem*, *basmati* and other products. These are all our indigenous products. So, the important Bill like this is very much required. The aims and objects of this Bill are all right. This Bill falls short of the basic requirement in some aspects and promotes the biological resources that must be thought over by the hon. Minister himself.

I think, this Bill is exclusively as good as a police law, emphasising and regulating, restricting and prohibiting the predators engaged in the destruction and mindless exploitation of our resources for private gains. But there is also a need to give adequate representation to different aspects. In the aims and objects of this Bill itself, it is written

about the interest of *vaidyas* and *hakims* but there is no scope for including any representatives from Ayurvedic practitioners.

So far as bio-agro diversity is concerned, there is no scope for including any representatives from the agricultural sector.

In regard to the members, it is mentioned that there is a scope to co-opt the members but the co-opted members have no right to vote. So, there is a discrimination. Some first-grade members are there and some second-grade members are there. What is this type of discrimination? Not only that, in many clauses, some terms are very ambiguous and not clear. Even the hon. Deputy Leader of the principal Opposition Party, Shri Shivraj V. Patil has correctly mentioned many points and I subscribe to them. In this important Bill, in many clauses it is written as 'the Central Government'. We are sorry. So, Sir, it is written lightly. The aims and objects of this Bill are very serious but they do not reflect in the Bill itself.

So, generally I support your ideas and your aims and objects but this Bill should be precise, it should be unambiguous, it should be clear and it should be comprehensive.

SHRI RAMESH CHENNITHALA (MAVELIKARA): Mr. Chairman, Sir, at the outset, I would like to congratulate the hon. Minister for bringing in this Bill to this august House. This Bill has been pending since 1994. After India became a party to the Convention on Biological Diversity, the thinking on this Bill had been started. A series of consultations were held by the Ministry with NGOs and experts. I also came to know that an expert committee had been constituted under the Chairmanship of Dr. M.S. Swaminathan. The Swaminathan Committee had submitted its Report. It is a good gesture that important recommendations of that expert committee have also been included in this Bill. The only thing is that certain recommendations made by the Departmentally-Related Standing Committee have been omitted, but I would come to that later on.

This Bill is one of the very important Bills. Biological diversity is a matter of concern to all and at present the following Acts deal with aspects relating to bio-diversity: The Indian Forest Act, the Wildlife Protection Act and the Forest Conservation Act. Besides these Acts, now this new bill would give more powers to regulate the activities and give more teeth to the authorities to check poaching and other related aspects.

The term bio-diversity encompasses the variety of all life on Earth. It encompasses the whole range of mammals, birds, reptiles, amphibians, fish, insects and other invertebrates, fungi and other micro-organisms like bacteria and viruses. The importance of bio-diversity has not to be explained; everybody knows about it. Biological diversity affects all of us and bio-diversity is a part of our daily life. It constitutes resources upon which families, communities, nations and future generations depend. Biological diversity has direct consumptive value in food, agriculture, medicine and industry. Approximately 80,000 edible plants have been used at one time or the other in human history, of which only about 150 have been cultivated on a larger scale. Today, a mere 20 species provide 80 per cent to 90 per cent of food requirements of the world. At one time, nearly all medicines were derived from biological resources. Even today, they remain vital and as much as 67 per cent to 70 per cent of modern medicines are derived from plants. This shows how important bio-diversity is. It is not only that but bio-diversity also provides us many other products, without which life would be very difficult. Wood, fuel, bamboo, thatch, fodder, raw material for industry are some of the examples.

Bio-diversity also has aesthetic and recreational value. Bio-diversity maintains ecological balance and continues evolutionary process. The exact number of Earth's existing species is still unknown even though many researches and investigations have been conducted. It is still unknown though the Global Diversity Assessment, 1995 estimates that it would range from 13 million to 14 million species. Today, an estimated 1.7 million species have been described. Many more species, particularly micro-organisms, invertebrates and lower plants await discovery.

Bio-diversity is not evenly disturbed among the countries of the world. Fortunately, our country is rich in bio-diversity. India is rated as one of the richest bio-diversity countries existing in the world. India is one of the 12 mega bio-diversity countries of the world. With only 2.4 per cent of land area, India already accounts for 7.8 per cent of recorded species of the world. The preservation of species and protection of species has to be given more importance in our country and more awareness has to be created among Indian people.

Among these, the forest ecosystem in particular exhibits tremendous variability ranging from temperate alpine to tropical wet evergreen forests. There are 16 major forest types in India. India is also one of the eight primary centres of origin of cultivated plants and is rich in agricultural bio-diversity.

All this shows that India is one of the countries to be noticed and also it is our bounden duty to preserve this bio-diversified nature of our country.

Sir, unfortunately, the threat to bio-diversity is more now in our country. The main threats to bio-diversity are: degradation, fragmentation and loss of habitats due to causes such as population growth, expansion of agricultural

areas, jhum cultivation and deforestation, urbanisation and unplanned development; over exploitation of plants and animal species; harvesting of timber and fuelwood; forest fire; poaching and hunting; introduction of exotic/alien species; pollution of soil, water and atmosphere; climate change, etc.

The threats to bio-diversity have to be taken very seriously. Over-exploitation of our nature is one of the main problems which is creating problems in our country and also ecological imbalance is creating a lot of problems. So, the people and the country are facing such hazards every year. The hon. Minister is well aware about that. The scientists have even identified that the global heat is going up. We are not getting enough rain and we are not getting enough sun in certain areas. The climatic condition is totally changing. So, by keeping the biological change in mind, the Government has to think more on this aspect.

The Convention on Biological Diversity, which was held in 1994, had emphasised certain very important points like – conservation of biological diversity; sustainable use of the components of bio-diversity; fair and equitable sharing of benefits arising out of the utilisation of genetic resources. So, on the basis of this Convention, Government have drafted this Bill.

I will go into two or three very specific points/recommendations put forward by the Departmentally-Related Standing Committee. The salient features of the bio-diversity legislation are well known to us. I have no objection that it is in Chennai. I am happy that it is in Chennai. You should not travel to ...*(Interruptions)* I am supporting it.

MR. CHAIRMAN : Shri Ramesh Chennithala, please conclude.

SHRI RAMESH CHENNITHALA : I have more interest now a days in Chennai. So, if it is in Chennai, it is a welcome step. ...*(Interruptions)*

It is not a question whether it is in Chennai or in Delhi. I wanted to stress that the organisations too should function properly. That is the most important thing. It is not the question whether it is in Delhi, in Chennai, in Trivandrum or at any other area, but the organisation which is meant for the better co-ordination of all these activities should function properly and the persons who are selected to these Authorities are more important. We are always selecting people on political considerations. It should not be like that. There should not be any bureaucrat, but there should be persons of high eminence, those people who can contribute to this. That is the most important thing. I think, the hon. Minister will take cognisance of these facts. ...*(Interruptions)*

MR. CHAIRMAN: Please conclude now.

SHRI RAMESH CHENNITHALA : Sir, I shall conclude with two main issues.

Regarding these local bodies, as our Deputy Leader rightly pointed out; you have entrusted this work to the local bodies.

Sir, we are all aware of the plight of the local bodies. The financial constraints are there for every Government. Really the local bodies have now become inefficient because of lack of enough financial powers. Even though they have powers, there is no money. So, the local bodies cannot perform. If you are entrusting all these very important works to the local bodies, they will not be in a position to carry out this work because of financial problem. This point has to be taken care of. Regarding definitions also, I think there is a need for a change in the definition. The value-added and the commercial utilisation have to be included in that.

Regarding confidentiality, why has it become confidential? It should be known to the public. Nowadays the right of information is there. We are talking about right of information and transparency and all these big things. In a democratic set up, I think there is no need for any kind of confidentiality in this aspect. I think the hon. Minister should go into these things and bring in certain more amendments. Already the House is having the need to pass some 60 amendments. That itself shows how this Bill has been drafted. ...*(Interruptions)* I am appreciating the efforts of the hon. Minister and I am congratulating him. But the way this has been drafted, I feel he has to have a re-look on that. I think that this is also to be considered by the hon. Minister.

On the overall, this Bill is a welcome step. This will definitely give more impetus for preservation of our ecological wealth.

SHRIMATI MARGARET ALVA (CANARA): Thank you, Sir for the opportunity given to me. I will be really brief because most of the issues which needed to be discussed have been touched on. Hon. Minister of Parliamentary Affairs, Shri Pramod Mahajan has suddenly arrived and is looking at me like the Headmaster who does not want to waste more time. I really will not take too much time.

I think this Bill affects the lives of women in a large way particularly in the forest and rural areas. I just want to say to the hon. Minister that the definitions and creating authorities and so on is very easy for the bureaucrats to draft and

for us to pass. But when it comes to the realities at the ground level, it is different. I begin with the grassroots level. You are talking about the Panchayats, the local bodies being given the authority to monitor, to raise funds for making the local biomass available and so on and so forth.

Sir, I hope the hon. Minister is aware, like we all are aware, that the expertise at that level is so rudimentary that exploitation of our natural resources is going to be the first thing that is going to happen. For a little money somebody will allow everything to be carried away; and to add to it, to give them an incentive and say that the money that will be collected by way of cess and tax will go to the local bodies, needs to be looked at. The local bodies are so starved of funds, developmental funds, these days, that you are giving them an incentive to collect money by selling away – so to say – the rarest species that are available.

Secondly, I do want to point out also that we are talking about knowledge and ancient systems which are so precious to us. There are many things which money cannot buy; but which have come down by way of tradition from generation to generation for hundreds of years. Even these can be purchased today. I am just giving you an example. I saw the other day a news item that from Tamil Nadu, China is taking a whole team of silk sari weavers to teach the technique of sari-weaving to the Chinese weavers so that they can compete with us in the international market.

Now, these are our traditional skills which we are very proud of and preserve. And so is it with traditional medicines and various systems which in the name of this Bill, you will make available for a price, to any one to come and even take your traditional practitioners and teach it outside. There is no question of patents. These people do not know what it is all about and there will be tremendous exploitation.

Sir, the other thing I am concerned about is the question of internal security. Once you give clearance, these people can go to these remotest areas and set up their research units or whatever it is and study. What implications will it have at the local level, of these people being in these areas which have not been really opened in the past, and taking away what they think is important? Who is going to control what they are going to carry away and what research they are going to do? You specifically say here that the State Government shall take all steps to ensure that these experiments, or this work that is done, does not endanger the health of the people and that they will ensure that the plant varieties and others which are there are not damaged by these artificial interventions. What expertise do you have to ensure that what is done there does not affect the lives of the tribals, of the local people? Chemicals and other things can be used in the processes which might even destroy totally, whole areas where this precious, if I may say so, inheritance exists.

Sir, Andaman and Nicobar Islands have long been protected as ecological parks where even trees are not allowed to be cut and trees which fall are preserved in the sense that they have to decay and go back to the soil. Even the fallen and dry trees cannot be removed. This has been the type of conservation we are talking about and if all this, today, is going to be thrown open to international exploitation, to the MNCs, what will happen? Look at what has happened in Indonesia. Look at what has happened in South America. Look at what has happened to the rain forests round the world. Some of the most precious forest wealth has been destroyed and carried away in the name of international development and exploitation, and exploration for oil and other resources.

Sir, another point which I want to bring before the Minister is the clash between the local people and these kinds of experiments. We call them *kadujana* – which means forest people - in our areas. We do not even call them tribals or non-tribals. They are the people of the forest and the relationship between these people and the environment and the ecological balance has been preserved not because of your Ministry, your environmental laws or your bureaucrats. Everybody is hand in glove, whether he is a forest officer or a forest guard. I do not know how many more Veerappans exist in our forests, who are exploiting and taking away the forest wealth in spite of all your systems of protection and conservation.

Sir, these people have, if I may say so, a holy relationship with nature. They worship it, whether it is a tree, it is the sun or whatever they believe in. In the name of conservation, they are sought to be pushed out and made to feel that they are in conflict with nature and access is being denied to these people, who genuinely have belonged there, to all these so-called parks and other things, thereby creating a big problem of human survival for them because they cannot survive in other situations and other environments. Even now, some order or direction has come from the Supreme Court that so many thousands of families are to be thrown out of forest areas because the Supreme Court considers them 'encroachers'. These people have not put industry there and have not explored the land for oil. They have built little houses, they are there, they are part of the forest environment and the greenery is not gone. But they are now issued orders from Delhi that by so and so date, they have to vacate it and lakhs of families are going to be thrown out in the name conservation, while MNCs, outsiders and all these exploiters are being given access to those very areas to which access is being denied to traditional forest people, whether it is in the North-East, Western Ghats or foothills of the Himalayas. I am, therefore, asking that there must be a balance. ...(*Interruptions*) I am also saying that the laws are in conflict.

On the one hand, you are opening up to multinationals and you are asking them to come and pay the local bodies and exploit and do what they want. On the other hand, people who are inside and who are living on the minor produce are being told to leave the forest and get out because they are destroying the forest. I do not see how the hon. Minister is able to say both the things and to try and implement both these laws because they are in conflict with each other.

My only final appeal, Sir, is on behalf of the people living in these areas, please do not sell away your forest wealth and your biodiversity, whether it is in the sea, whether it is the animals for experiments or your original wealth, for the sake of money to multinationals at the cost of the local people and their interests.

SHRI S. MURUGESAN (TENKASI): Can I speak in Tamil, Sir? I have already informed in advance about it.

MR. CHAIRMAN : There is no interpreter available. Kindly speak in English.

SHRI S. MURUGESAN : Sir, I strongly support this Biological Diversity Bill, 2000. I am privileged to inform this august House that India is a mega-diversity centre with eight per cent of the world's flora and fauna in two per cent of the land. Two out of 18 known mega-diversity centres in the world are located in India; they are the Eastern Himalayas and the Western Ghats. There is a Himalayan Research Institute at Almora to handle Himalayan biodiversity-related research and development matters. At present, in the Western Ghats, no such research and development centre is in existence. It is the need of the hour and an essential requirement to take stock of our rare plants, animals and microbes of this region and suggest methods for conserving and utilising them in a sustainable fashion by the local people.

In one of the Southern States, that is, Tamil Nadu, particularly in my constituency, Tenkasi, the Agasthyar Hills is the most ancient and important place in our area. These Agasthyar Hills are located in Tirunelveli and it is a very important pilgrim place also; besides, it is also very near to Courtallam, a very famous tourism centre. That is why, in our Tenth Plan, the Central Government allotted Rs. 1,025 crore for conserving the forests.

The biodiversity in Agasthyar Hills is very rich. It holds roughly 2,500 out of 3,500 higher plants available in the entire Western Ghats. That is why, in our area, a lot of medicinal plants are available in many areas. Therefore, the scientists of the proposed Institute should see that appropriate biotechnology is developed for conserving that area. Then only our rivers, watersheds, pasture forest habitats and valuable resources will be protected from pollution, weeds and illegal squatting of the natural localities.

Therefore, I welcome this Bill.

Sir, keeping in view the interests of the tribal people in Tamil Nadu, the hon. Chief Minister of Tamil Nadu, Dr. J. Jayalalitha has constituted self-group to protect the tribal groups and save their plants in forest areas. I also welcome the step of having the R&D Centre at Chennai. I welcome this Bill.

MR. CHAIRMAN : Shri Radhakrishnan, please conclude in two minutes and keep your promise.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I shall be brief.

Sir, at the outset I would like to congratulate the hon. Minister for having the headquarters at Chennai. Now, I have Shri Pandiyan sitting beside me. The hon. Minister earlier had a complaint that the police assaulted him in Chennai and now today he has a complaint that he is not allowed to write his name on the MPLAD schemes. So, he should think about these two aspects before finally taking the decision to have the headquarters at Chennai. He is the only MP whose name is not allowed to be written on the MPLAD schemes. We have no difficulty in this regard. We write our names in the schemes under MPLAD but you are not allowed to do so.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, I am confused if, according to him, the Members of AIADMK and DMK are considered to be bio-diversity species!

SHRI VARKALA RADHAKRISHNAN : Sir, it is strange that the headquarter is being proposed to be at Chennai. We have discussed so many Bills in this House and in almost all the cases, the headquarters of any institution was made in Delhi. But here is a Bill with an exception where it is proposed that Chennai will be the headquarters of the proposed institution. I think, it has become possible because Shri Baalu is the initiator of this statute.

SHRI K. MALAISAMY : It is decentralisation.

SHRI VARKALA RADHAKRISHNAN : Sir, now I will come to the provisions of the Bill.

Bio-diversity has been defined in this Bill. It says, 'biological diversity means the variability among living organisms from all sources and the ecological complexes, of which they are part, and includes diversity within species or between species and of eco-systems'. But now research is going on to clone human beings and, maybe, the world would have a cloned baby by January next year. But please do not allow cloning in India. Though there is no provision for it, yet in the days to come, we would have to share and exchange our ideas and discoveries. If the Western countries allow cloning in a particular nation and they exchange their ideas with us, then we would be bound to allow cloning in India as well. So, there must be a restriction on this principle. It is an exhaustive definition. So, I have a fear that such a thing might develop in a changed scenario.

At any rate, in the present scenario also we are facing certain difficulties in regard to patenting rights. There are cases pending before the World Court in this regard. Now, *Basmati* is an Indian variety of rice. But now we are fighting for our patenting rights of *Basmati* because of a negligent way of doing things.

SHRIMATI MARGARET ALVA (CANARA): Same is the case with *Neem* and *Haldi* also.

SHRI VARKALA RADHAKRISHNAN : Sir, now we are exchanging ideas with other nations. But it should not be a practice in such process of exchange of ideas with other nations that we drain out our resources and our valued information to other nations and get back nothing in turn. We have very rare species in our country. I can tell you that there is a plant grown in Kerala forests that can cure Cancer.

SHRI PRIYA RANJAN DASMUNSI : Is it!

SHRI VARKALA RADHAKRISHNAN : Yes, it can cure cancer. The research is being conducted. The Ayurvedic physicians tell us that they are treating people also. In some cases, cancer can be cured by this particular species of plant.

So, it will have to be looked into if we can conduct some research and see that an effective medicine for curing cancer is prepared.

There are other species also which are available in the forest region of Kerala which can prove to be very effective and beneficial.

MR. CHAIRMAN : Shri Varkala Radhakrishnan, please conclude now. You have already taken six minutes.

SHRI P.H. PANDIAN (TIRUNELVELI): Sir, let him speak. I am even prepared to give him my time.

MR. CHAIRMAN: On your request, I have already given him six minutes.

Shri Radhakrishnan, please conclude now.

SHRI VARKALA RADHAKRISHNAN : I am just concluding.

My humble submission is that this is an offshoot of globalisation. In the globalisation process, India is the loser. As our Prime Minister has pointed out that the common man is not benefitted and only the rich man is benefitted by the act of globalisation, this also should not result in such a way. The common man who is getting some medicine, some treatment, should not be lost by this globalisation process.

So, in dealing with this Biodiversity process, we should be doubly cautious, careful and take all measures by way of abundant cautions that we should not be the loser by passing this legislation.

With these few words, I conclude.

श्री हरीभाऊ शंकर महाले (मालेगांव) : सभापति महोदय, आपने मुझे समय दिया, इसके लिए मैं आपका आभारी हूँ। जैव विविधता के बारे में मैं अपने विचार रखता हूँ। मैं अपनी बहन अल्वा जी को धन्यवाद देना चाहूँगा कि उन्होंने आदिम जाति के बारे में अच्छे तरीके से सोचा। हमेशा विधेयक आता है, जंगल के बारे में बातें होती हैं लेकिन उनके लिए कुछ होता नहीं है। इसलिए मेरा कहना यह है कि उन लोगों के बारे में भी सोचना चाहिए। इस बारे में अल्वा बहन ने अच्छे तरीके से अपने विचार रखे हैं।

महोदय, जब कांग्रेस का राज था, उस वक्त वन विकास मंडल का कानून आया और लूटेरे अधिकारियों ने सरकार की आंखों में धूल फेंकी तथा सब जंगल काट दिए। पहले ऐसी बात थी कि 40 वर्ग से जंगल टूटने का अनुमान था। जब कानून आया तो सब जगह जंगल तोड़ दिए। वहाँ जो आदिम जाति का व्यक्ति है, आज उनका गुजारा नहीं होता, क्योंकि वे जंगल के ऊपर निर्भर करते थे। जंगल काटने से भूमि के ऊपर अतिक्रमण किया। जब फारिस कानून आया तो उस वक्त जो जंगल में रहता था उसे चोर ठहरा दिया गया और ये मालिक बन गए। अब स्थिति खराब हो गई है, टेलीफोन, बिजली, बांध बनाने के लिए, अन्य सुधार के कामों के लिए तथा आदिम जाति के घरों को बनाने के लिए अनुमति चाहिए। मेरा यह कहना है कि वहाँ के लोगों से विचार करके कानून बनना चाहिए। आदिम जाति की वहाँ रक्षा नहीं हो रही है, इसलिए मेरी विनती है कि स्थानीय लोगों का विचार करके इस कानून को रखना चाहिए। रघुवंश बाबू ने ठीक कहा, उन्होंने कहा कि जनता से विचार

करके कानून लाना चाहिए, लेकिन ऐसा नहीं हो रहा है, यह ठीक नहीं है। इसलिए मैं इस बिल का कड़ा विरोध करता हूँ।

SHRIMATI MARGARET ALVA : I want the Minister to reply to this point. Under this Act, you do not give the right to any individual citizen to approach the court on an issue where the law has been violated. It is only the Central Authority or the State authority that can go to court and not the individuals. How can you take away the rights of individuals, if they feel affected by the law?

Secondly, if there is a conflict between the directions of the Central Government and the directives of the State Government, who will decide?

...(Interruptions)

MR. CHAIRMAN : Shri Athawale, please sit down. I have called the Minister.

...(Interruptions)

SHRIMATI MARGARET ALVA : Nobody can go to court. ...(Interruptions)

MR. CHAIRMAN: Shri Athawale, your name is not in the list. You have not given your name. I have called the Minister. I am sorry. Please take your seat.

SHRIMATI MARGARET ALVA : I will just point it out. Clause 59 of the Bill provides:

"No court shall take cognisance of any offence under this Act or rules and regulations made thereunder save on a complaint made by the National Biodiversity Authority or State Biodiversity Board, as the case may be."

...(Interruptions)

MR. CHAIRMAN: Shri Athawale, you have not given your name; I am sorry; I cannot call you now. I have called the

names of all the hon. Members who have given their names to participate in the discussion. I cannot allow you now. Please sit down. Now, the hon. Minister.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): Sir, first of all, I would like to thank all the hon. Members of this House who have participated and deliberated in the discussion to get more information. I am indebted to them.

Before going into the details, I have to thank not only the hon. Members of this august House, but also the Members of the Standing Committee of both the Houses, the State Governments who were kind enough to send their opinion in time, the experts, the NGOs, the Departments of the Union Ministries and other experts throughout the length and breadth of this country.

We should observe that we are a globalised country; we are party to WTO; we are party to TRIPS agreement. In the globalised scenario, we are also party to CBD, Convention on Bio-Diversity, which is a part and parcel of the Earth Summit held in 1992 at Rio de Janeiro.

This Bill is not the creation of the NDA Government. This was envisaged by my friends in Congress who ruled in 1994. The seeds were sown by them. It was properly nurtured and inherited by the Government in 1997 in which Dr. Raghuvansh Prasad Singh and myself were Ministers supported by the Congress. In 1998, the draft Bill was circulated by the Government of BJP and AIADMK, who ruled at that time. ...*(Interruptions)* Now, I have got an opportunity; it is my proud privilege to pilot this Bill; with the support of the Members of this august House, it would be passed today.

Many of my friends have studied the Bill properly; but at the same time, here and there, they have conveniently forgotten that there are Acts like Forest Conservation Act of 1980, the Wildlife Protection Act of 1972, Environment Protection Act of 1986, Ocean Development Act, Animal Husbandry Act, and so on and so forth. All these Acts will take care of conservation and protection. Here, it not only talks about conservation, protection and sustainable use, but it talks about anybody who is having access to biological diversity, germ-plasm, etc. have to share the benefits arising from the use of biological resources and traditional knowledge.

17.00 hrs.

Prof. Raghuvansh Prasad has talked about 'Tulsi'. If anyone wants to have a plant variety of 'Tulsi' from its germplasm, to get an access to that germ plasm he has to go to National Biodiversity Authority which will give him the permission. Before giving permission the NBA has to consult the man in the village who is actually having the traditional knowledge or the right of that particular variety.

SHRIMATI MARGARET ALVA : He will have to go to which village?

SHRI T.R. BAALU: For that matter, to any village where traditional knowledge exists. He will have to seek the consent of the Village Management Committee. So, this Bill seeks to give permission to a person to have an access to the germ plasm of a particular variety of the flora or fauna and the benefit accrued out of this access will have to be shared with the community at the village level. Suppose, the germ plasm is available in a particular village then the person has to go to the Village Management Committee. If it is available in more than one State then to get the permission the person has to go to NBA. If it is available in more than two or three districts then the person has to go to the State Board. This Bill was discussed by the Standing Committee for more than one and a half years. There was a delay because of some good reasons. There were 61 amendments to the Bill because of which it got delayed. So, it was delayed so that all could derive benefit out of it. The delay was extremely in affirmative.

A senior friend of mine, in a lighter vein, has made a remark about having the Headquarters of NBA at Chennai. Shri Shivraj Patil raised this issue at the first instance and Prof. Raghuvansh Prasad supported his contention. I would request him to kindly close his eyes for some time. The Ministry has very consciously decided to have its Headquarters at Chennai. The word 'biodiversity' means, all the living organisms, except human beings.

DR. RAGHUVANSH PRASAD SINGH : It is only due to Shri Swaminathan or the Minister....*(Interruptions)*

SHRI T.R. BAALU: First of all, you may close your eyes for some time.

All the living organisms which may be flora and fauna, which may be wild life or the animals of ocean are found in Chennai. On the right of Chennai, there is Bay of Bengal; on its left, there is Arabian Sea; behind it, there is Cape Comerin, Indian Ocean; on its right, there is Western Ghats; and on its left, there is Eastern Ghats. It is surrounded by four States, namely, Andhra Pradesh, Kerala, Orissa, and Karnataka wherein agro-bio-diversity is in abundant quantity. Voluminous quantities of medicinal plants are there. It is rich in bio-diversity. There is mega-bio-diversity in Ooty and Kodaikanal. It is because of all this rich bio-diversity, flora and fauna, the Ministry – not me – have consciously decided to have it at Chennai. Moreover, Delhi is far away from everywhere. Not only that, it is

congested with many Government Headquarters. But at the same time, there is no ban to have it at Delhi.

SHRI PRIYA RANJAN DASMUNSI : You have done a good thing.

SHRI RAMESH CHENNITHALA : We have to see whether we are safe in Chennai or not. That is the only point...(Interruptions)

SHRI P.H. PANDIAN : Sir, Shri Chennithala has asked whether we are safe in Chennai or not. I would like to say that all the law abiding citizens are safe in Chennai...(Interruptions)

MR. CHAIRMAN : Let the Minister reply.

...(Interruptions)

SHRI T.R. BAALU: Sir, the Deputy Leader of this august House has mentioned that the villagers are not having enough knowledge to tackle this issue. With very great respect, I would also agree with him but at the same time, I would say that it was none other than their late lamented leader, Rajiv Gandhi who all along his life wanted to empower the village *panchayats*. Do you mean to say that I should not empower the village *panchayats*?

SHRI SHIVRAJ V. PATIL : Your approach is correct. This knowledge is in villages. This is with the villagers and that knowledge should be collected, it should be analysed, and it should be used. But they by themselves are not in a position to do all that is necessary for this purpose. So, there should be a body of experts who can help them. That is what I was trying to say.

SHRI T.R. BAALU: Sir, I sincerely thank Shri Shivraj Patil. In fact, in our in-house discussion, the same thing had been pointed out by some of my officers. I do agree with it. Actually, the capacity of the local *panchayats* or the Village Management Committees has to be developed very strongly because they are having the know-how and they have the traditional knowledge but they need technical and institutional support. So, at the time of framing the rules and while empowering them, definitely, this matter will be taken care of.

Shri B.K. Deo has said that many of the forest land has been diverted. I do not want to divert the attention from the subject. But at the same time I would like to say that before the Forest Conservation Act came into being, 1,50,000 hectares of land per year was diverted. Now, for the past many years, every year only 25,000 hectares are being diverted for the non-forest purposes. So, I would request my friend not to have any apprehension. We will take care of this issue.

Shri Pramanik has commented on the appropriateness of terminology like "bio-diversity". Sir, the Bill says: "biological diversity" only. So, I do not think that his contention is correct.

Shri Ravi Prakash Verma asked whether the local people's participation through the Biodiversity Management Committee will be successful. Yes, it has to be successful. I can tell my friends that much.

SHRI RAVI PRAKASH VERMA : You need to have a proper programme and an agenda to that effect.

SHRI T.R. BAALU: We have introduced the Joint Forest Management. According to this, there are 65,000 village committees which have been functioning well. Our target is to have about one lakh Joint Forest Management Committees within a very short time and within three or four months we are going to have them. This is one of the thrust areas and we will see that the Joint Forest Management Committees are strengthened. In those Committees your points of view will be definitely taken care of.

I think I have answered all the points raised by Dr. Raghuvansh Prasad Singh, except the one relating to the Zoological Survey of India and the Biological Survey of India. They are the premier governmental organisations

engaged in research on the flora and fauna in India. These organisations have so far recorded more than 48,000 plant species and 81,000 animal species. Research is continuing in this regard. These organisations will be strengthened in future also.

Shri Prabodh Panda apprehended that there is no scope for the research being made by *vaids* and agriculturists. While making the rules, we will definitely take care of them. Actually, *vaids* and agricultural researchers are already exempted from this law. They can go anywhere and have access to whatever they need in this field. There is no problem about it. At the same time, the Village Committees will definitely take care of these people to see that their ideas are accommodated. They will be included in the Village Committees also.

Shri Ramesh Chennithala supported the proposal of the Chennai Office because of his proximity to the place. He wants to see the successful functioning of the Authority. With his help and blessings naturally the National Biodiversity Authority will definitely function well to his appreciation.

Madam Margaret Alva has said that rare resources will be sold away by the villagers at cheap price. This will be taken care of. The National Biodiversity Authority will definitely take care of this aspect while the Village Committees are extended the power. If a foreigner wants to have the traditional knowledge of the germplasm from a particular area, they can levy any amount. The only point is that it has to be done in consultation with the Village Committee through which the National Biodiversity Authority will have its say. While framing rules, all her points will be taken care of.

Anna has somewhat jocularly made some points. I can tell him that common people will not be affected to get their rightful share from the extension of biodiversity fruits. This will definitely be taken care of.

Shri K.P. Singh Deo raised many points. I think I have answered them while replying to the points raised by Shri Shivraj V. Patil. About how the proposed legislation will check bio-piracy by foreigners and multinationals, the answer is, to check bio-piracy the proposed legislation provides that access to biological resources and associated knowledge is subject to terms and conditions which secure equitable sharing of benefits. Further, it would be required to obtain the approval of the National Biodiversity Authority before taking any measure to obtain intellectual property rights on biological material and associated knowledge obtained from India. This is in answer to the points made by Shri K.P. Singh Deo.

I think I have covered all the points.

SHRIMATI MARGARET ALVA : What about the rights of an individual to approach a court if he feels threatened by law? How can you leave it to the authorities only?

SHRI T.R. BAALU: The National Biodiversity Authority has got the rights of a civil court. That is why there is no necessity for anybody to go to a court or to any other place. The Authority has got inherent powers.

SHRIMATI MARGARET ALVA : What the law specifically says is that anybody who wants to take recourse to action must go only to the Authority. And then the Authority will approach the court. That means, only the Authority can approach the court and not an individual.

How can you take away the right of an individual in this country to go to the court for protection? It is a constitutional right. How can you say that only the authority can go to the court and an individual cannot go to the court?

SHRI T.R. BAALU: We know pretty well that under article 244 of the Constitution, any individual can go to the court. The constitution right is there. Anybody can go to the court under that article. For abundant caution, we have said that the civil court rights are provided to this biodiversity authority. Nobody can prevent it under article 244 of the Constitution.

SHRIMATI MARGARET ALVA : Sir, let him clarify this point. He is very clearly saying it under clause 60 which I read out earlier that only the authority can approach the court and nobody else can do so. It is here in the law.

SHRI T.R. BAALU: I will read out clause 55.

SHRIMATI MARGARET ALVA : This is about the companies. On this also, I have got an objection. Nobody can be held liable saying that he is ignorant of what is happening. Ignorance of law is no excuse in the court.

SHRI T.R. BAALU: Please go through clause 55(1). It says:

"Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished

accordingly."

SHRIMATI MARGARET ALVA : If the person says that he was ignorant, then is he not liable?

SHRI T.R. BAALU: Whatever it is, the National Biodiversity Authority has got inherent powers. Over and above, if any person who is denied of this opportunity can go to the court under article 244 of the Constitution.

SHRIMATI MARGARET ALVA : Please read clause 60. Sir, he has not answered the point under clause 60.

SHRI T.R. BAALU: Madam, kindly go through amendment No. 59(b). It says:

"(b) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer or facilitate any court on a complaint made byâ€;"

So, it is there.

Sir, I request all the hon. Members to kindly pass the Bill.

MR. CHAIRMAN : The question is:

"That the Bill to provide for conservation of Biological Diversity, sustainable use of its components and equitable sharing of the benefits arising out of the use of biological resources and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: *The House will now take up clause-by-clause consideration of the Bill.*

Clause 2 Definitions

Amendments made:

Page 2, line 19, --

after "by-products"

insert "excluding value added products" (4)

Page 2,--

after line 25, insert,--

'(ee) "commercial utilization" means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance-cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping.' (5)

Page 2, line 26,--

for "equitable"

substitute "fair and equitable" (6)

Page 2, line 31, --

after "under"

insert "any other provision of the Constitution or" (7)

Page 2, --

after line 46, insert,--

'(nn) "value added products" means products, which may contain portions or extracts of plants and animals in unrecognisable and physically inseparable form.' (8)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

***Clause 4 Results of research
not to be transferred to certain
persons without approval of
National Biodiversity Authority.***

Amendment made:

Page 3, line, 18 and 19,--

43 of *after "citizen of India"*

1961. *insert "or citizen of India who is non-resident as defined in clause
(30) of section 2 of the income tax Act, 1961" (9)*

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

**Clause 6 Application for intellectual
property rights**

not to be made without

**approval of National Biodiversity
Authority**

Amendments made:

Page 3, --

after line 43, insert, --

"Provided further that the National Biodiversity Authority shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof. " (10)

Page 4, line 3, --

after "under"

insert "law referred to in" (11)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 Prior intimation to State

Biodiversity Board for obtaining

**biological resource
for certain purposes**

Amendments made:

Page 4, line 8, --

after "bio-utilisation"

insert "for commercial utilisation" (12)

Page 4, line 11, --

after "including"

insert "growers and cultivators of biodiversity, and" (13)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8

*Establishment of National
Biodiversity authority*

Amendments made:

Page 4, line 16, --

after "established"

insert "by the Central Government" (14)

Page 4, --

for line 32, substitute, --

"representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with. " (15)

Page 4, lines 33 and 34, --

for "Additional Inspector General of Forests or the Inspector General of Forests"

substitute "Additional Director General of Forests or the Director General of Forests" (16)

Page 4, line 35, --

for "five"

substitute "seven" (17)

Page 4, --

after line 41, insert, --

"(vi) Science and Technology;

(vii) Scientific and Industrial Research;". (18)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 Condition of service of

Chairperson and Members

Amendment made:

Page 5, line 2, --

after "ex officio member",

insert "of the National Biodiversity Authority" (19)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10 to 15 were added to the Bill.

Clause 16 Delegation of Powers

Amendment made:

Page 6, line 24, --

for "settle dispute"

substitute "prefer an appeal" (20)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 was added to the Bill.

Clause 18 Functions of National

Biodiversity Authority

Amendments made:

Page 6, line 33, --

for "access to and equitable"

substitute "access to biological resources and for fair and equitable" (21)

Page 6, line 42, --

after "notified"

insert "under sub-section (1) of section 37" (22)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 18, as amended, stand part of the Bill".

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 Approval of National

**Biodiversity Authority
for Undertaking
certain activities.**

Amendment made:

Page 7, line 14, --

after "outside India"

insert "referred to in sub-section (1) of section 6" (23)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

**Clause 20 Transfer of biological
resource or knowledge**

Amendment made:

Page 7, line 33, --

for "deemed"

substitute "it may deem" (24)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clause 21 was added to the Bill.

Clause 22 Establishment of State

Biodiversity Board

Amendments made:

Page 8, line 24,--

after "established"

insert "by that Government (25)

Page 8, line 43,--

for "Departments"

substitute "concerned Departments" (26)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clause 23 was added to the Bill.

Clause 24 Power of State Bio-

**diversity Board to restrict
certain activities violating the
objectives of conservation etc.**

Amendment made:

Page 9,--

after line 21, insertâ€”

"(3) Any information given in the form referred to in sub-section (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto ". (27)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

**Clause 25 Provisions of Section
9 to 17 to apply with
modifications to State
Biodiversity Board**

Amendment made:

Page 9, line 27,--

for "Board"

substitute "State Biodiversity Board " (28)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clause 26 was added to the Bill.

SHRI P.H. PANDIAN : Sir, except the Minister, no Member is raising his voice that side to vote. Everybody should exercise his franchise.â€! (*Interruptions*)

**Clause 27 Application of National Biodiversity
Fund**

Amendment made:

Page 10, line 1,--

after "conservation"

insert "and promotion " (29)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clauses 28 to 31 were added to the Bill

Clause 32 State Biodiversity Fund

Amendments made:

Page 10, line 46,--

for "restriction imposed under"

substitute "notification under sub-section (1) of" (30)

Page 10, line 47,--

after "conservation"

insert "and promotion" (31)

Page 10, line 49,--

for "approval granted"

substitute "order made" (32)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 32, as amended, stand part of the Bill."

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Clause 33 was added to the Bill.

Clause 34 Audit of accounts of State

Bio-diversity Board.

Amendment made:

Page 11, line 7,--

for "National Biodiversity Authority"

substitute "State Biodiversity Board " (33)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

Clause 35 was added to the Bill.

Clause 36 Central Government to

**develop National strategies,
plans etc. for conservation etc.
of biological diversity**

Amendments made:

Page 11, line 14, --

after "conservation"

insert "and promotion" (34)

Page 11, line 15, --

after "monitoring"

insert "of" (35)

Page 11, line 16, --

for "conservation and"

substitute "and" (36)

Page 11, lines 16 and 17, --

for "training, public education"

substitute "training and public education" (37)

Page 11, --

after line 17, insert --

"(1A) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed" (38)

Page 11, line 19, --

for "conservation"

substitute "conservation, promotion" (39)

MR. CHAIRMAN : The question is:

"That clause 36, as amended, stand part of the Bill."

The motion was adopted.

Clause 36, as amended, was added to the Bill.

Clause 37 was added to the Bill.

**Clause 38 Power of Central
Government to notify threatened
species**

Amendment made:

Page 12, line 2, --

for "Central Government"

*substitute "Central Government, in consultation with
the concerned State Government," (40)*

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 38, as amended, stand part of the Bill.

The motion was adopted.

Clause 38, as amended, was added to the Bill.

**Clause 39 Power of Central
Government to designate
repositories**

Amendments made:

Page 12, line 11, --

after "discovered"

insert "by any person" (41)

Page 12, line 12, --

after "and"

insert "he shall" (42)

MR. CHAIRMAN: The question is:

"That clause 39, as amended, stand part of the Bill."

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Clause 40 was added to the Bill.

**Clause 41 Constitution of Biodiversity
Management Committees**

Amendments made:

Page 12, --

after line 24, insert --

'Explanation -- For the purposes of this sub-section, --

a. "cultivar" means a variety of plant that has originated and

persisted under cultivation or was specifically bred for the
purpose of cultivation;

b. "folk variety" means a cultivated variety of plant that was

developed, grown and exchanged informally among farmers;

c. "landrace" means primitive cultivar that was grown by

ancient farmers and their successors.' (43)

Page 12, line 30, --

after "biological resource."

insert "for commercial purposes" (44)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 41, as amended, stand part of the Bill."

The motion was adopted.

Clause 41, as amended, was added to the Bill.

Clauses 42 and 43 were added to the Bill.

**Clause 44 Application of Local
Biodiversity Fund**

Amendments made:

Page 13, line 2, --

after "applied"

insert "in the manner" (45)

Page 13, line 4, --

after "conservation"

insert "and promotion" (46)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 44, as amended, stand part of the Bill.

The motion was adopted.

Clause 44, as amended, was added to the Bill.

Management Committees

Amendment made:

Page 13, line 10, --

for "State Government"

substitute "concerned local body" (47)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 45, as amended, stand part of the Bill.

The motion was adopted.

Clause 45, as amended, was added to the Bill.

Clause 46 Audit of accounts of

Biodiversity Management Committees

Amendment made:

Page 13, lines 13 and 14, --

for "State Government",

substitute "concerned local body" (48)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 46, as amended, stand part of the Bill.

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Clause 47 Annual report of Biodiversity

**Management Committee to be
laid before State Legislature**

Amendment made:

Page 13, –

for lines 16 and 17, substitute –

Annual report, etc.
of the Biodiversity
Management
Committee to be
submitted to
District Magistrate

"47. Every local body constituting a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in sections 45 and 46 respectively and relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body." (49)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 47, as amended, stand part of the Bill.

The motion was adopted.

Clause 47, as amended, was added to the Bill.

Clauses 48 and 49 were added to the Bill.

**Clause 50 Settlement of disputes between
State Biodiversity Boards.**

Amendment made:

Page 13, line 43,–

for "appellant"

substitute "parties" (50)

MR. CHAIRMAN : The question is:

"That clause 50, as amended, stand part of the Bill."

The motion was adopted.

Clause 50, as amended, was added to the Bill.

Clause 51 was added to the Bill.

New Clause 51A Appeal

Amendment made:

Page 14,—

after line 22, -- insert

Appeal. "51A. Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days." (51)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That new clause 51A be added to the Bill."

The motion was adopted.

New Clause 51A was added to the Bill.

New Clause 51B Execution of determination

or order.

Amendment made:

Page 14,--

after line 22, insertâ€”

Execution of

determination or order. "51B. Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

Explanation.â€”For the purposes of this section and section 51A, the expression "State Biodiversity Board" includes the person or group of persons to whom the powers or functions under sub-section (2) of section 22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be."

(52) (Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That new clause 51B be added to the Bill."

The motion was adopted.

New Clause 51B was added to the Bill.

Clause 52 was added to the Bill.

Clause 53 Penalties

Amendment made:

Page 14,--

for lines 28 to 31, substituteâ€”

"53.(1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both." (53)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That clause 53, as amended, stand part of the Bill."

The motion was adopted.

Clause 53, as amended, was added to the Bill.

Clauses 54 to 56 were added to the Bill.

Clause 57 Act to have over riding effect.

Amendment made:

Page 15,--

for lines 22 and 23, substituteâ€”

Act to have effect in

addition to other Acts. "57. The provisions of this Act shall be in addition

to, and not in derogation of the provisions in any other law, for the time being in force, relating to forests or wildlife." (54)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That clause 57, as amended, stand part of the Bill."

The motion was adopted.

Clause 57, as amended, was added to the Bill.

Clause 58 was added to the Bill.

Clause 59 Cognizance of offences

Amendment made:

Page 15,--

for lines 27 to 29, substitute

Cognizance of offences. "59. No court shall take cognizance of any offence under this Act except on a complaint made by

- a. **the Central Government or any authority or officer authorised in this behalf by that Government; or**
- b. **any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid."**
(55)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That clause 59, as amended, stand part of the Bill."

The motion was adopted.

Clause 59, as amended, was added to the Bill.

**Clause 60 Power of
Central Government to
make rules**

Amendments made:

Page 15, --

after line 40, insert

"(dd) the form and manner of making an application under sub-section (2) of section 19;" (56)

Page 15,--

for line 44, substitute

"report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;" (57)

Page 16,--

after line 3, insert

"(hh) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;

"(hhh) the manner of giving notice under clause (b) of section 59;" (58)

(Shri T.R. Baalu)

MR. CHAIRMAN : The question is:

"That clause 60, as amended, stand part of the Bill."

The motion was adopted.

Clause 60, as amended, was added to the Bill.

Clause 61 Power of State Government to make rules

Amendments made:

Page 16,--

after line 18, insertâ€”

"(ia) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;" (59)

Page 16,--

after line 22, insertâ€”

"(bb) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;" (60)

Page 16,--

for lines 24 and 25, substituteâ€”

"(d) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (1) of section 44;

(dd) the form of annual report and the time at which such report shall be prepared during each financial year under section 45;

(ddd) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;" (61)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 61, as amended, stand part of the Bill."

The motion was adopted.

Clause 61, as amended, was added to the Bill.

Clauses 62 and 63 were added to the Bill.

Clause 1 Short title, extent

and commencement

Amendment made:

Page 2, line 3,--

for "2000"

substitute "2002" (3)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

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

Enacting Formula

Amendment made:

Page 1, line 1,--

for "Fifty-first"

substitute "Fifty-third" (2)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

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

The Preamble was added to the Bill.

Title

Amendment made:

That in the Long Title,--

i. *for "equitable"*

substitute "fair and equitable"

ii. *for "biological resources"*

substitute "biological resources, knowledge" (1)

(Shri T.R. Baalu)

MR. CHAIRMAN: The question is:

"That the Title, as amended, stand part of the Bill."

The motion was adopted.

The Title, as amended, was added to the Bill.

MR. CHAIRMAN: Now, I request the hon. Minister to move that the Bill, as amended, be passed.

SHRI T.R. BAALU: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): This Bill should be named as "Baalu Diversity Bill"

...(Interruptions)