

Research Foundation for Science, Technology & Ecology and Others

Vs

Ministry of Agriculture and Others

Writ Petition (Civil) No. 212 of 1998

(CJI Dr. A. S. Anand, V. K. Khare, M. Srinivasan JJ)

16.11.1998

ORDER

1. Through this Writ Petition, the petitioners have brought to the notice of this Court certain facts and circumstances and pleaded the need to protect the biodiversity of the country and also sought a direction to the Union of India to challenge the patenting of "Basmati rice" in appropriate forums. The following prayers are made in the writ petition :

"The petitioners, therefore, pray that in the facts and circumstances of the present case, this Hon'ble Court may be pleased to issue writ of mandamus or the directions of like nature to the respondents to :

(i) take action to protect the biodiversity of our country in conformity with the Convention on Biological Diversity (CBD) and such other Conventions for protection of the biodiversity;

(ii) challenge the patenting of Basmati rice, if required, in the United States Patent and Trademark Office (USPTO) and/or before the Dispute Settlement Body (DSB) created under the World Trade Organisation (WTO)."

2. On 17-4-1998, this Court directed that a copy of the writ petition be served on the learned Attorney General of India, who was requested to examine the matter and inform the Court of the steps which the Government of India proposed to take in the matter. On 13-7-1998, the learned Attorney General was present in response to the notice and submitted that a draft outline of the proposed biodiversity legislation had been circulated and comments had also been received from various quarters. It was also submitted by the learned Attorney General that insofar as the patent of "Basmati rice" is concerned, the Government of India had already taken various steps in the matter to challenge the grant of patent. At the request of the learned Attorney General, we had adjourned the matter for four months.

3. On the matter coming up before us today, learned Attorney General submits that after taking all aspects into consideration and inviting suggestions, two legislations - "the Biodiversity Act" and "the Geographical Indicators Act" are in the process of finalisation for being introduced in Parliament. It is further stated that a Bill titled "Plant Varieties and Farmers' Right Protection Bill" has already been finalised and is likely to be introduced in Parliament during the winter session. According to the learned Attorney General, the various steps required for the amendment of the Patents Act are also under consideration of the Government. The learned Attorney General submits that the Government of India is fully alive to the situation and its gravity and is taking all necessary

steps to protect the interest of the nation.

4. In view of the statement made by the learned Attorney General, Ms. Indira Jaising, learned counsel for the petitioners, rightly submits that the purpose for which the petitioners had moved this Court has been served by activating the Government to take appropriate steps and nothing more at this stage is required to be considered insofar as the writ petition is concerned and that the same may be disposed of as settled.

5. The writ petition is accordingly disposed of as settled and consigned to record.