

be very happy if we are able to implement the directive principles contained in the Constitution to Complete success.

BUSINESS OF THE HOUSE—(Contd.)

MR. DEPUTY-SPEAKER : Mr. Umamath.

SHRI UMANATH (Pudukkottai) : Sir, you will recall this morning when the business for next week was announced by the Minister, I proposed that the patents Bill must be taken up and passed.

AN HON. MEMBER : You move the motion.

SHRI UMANATH : I bag to move :

“That rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for fixing a sitting of the House on Saturday, the 29th August, 1970, be suspended.”

SHRI DATTATRAYA KUNTE (Kolaba) : I oppose the motion not because I do not want the Patents Bill to be taken up, but because I have received this motion at 5.15 P.M. Tomorrow is not a working day. If it was a working day, I could understand Government wanting to give priority for this business. To give a notice at 5.15 P.M. and disturb all the programme and arrangements is not proper. I have an arrangement to go to Poona because some body in my family is very seriously ill. If this business is taken up tomorrow, it will be depriving me from taking part in the deliberations of the House. As a matter of fact, the Patents Bill should have come much earlier. If it has not come earlier and other business has intervened, it shows the lack of responsibility on the part of the Government itself. Let it come up on Monday or Tuesday. We can sit longer on Monday and Tuesday. Or, you can extend the session for this purpose. I have no objection. But it should be taken up on a working day. I oppose it on the ground that we are being asked to work to morrow which is not a working day at such short notice,

SHRI RANGA (Srikulam) : Sir, according to the Directions of the Speaker,

it was made very clear that except on very rare occasions and for exceptional reasons, the Speaker should not give his consent for bringing such a motion as this, when a decision had already been taken by the House in the same session. In fact, on this matter whether the House should sit on Saturday or not, we took a decision only last fortnight. I do not know for what good or bad reasons this Government has thought it fit to kotow our friends when they were dead set this morning—unfortunately I did not happen to be here then—that this Bill should be taken up. Not only that, in order to get it passed in post haste manner it should be taken up tomorrow; the House should get over its own decision taken earlier and sit on Saturday and help the Government to get it passed. If they were so keen on passing this Bill, one could have understood it if they wanted the session to be extended by two or three days, so that the House would have an opportunity to give full careful and responsible consideration to this very important Bill. Everybody admits that it is important. It was referred to a Joint Committee and it has come back. Who asked the Government to delay it all this time? They had their own reasons—political or housewife; I do not know what the reasons are—for delaying it for such a long time.

18 hrs.

Even earlier, for other purposes we wanted the Government to extend the session by one or two days. They were not willing; they said that they had some extraordinary, unavoidable items of business with which their Ministers were seized and, therefore, they could not very well extend the session at all because their Ministers would not be released to discharge those other functions. Now, suddenly they want to make an inroad into the time and the programmes that we have made and misappropriate our Saturday.

SHRI UMANATH : Grab.

SOME HON. MEMBERS : Saturday—grabbing.

SHRI RANGA : Now they have sanctified the grabbing movement in this manner. I think, it is unconscionably unreasonable.

One of our Members Shri Masani, who happens to be the President of our Party as well as the Deputy Leader of our Party in this House, was there on the Joint Committee and he played an important role according to his own lights. We have asked him to be our spokesman here on this Bill when it comes up for consideration. Now there comes this sudden *volte face* of this Government. We all understood that this was not coming up now. Last week he was waiting with bated breath that it was going to come because he would like to make his programme properly. When he learnt that it was not going to come, he has gone to answer other public demands on his time. We would not be able to get him here at all because here is too short a notice. In this way, I am sure, other parties' Members also—Shri Kunte, no less an important Member of this House—would not be able to here; so also, many other Members.

It has got to be passed, they say. Our friends demand it. If it is to be passed, it is the proper way of treating this House and dealing with an important Bill like this? It only shows the complete helplessness of this Government. It is a minority Government. It is dependent upon the generosity of these gentlemen. Whatever they want, the Government has to kowtow to them and get it passed in any circumstances, decent or indecent, democratic or otherwise. It looks like that. Would not the Government give some consideration to these points that we are urging; are they going to be simply carried away or thrown overboard in spite of this or because of their own inner urges and treat the House in this wrong way?

Sir, I oppose this motion.

DR. SUSHILA NAYAR (Kansi) : Mr. Deputy-Speaker, Sir, the situation with regard to the prices and availability of drugs in the last few days has become extremely serious. It is in view of this serious situation that many of us felt that the Patents

Bill should be passed before Parliament adjourns, particularly in view of the fact that the hon. Minister in charge, Dr. Tri-guna Sen, said that he was unable to take any effective steps unless this Bill was passed. We feel that something should be done urgently. If the hon. Minister can find some other time to pass it, let him do to by all means; we have no objection. We would like the valuable views of Shri Kunte, Shri Masani and everybody else. But if there is no other way to pass it except by sitting tomorrow, we are willing to sit tomorrow. All that we want is a clear assurance from the hon. Minister that this Bill will be considered and adopted before we adjourn this session.

SHRI S. M. BANERJEE (Kanpur) : I am very happy that many Members of this House, rather most of them, are supporting this motion of my hon. friend, Shri R. Umañath. This morning, you remember, Sir, when he raised this question practically everybody supported it.

SHRI S. KANDAPPAN (Methur) : Except these who had left for lunch.

SHRI S. M. BANERJEE : Now, what is the objection of the leader of the Swatantra Party? Mr. Ranga says that Mr. Masani who was a Member of the Joint Committee will not be present tomorrow. If Mr. Minoo Masani is not there, there are mini-Masanis in their party. Therefore, nothing is going to be lost. The Patents Bill should be taken up tomorrow and we should sit upto 7 O'Clock or even 8 O' Clock, or whatever it is, till it is passed.

SHRI SAMAR GUHA (Contai) : I do not know whether this Government discharges its duty on the basis of the principle of joint responsibility of the Council Ministers. If it is so, why should one Minister cry hoarse—he has done it on several occasions—that unless and until the Patents Bill is passed, it will be very difficult for him to enforce the Drugs Control Order? This Bill should have been passed even earlier. We have got some reports that there have been a number of deaths in Muzaffarpur and other areas for want of costly and life-saving medicines. What are these racketeers and black-marketeers doing? They are

taking these medicines underground and charging exorbitant prices for these medicines. Therefore, if we delay in passing this Bill, it may mean the death of many more of our poor people in villages. I am of the opinion that we should take up this Bill without any delay and pass it. I have no doubt that the Government have behaved irresponsibly. But let us behave responsibly to the common people to the poor people. For that reason, whatever may be our difficulties, we should pass this Bill, without any further delays. Considering the suffering of the people for want of medicines, let us strengthen the hands of Minister to enforce the Drugs Control Order more effectively, and vigorously. Let us see that the Drugs Control Order is enforced. We should take up this Patents Bill tomorrow and pass it tomorrow itself.

MR. DEPUTY-SPEAKER : Now, I think, every party has made its observation. But I see many other Members of the same party wanting to make their observations. The point is that it is a question of time. If it is your pleasure that other Members also of the same party may be given a chance...*(Interruptions)*

SHRI RANGA : Why do you want to take the opinion of the House even on that ? *(Interruptions)*

MR. DEPUTY-SPEAKER : I am only trying to regulate the time...*(Interruptions)*

SHRI R. K. AMIN (Dhandhuka) : Sir, rise on a point of order.

In this House, only a few days ago, a proposal came before the House that there should be a sitting on the House on Saturday, that is, tomorrow the 29th and it was rejected. How can that be again put before the House ?

SHRI UMANATH : He has not understood the motion of mine. *(Interruptions)*

MR. DEPUTY-SPEAKER : As far as the point of order is concerned, Rule 388

empowers any Member to move a motion for the suspension of the rule. Now, he has moved the motion to suspend that rule. Therefore, it is in order.

Now, I am entirely in the hands of the House. If you want other Members also to make observations, it is upto you. It is only a question of time.

SHRI N. K. P. SALVE (Betul) : We want a division on this motion without any further discussion. I move closure motion. *(Interruptions)*

MR. DEPUTY-SPEAKER : Since some Members feel very strongly about it, they must have their say. But I would request you to be very brief.

SHRI D. N. PATODIA (Jalore) ; Sir, this motion has been moved today at 6 P. M. and before the motion has been moved many Members of the House have already left Delhi. It is not possible for them to attend the House tomorrow. If the session is held tomorrow, in effect, it will mean that those Members will be prevented from attending the session. You, Sir, as the custodian of the House, are not competent to allow this motion to be moved which will prevent other Members from attending the session.

Secondly, in view of the fact that this measure is not very urgent, the fact that the sitting of the House on Saturday is not urgent and the fact that it was previously decided by the Business Advisory Committee and a unanimous decision was taken by the House that there will be no sitting on Saturday, if that be the case, may I know what new urgency has arisen in the course of the last four days that the Government wants to sit on Saturday ? If they are so eager to pass this Bill, let them extend the session. Let them sit on the 4th September or even beyond that. It will be a mockery of the rules if you do like this... *(Interruptions)*

SHRI RANDHIR SINGH (Rohtak) : Sir, every penny that we save, we save it for the nation. We should not develop a habit of extending the session everytime. I am really sorry for Mr. Kunte and others

[Shri Randhir Singh]

who may be inconvenienced. I have all sympathy for them. But the interest of the people is above our inconvenience. Here is a Bill which involves the interests of the bourgeois who are making money as against the interests of the millions and millions of the poor people. The interests of these millions and millions of the poor people must have preference over the interests of bourgeois. And the interests of these poor people must have preference over the inconvenience of the MPs.

My submission is that we should not extend the session, We should sit tomorrow and pass the Bill. There is no harm if we sit tomorrow. In England, they have marathon session; they sit throughout the night. What is the harm if we sit on Saturday or even on Sunday. My submission is that we should sit tomorrow and we should sit till we pass the Bill.

SHRI S. KANDAPPAN : I would not have made any observation but for some of the remarks made by the hon. Members who oppose this motion. Though all Members are respectable Members, I do not think any programme of this House could be arranged in such a way to accommodate every Member or to suit everybody's convenience. That is an impossibility.

First of all, the question of sitting on Saturday came up sometime back. It was first decided in the Business Advisory Committee that there should be a sitting on Saturday the 29th. Actually, after I got the intimation of the decision of the Business Advisory Committee through a Member of my party, I thought this Saturday would be a working day and I arranged the programme accordingly. That was my earlier impression.

But now the situation has changed...
(*Interruption*)

AN HON. MEMBER : Drug prices have gone up.

SHRI S. KANDAPPAN : I do appreciate their difficulty. They should also realise the difficulty of other Members. I am

glad that there is a consensus about the importance of this Bill. There is no difference on that. But the only point is, they say, we can have it late and we extend the session. But here I have got one difficulty. I have got an engagement on the 4th. Do you mean to say, I have to postpone that? Is that not inconvenience to me (*interruption*) If Mr. Patodia wants to accommodate Mr. Misani, I think, Mr. Patodia should be equally interested in accommodating me also. (*Interruptions*) Sir, I think, We need not waste any more time on this, let this be put to vote,

SHRI P. RAMAMURTI (Madurai) : I do not want to say anything; let it be put to vote.

SHRI ATAL BIHARI VAJPAYEE (Balrampur) : If we decide to sit tomorrow to consider the Patents Bill then the question will arise when the Members are to give amendments, when they are to apply their minds, when the amendments are to be circulated, when they are to be considered, etc. If the idea is to pass the Bill itself tomorrow, it might be difficult. But we can consider; I have no objection.

SHRI D. N. PATODIA : This is a very relevant point. What about amendments? What about consideration of amendments?

SHRI S. M. BANERJEE : I shall produce the amendments I have moved.

श्रीशिव चन्द्र भ्वा (मधुबनी) : मैं मानता हूँ कि पेटेंट विधेयक एक ग्रहम विधेयक है और उसको हमें पास करना चाहिए। लेकिन मुझे ऐसा मालूम होता है कि रूल को सस्पेंड करने में आप जल्दबाजी कर रहे हैं। मैं समझता हूँ कि जिस तरह से पेटेंट विधेयक एक ग्रहम विधेयक है उसी तरह से चौथी योजना भी बहुत ग्रहम है और उस पर भी विचार होना चाहिए। मैं चाहता हूँ कि आप शनिवार को बैठ कर उस पर विचार करें और उसको पास करें।

लेकिन साथ साथ साथ इतबार को बैठ कर चौथी योजना पर भी विचार करें। विजिनैस एडवाइजरी कमेटी में ऐसा मालूम पड़ता है कि ठीक तरह से विचार नहीं किया जाता है और इस कारण से रूल आदि को सस्पेंड करने की नौबत आ जाती है। इसका नतीजा यह होना है कि आखिर में यह कर जल्दी में हम को विधेयक पास करने के लिए कहा जाता है। शनिवार को तो बैठ जाए लेकिन उसके साथ साथ मेरा संशोधन यह है कि इतबार को भी हम बैठे और चौथी योजना पर विचार करें।

SHRI RANGA : What about the suggestion made by Shri Vajpayee with regard to the amendments ?

SHRI S. M. BANERJEE : Amendments have been moved. I can produce them.

SHRI K. P. SINGH DEO (Dhenkanale): Apart from setting up a bad precedent, there are the reasons which Mr. Vajpayee has raised. In the Business Advisory Committee it was decided that 10 hours will be allotted to the Patents Bill. Will it be finished by tomorrow or will it be carried over?

SHRI ATAL BIHARI VAJPAYEE: You cannot hustle.

SHRI KAMALNAYAN BAJAJ (Wardha) : I had no idea of speaking. But when I heard the reasons and the importance of this Bill, I do not underrate its importance. But I think if you want the Debate tomorrow you are underrating the importance of this Bill. The Bill may go to the High Court; the Bill may even be contested there. And, for that reason, if a precedent is created like this, that without proper consideration of the House we pass the Bill, that will be a bad thing. That will be a bad precedent.

SHRI K. LAKKAPPA (Tumkur): I rise on a point of order.

SHRI RANDHIR SINGH : We are not afraid of the High Court or the Supreme Court. We are a sovereign body our-

selves. (*Interruptions*)

MR. DEPUTY-SPEAKER : Shri Bajaj has not finished. (*Interruptions*)

SHRI K. LAKKAPPA : The hon. Member has said that the Bill is defective and that he might to taking it to the court. He has threatened the House that he is going to court if full discussion is not going to take place tomorrow. That is my point of order.

MR. DEPUTY-SPEAKER : There is no point of order. Any citizen of the country is free to go to the court.

SHRI KAMALNAYAN BAJAJ : In view of the importance of the Bill and since it has been said in the House that the drugs are going into the blackmarket and they are not available to the public, and since so much interest of the public is involved, it must be properly considered. Unless that is done, it will be of no use.

MR. DEPUTY-SPEAKER : It is a suggestion for action.

SHRI KAMALNAYAN BAJAJ : So, the Bill must not be rushed throughout but must be passed after proper consideration. That is my plea.

SHRI S. KANDAPPAN : What is there unsuitable in a Saturday for the consideration of this Bill ?

SHRI SHIVAJI RAO S. DESHMUKH (parbhani) : The Patents Bill which this House is being called upon tomorrow to consider, will by any international standards beat the international patent of having involved all processes for delay in legislation. There would be no other Bill comparable to this before any other Parliament, which has seen two Parliaments, there an Ministers and two Committees and yet has not been passed. The drugs which are supposed to be the subject-matter of the Patents Bill in the Western countries had drugged the passage of this Bill for the last several years. Let us weed it out at least now at the earliest. Therefore, it is justified that we should sit tomorrow,

SHRI S. M. BANERJEE : I move the closure motion.

SHRI VASUDEVAN NAIR (Peeruadi): There should be a limit to this debate.

SHRI P. RAMAMURTI : I move for closure.

MR. DEPUTY-SPEAKER : We are coming to that.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K. HANUMAN-THAIYA) : How many people are you going to call ?

MR. DEPUTY-SPEAKER : I shall call Shri Prem Chand Verma, Shri Sheo Narain and then the hon. Minister.

श्री प्रेम चन्द वर्मा (हमीरपुर) : उपाध्यक्ष महोदय, इस बिल को आए हुए कई साल हो गये हैं। यह बार बार आता है और फिर इस का पता नहीं लगता है। आज जब विरोधी दलों की तरफ से यह प्रश्न उठाया गया, तो हमारी पार्टी पर यह इल्जाम लगाया कि हम इस को नहीं लाना चाहते हैं। मैं कहना चाहता हूँ कि आज हमारी कांग्रेस पार्टी इस बिल को पास करने के लिए तैयार है। हम कल शनिवार को बैठ कर इस को पास करने के लिए तैयार है। मैं निवेदन करना चाहता हूँ कि जो सदस्य इस बिल को पास नहीं करना चाहते हैं उन की बात पर ध्यान न दे कर जल्दूरी तरीके से इस बारे में फैसला किया जाये और इस पर वोटिंग कराई जाए।

श्री शिव नारायण (बस्ती) : उपाध्यक्ष महोदय, यह पेटेंट्स बिल बहुत इम्पॉर्टेंट है। इस गवर्नमेंट ने पिछले पांच बीकन के दौरान इस को नहीं लाया है और इस बारे में डिले की है। We shall sit

tomorrow. But he has to give us 10 hours for it. Our leader is going out of Delhi, but we do not mind that. But I think that this Government should at least

yield to this demand that we must get 10 hours. So, I would appeal to Government to give us at least 10 hours for debating upon this Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGHURAMAIAH) : I would like to say that this is not something from the blue. It has been put on the Order Paper even on the 12th August. That answers the point raised by Shri Ranga and others about no notice having been given. As regards amendments, some Members have already tabled amendments.

The reason why this could not be taken up earlier is because of the time-schedule; the time schedule given by the Business Advisory Committee had been upset by certain decisions of the House. Therefore, this could not be taken up earlier. But Government was most anxious, and, therefore, I have been sounding for the last three or four days various Opposition leaders whether we could not sit on a Saturday or on some night. This morning, I was overjoyed when the whole House, unanimously, without any exception, said that we must sit on Saturday. I have here a letter with me, which I have been very happy to receive.

SHRI KANWAR LAL GUPTA : I hope he will give enough time for amendments.

SHRI RAGHU RAMAIAH : That is a matter between the Secretariat and the hon. Members; it is for the Secretariat to do. We would not stand in the way. But the Bill must be passed tomorrow, sitting if necessary till midnight.

I am happy to say that no less a person than Dr. Sushila Nayar and all other leaders have written to me to say 'let us sit tomorrow and any day, and let us finish it'. I am thankful for their co-operation.

MR. DEPUTY-SPEAKER : The question is :

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for fixing a sitting of the

House on Saturday, the 29th August 1970, be suspended'.

The motion was adopted.

SHRI UMANATH : I beg to move :

"That the House do rescind the decision taken by the House on the 13th August, 1970, that there will be no sitting of the House on Saturday, the 29th August 1970".

MR. DEPUTY-SPEAKER : The question is :

"That the House do rescind the decision taken by the House on the 13th August, 1970, that there will be no sitting of the House on Saturday, the 29th August, 1970".

The motion was adopted.

SHRI UMANATH : I beg to move :

"That the House do also sit on Saturday, the 29th August, 1970, for consideration and passing of the Patents Bill, 1967, as reported by the Joint Committee".

MR. DEPUTY-SPEAKER : The question is :

"That the House do also sit on Saturday, the 29th August, 1970, for consideration and passing of the Patents Bill, 1967, as reported by the Joint Committee".

The motion was adopted.

18.27 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, August 29, 1970|Bhadra 7,1892 (Saka).