

12.44 hrs.

PATENTS BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

Shri Krishnamoorthy Rao (Shimoga): I move:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill to amend and consolidate the law relating to patents be further extended upto the first day of the next session."

Shri Hari Vishnu Kamath (Hoshangabad): There should be some reasons for this.

Shri Krishnamoorthy Rao: The Committee has so far held 22 sittings and has examined representatives of 33 associations and organisations. The Committee has to examine six more parties—2 non-official and 4 official. I had fixed the dates from 25th July to the beginning of August expecting that the session would begin later in August. I had sent an appeal to the members to sit, if possible, on the 25th and 26th for clause-by-clause consideration. I have received a letter signed by 14 members saying that since they have received voluminous evidence from both Indian and foreign witnesses, they would like to have more time to consider the evidence and that they cannot sit during the session as they have important meetings. I have, therefore, fixed the meetings during the inter-session period to examine the witnesses. Thereafter we shall take up clause-by-clause consideration during the inter-session period. I expect to present the report on the first day of the next session and, therefore, extension of time is necessary.

Shri Hari Vishnu Kamath: While the reasons adduced by the chairman of this committee are *prima facie* valid, I may also in all humility request you to ensure in future that these Joint Committees and Select

Committees present their reports to the House in time, or at least without much delay.

One of the reasons why this has not been possible is, in my humble judgment, the fact that, the Deputy-Speaker, whose capacity and ability are well known—I do not doubt them—is sometimes overburdened with the chairmanship of too many committees that is, too many Joint Committees and Select Committees. He is very hardworking, very diligent and is devoted to his work; I have no doubt on that score at all, not the least, not a whit, not a bit, but sometimes, as any human being can get overburdened with too much work, he is also overburdened with the chairmanship of too many Committees, and you may in your wisdom try and ensure that in future the chairmanship of some committees may not devolve upon him. And why should he take it upon himself the chairmanship of so many committees? Because you appoint him, he has got to take upon himself and he cannot say 'No'. So, if you in your wisdom, can decide otherwise, that some of these committees can have some other member as chairman, then he will be relieved of some of the work.

श्री हुकम चन्द कछवाय (देवास)

इस पेटेंट बिल को जो पीछे हटाया जा रहा है, मैं जानना चाहता हूँ कि क्या सरकार के ऊपर कोई विदेशी दबाव आ रहा है जिस के कारण ऐसा किया जा रहा है।

Shri Umanath (Pudukkottai): I want to submit that during the last session itself, extension of time was asked for and it was granted. Again extension of time is asked for during this session. That means that this Bill will not come up during this session. That is my first apprehension. My second apprehension is that since the next session will be the pre-election session, it is likely that this Bill may not be taken up. I would like to know whether Government are very serious about this Bill at all. I

feel that there is the danger of this Bill not coming up during the pre-election session, and consequently it may be pushed to the other Lok Sabha that would be constituted after the elections. So, I have my apprehensions on this score.

Mr. Speaker: I can ask the Government only after the Joint Committee present their report.

Shri Krishnamoorthy Rao: I may add that I had told the Minister of Parliamentary Affairs that unless Parliament passed this Bill during its life-time, all our efforts would be a waste, and he has given me this assurance that this Bill would get priority during the next session and we would be able to pass it during the next session.

Shri H. N. Mukerjee (Calcutta Central): Will Government give us that assurance? It is so good of the chairman of the committee to tell us that the Minister, whoever he was, in a committee, I believe, told him that Government would make every effort to have it passed by Parliament before it dispersed. But we do have very lively apprehensions that this matter is being postponed, and that is why if Government give some assurance, if these so many worthy gentlemen on the Treasury Benches could give us some assurance on the floor of the House, that would be much more important than an assurance in an informal meeting which the chairman of the committee had received.

Shri Harish Chandra Mathur (Jalore): I do not know how far it was fit to have raised any question regarding the credence or the intentions of Government on this matter. This matter is now before a parliamentary committee. Is it the intention of the hon. Member to suggest that this parliamentary committee is being influenced by somebody outside? After all, it is before the parliamentary committee, and the parliamentary committee has to take decisions. I do not

know how Government come into the picture at all, when the whole matter is before the parliamentary committee.

Shri Nambiar (Tiruchirapalli): Government can influence the committee.

Mr. Speaker: I can ask the Government only after the committee have submitted their report.

Shri Harish Chandra Mathur: When the matter is before the parliamentary committee, Government do not come into the picture at all. Therefore, it is not proper to make these kinds of insinuations, because these are insinuations on the Members of Parliament who are members of this committee.

Shri Hari Vishnu Kamath: I did not make any insinuations.

Shri Harish Chandra Mathur: Shri Kamath did not make any insinuations. I could understand that. But I would not have been provoked to make these observations of mine for the fact that there have certainly been insinuations of a very serious nature. I would submit that hon. Members should think twice before they make such remarks.

श्री किशन पटनायक (सम्बलपुर) :

यह पार्लियामेन्टरी कमेटी जरूर है, लेकिन इस कमेटी में गवर्नमेंट के प्रतिनिधि बहुत बड़ी तादाद में हैं। इसलिये अपने प्रतिनिधियों के जरिये इस को टालने के लिये गवर्नमेंट का प्रेशर हो सकता है। चूंकि पेटेन्टर के जरिये आज करोड़ों रुपयों की विदेशी मुद्रा की चोरी होती है इस लिये मैं यह आश्वासन चाहता हूँ कि इसको इसी साल में पास किया जायेगा। मैं जानना चाहता हूँ कि सरकार इन को इसी साल पास करवाना चाहती है या नहीं।

Shri N. Dandekar (Gonda): I entirely agree with Shri Mathur.

[Shri N. Dandekar]

If these observations which have just been made had been made outside the House, it would have been contempt of this Parliamentary Committee and also of the House. Reflections of this kind ought not to be made. As the Chairman of the Committee has said, this is a very important matter and he has suggested that a little more time ought to be allowed. That should be the end of the matter. Allegations of the kind made are out of place.

Shri Sham Lal Saraf (Jammu and Kashmir): I am a member of the Committee. To start with, the work of the Committee did not evince interest among people outside the country. But I must say that the Committee should be proud of one thing, that today the entire world, the advanced world, is very much interested in this Bill that is on the anvil of the Committee. Not only the western world but the eastern world is also interested in this. Therefore, the insinuations made concerning the members of the Committee by Prof. Mukerjee and others are not proper. It is said that the members are pressurised. It is not a fact. We are making our best efforts to make a success of the Committee's work. What the hon. Chairman has said is perfectly correct. We need a little more time to conclude our deliberations and it will come up before the House the next session.

श्री काशीराम गुप्त (अलवर) : अध्यक्ष महोदय, इस बात पर कमेटी में विचार हुआ था और सरकार से यह आश्वासन चाहा था कि यदि सरकार इस सत्र में इस बिल को ले सके तो कमेटी बैठने को तैयार है इन दिनों में भी। किन्तु सरकार की तरफ से ट्रिप ने बताया कि इस सत्र में इस बिल के आने की कोई आशा नहीं है। इसे देखते हुए सदस्यों ने सोचा कि यह जो काम है इसको इस सत्र में न लिया जाए क्योंकि और भी बहुत से काम रहते हैं। इस कारण से यह समय मांगा गया है। और

किसी प्रकार के दवाव या किसी और वजह के कारण यह समय नहीं मांगा गया है।

दूसरा निवेदन श्री कामत ने यह किया है कि जो इस कमेटी के चेयरमैन हैं उनको बहुत ज्यादा काम रहते हैं। लेकिन मैं कहना चाहता हूँ कि इस कमेटी के चेयरमैन महोदय ने बहुत ज्यादा इस मामले में दिलचस्पी ली है, पूरा काम किया है, पूरा समय इस में लगाया है। चाहे वे जितनी कमेटियों के चेयरमैन हो, वह बराबर कहते रहे हैं कि उनकी इच्छा है कि यह इसी सत्र में पास हो जाए। किन्तु जब सरकार की तरफ से यह बात कही गई तब समय मांगा गया है।

Shri Bade (Khargone): I am a Member of the Joint Committee. The insinuations and allegations that have been made are not correct. As a matter of fact, this is a very complicated Bill. The whole world is interested in it. Witnesses from USA, Japan, Britain and Italy have tendered evidence before the Committee. To process all this material and come to our conclusions, we require time.

The Government also said when this matter came up that there would be five Ordinances to be got through in the form of Bills and perhaps this could not be accommodated in this session. Therefore, taking that also into account, this motion has been brought before the House.

Dr. L. M. Singhvi (Jodhpur): I, feel it is unfair of hon. Members to suggest that the Committee is being surprised into doing this or that. The Committee exists for the very reason of Listening to different points of view view. These different points of view have been coming before us not only from one section or from one part of the world but from all parts of the world. The Committee is confronted with a mass of material which it has to collate and analyse and put before the House. The Chairman has been

doing his best and has been devoting a great deal of his time to this work.

Therefore, I think the House must observe this courtesy towards the Committee of not criticising it in these terms.

Shri Umanath: On a point of personal explanation. Much is being made about so-called insinuations against members of the Committee. This is absolutely wrong. Nobody made any insinuation either against the Chairman or against the Members. But even now we are concerned about the fate of the Patents Bill. That anxiety has been expressed and somebody should assure the House on that score. That was all that has been asked for. It is not a question of making any insinuations against anyone.

Mr. Speaker: That has been done. The question is:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill to amend and consolidate the law relating to Patents, be further extended upto the first day of the next session".

The motion was adopted.

12.56 hrs.

RE: SEVENTH REPORT OF COMMITTEE OF PRIVILEGES—contd.

अध्यक्ष महोदय : डा० राम मनोहर लोहिया ।

डा० राम मनोहर लोहिया (फर्रुखाबाद) : अध्यक्ष महोदय

श्री मधु लिमये (मुंगेर) : इसके पहले कि डा० लोहिया बोलें मैं एक चीज़ पर आपकी व्यवस्था और स्पष्टीकरण चाहता हूँ । लोक सभा सचिवालय को एक पत्र द्वारा यह कहा गया कि यह जो सातवीं रपट आने वाली है, दो चीज़ों को लेकर इस पर बहस होगी । एक तो रपट पर और दूसरी बात यह है कि पिछली बार जब चौथी रपट सदन

के सामने आई थी तो डा० लोहिया जी ने आक्षेप उठाया था कि उस में ने कपूर सिंह साहब का जो विरोध पत्र था उसका कुछ हिस्सा निकाल दिया गया है और हमारी जो समिति के सामने मौखिक गवाही हुई थी और जो लिखित निवेदन था उसको भी उसमें नहीं रखा गया । उस के बद आपने अपने कमरे में जो विरोधी दल के नेता हैं उनकी एक बैठक बुलाई थी और उस बैठक में एक निर्णय हुआ था कि हमने जो गवाहियां दी थीं और जो निवेदन किया था उसके ऊपर और कपूर सिंह जी के द्वारा जो विरोधपत्र दिया गया था और उसमें जो काट छांट हुई थी उसके ऊपर दुबारा समिति विचार करे । इस निणय के अनुसार फिर सदन के नेता ने एक प्रस्ताव रखा था और वह पास भी हो गया था । इसलिए एक पत्र द्वारा सचिवालय को विनती की गई थी कि कपूर सिंह जी का जो मूल विरोध पत्र है उसकी कापियां परिचालित की जाए ताकि बहस ठीक तरह से चल सके और सभी सदस्य उसमें हिस्सा लें सकें । अभी तक वे कापियां हमें नहीं मिली हैं । मैं आपसे पूछना चाहता हूँ कि यह बहस कैसे होगी ? आखिरकार विशेषाधिकार समिति के सदस्यों को ये कापियां बांटी गई थीं । उसी तरह सदन के जितने सदस्य हैं उनको भी ये कापियां मिलनी चाहियें । तभी जाकर इस बहस में कुछ ठीक बातें कही जा सकेंगी अन्यथा कसे कुछ कहा जा सकेगा ।

अध्यक्ष महोदय : जो आपने चिट्ठी लिखी थी वह मेरे सामने पेश हुई थी और मैंने फैसला किया था कि ये कापियां बांटी नहीं जा सकती है । अगर एक कमेटी फैसला करती है कि यह जो नोट दिया था सरदार कपूर सिंह जी ने उसको एक्सपंज किया जाए, उसको उस पर न रखा जाए तो आज हाउस को पहले यह फैसला करना होगा कि आया उसको रखा जाए । अगर यह हाउस फैसला कर दे कि उसको रखा जाए तब तो वे जो कापियां हैं सब को बांटी जा सकती हैं और