

Bill No. 87 of 2022

THE PROTECTION OF TRADITIONAL KNOWLEDGE
BILL, 2022

By

DR. SHASHI THAROOR, M.P.

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A

BILL

*to provide for the in-situ protection, preservation, promotion
and sustainable development of India's Traditional
Knowledge and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India
as follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Protection of Traditional Knowledge Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means the concerned State Government or the Union Territory administration;

(ii) “commercial use” means making available any product, process, material, form, practice or performance, that is traditional knowledge, for sale in the market or making available for sale in market the outcome of any research in traditional knowledge;

(iii) “knowledge society” means a group of people or family, whether indigenous, tribal or otherwise, residing within the boundaries of the national territory, who may be identified as a separate group from other groups or other members of the society by reason of their exclusive association with one or more forms of traditional knowledge:

Provided that such group of people or family shall constitute itself as a legal entity such as trust, society or company other than large enterprise but including a company under sub-section (62) of section 2 of the Companies Act, 2013 and is constituted specifically and exclusively for managing commercial and non-commercial use of one or more forms of traditional knowledge;

(iv) “licensee” means any person who holds traditional knowledge license under this Act and is authorized to use the traditional knowledge subject to the conditions of the license;

(v) “large enterprise” means an enterprise which is not a micro, small or medium enterprise under the Micro, Small and Medium Enterprise Development Act, 2006 and includes any industry classified as a large industry by the Central Government by notification in the Official Gazette;

(vi) “non-commercial use” means making available any product, process, material, form, practice or performance, that is traditional knowledge, for purposes other than commercial use and includes the use of such knowledge for research, provided that the research is conducted and knowledge disseminated as per the guidelines of the Central Government;

(vii) “person” means any citizen of India, body corporate, whether incorporated or not, partnership or organization, whether registered or not, or anyone who is not a citizen of India;

(viii) “prescribed” means prescribed by rules made under this Act;

(ix) “traditional knowledge” means knowledge and expression of culture, which may subsist in codified or oral or other forms, whether publicly available or not, that is dynamic and evolving and is passed on from generation to generation, for at least three generations, whether consecutively or not, which is associated with group or groups who are maintaining, practicing or developing it in traditional cultural context and includes know-how, skills, innovations, practices, learning, medicinal preparations, method of treatment, literature, music, art forms, designs and marks but does not include any traditional knowledge covered by any law for the time being in force providing for its preservation, promotion, management or unauthorized commercial exploitation;

(x) “NATK” means the National Authority on Traditional Knowledge constituted under section 12;

(xi) “State Board” means the State Board constituted under section 24;

(xii) “TKDL” means Traditional Knowledge Digital Library, that is, the system of identifying, classifying, codifying and cataloguing traditional knowledge obtained or derived from India and maintained by the unit of the Council of Scientific and Industrial Research; and

(xiii) "TKDS" means Traditional Knowledge Docketing System of information to identify communities with their respective traditional knowledge, maintained by the State Boards and coordinated by the NATK.

CHAPTER II

5

DEEMED OWNERSHIP AND DEEMED RIGHTS

3. (1) For all traditional knowledge that is obtained, derived or practiced solely within a State or Union territory, the respective appropriate Government shall be deemed as the owner of the traditional knowledge:

Ownership and
License Rights.

10 Provided that if a particular traditional knowledge is practiced in more than one State or Union territory, then all such appropriate Government shall be deemed to have joint ownership and equal and undivided share on any claim or interests in that traditional knowledge.

15 (2) Every knowledge society shall apply to the appropriate government according to the procedure laid down in section 35 to get recognition as the custodian of traditional knowledge:

Provided that the appropriate government shall encourage individual practitioners of traditional knowledge to form knowledge societies.

20 (3) Subject to sub-section (8) of section 22 and sub-section (8) of section 33, an application under sub-section (2) made by a knowledge society, shall be accepted only if another knowledge society is not a company under sub-section (62) of section 2 of Companies Act, 2013 and recognized as a custodian of the same traditional knowledge.

25 (4) Subject to sub-section (4) of section 22, the appropriate Government shall forward the application to NATK under sub-section (2) of section 33 for issuing a letter of recognition after recording vital information about the traditional knowledge and the custodian in TKDS in accordance with sub-section (5) of section 35.

30 (5) The knowledge society shall, consequent upon recognition as the custodian of the traditional knowledge by NATK under sub-section (4) be deemed to have a non-exclusive perpetual license for commercial use and non-commercial use of the traditional knowledge and all the members of the knowledge society shall enjoy the rights collectively:

35 Provided that the letter of recognition shall contain provisions of deemed license in the prescribed format and such letter shall be deemed as a duly signed contract between the appropriate Government and the custodian under the Indian Contract Act, 1872:

40 Provided further that the knowledge society or its members shall not have the right to sub-license the non-exclusive perpetual license granted under this sub-section, except for the right to permit limited use by others under sub-section (3) of section 4.

(6) Without prejudice to sub-section (4), there shall be no registration of the traditional knowledge or creation of rights.

45 (7) Subject to sub-section (4) of section 22 and sub-section (3) of section 35, the appropriate Government and NATK shall not recognize another knowledge society as a custodian of the traditional knowledge without providing an opportunity of being heard under section 42 to the knowledge society which is already recognized as the custodian or as one of the custodians of such traditional knowledge:

50 Provided that all such knowledge societies may be encouraged by NATK to form a consortium of custodians of that traditional knowledge.

(8) The knowledge society recognized as the custodian of the traditional knowledge shall bring all instances of usurpation or misappropriation to the notice of the appropriate Government and the appropriate Government shall entrust the NATK or the State Boards, to take appropriate legal action against the usurper or appropriator as the case may be.

5

(9) Without prejudice to sub-section (8), the custodian of such traditional knowledge may sue any person against any matter other than remedies for infringement of ownership rights on traditional knowledge.

Rights of
members of
Knowledge
Society.

4.(1) A knowledge society, recognized as custodian of traditional knowledge under section 3, shall have the collective right to—

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(i) create, maintain, control and develop their protected traditional knowledge;

(ii) authorize, deny or revoke, the access to and utilization of traditional knowledge by non-members;

(iii) offer membership to interested persons;

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(iv) be informed of access to their traditional knowledge through a disclosure mechanism in all applications, which shall require evidence of consent prior to the applications, and benefit sharing requirements, in accordance with this Act;

(v) a fair and equitable share of benefit, whether in monetary or non-monetary terms, arising from the utilization of traditional knowledge.

20

(2) All persons who are members of the knowledge society, shall have the right to commercial and non-commercial use of the attributed traditional knowledge.

(3) The knowledge society shall have the right to permit the use of traditional knowledge by a non-member, for a limited period of time and for a specific application and revoke such license, for good cause:

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Provided that grant of license to a non-member shall be notarised by the appropriate Government.

(4) The knowledge society may seek advice of the appropriate government on granting permission to a non-member as per sub-section (3).

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(5) The knowledge society shall regulate the rights relating to deemed license and its use with respect to the traditional knowledge, against members and non-members, by forming a decision making body in such form and manner as the knowledge society deems appropriate.

(6) The decision making body under sub-section (5) shall be formed by election of its members by majority vote of each of the member of the knowledge society.

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(7) The term of the decision making body shall be five years.

Access
agreement for
use by non-
members.

5.(1) An agreement shall be executed between the knowledge society and the non-member, who seeks the grant of permission under sub-section (3) of section 4, for allowing commercial or non-commercial use of the traditional knowledge by the non-member and a copy thereof shall be deposited with the concerned State Board or NATK, as the case may be:

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Provided that such permission for commercial or non-commercial use of traditional knowledge shall be non-transferable and non-exclusive in nature:

40

Provided further that the NATK or State Board, as the case may be, shall ensure that an equitable benefit sharing contract under section 6 is

signed within a period of three months if the use of traditional knowledge is for commercial purposes.

(2) The agreement for commercial or non-commercial use of the traditional knowledge shall be accompanied with clear labelling, demarcation or identification of the original traditional knowledge, period of permitted use, specific nature of application for which permission is granted, and other information as considered necessary in this regard.

(3) Any enrichment, development or advancement of the traditional knowledge as a result of its non-commercial or commercial use shall be included within the realm of the original traditional knowledge held by the custodian of the traditional knowledge.

(4) The non-member granted permission for commercial or non-commercial use of the traditional knowledge shall not transfer any technology associated with the traditional knowledge to any other person or allow the use of traditional knowledge by unauthorised persons.

(5) Any enrichment, development or advancement of the traditional knowledge as a result of its non-commercial use shall be included back to the realm of the original traditional knowledge to be placed in the custody of the original custodian:

Provided that a non-disclosure agreement shall be signed with the knowledge society to ensure compliance to this sub-section.

6. Where permission for the commercial use of the traditional knowledge has been granted under section 5, a mutually agreeable and equitable benefit sharing contract shall be signed by and between the knowledge society, the appropriate Government and the non-member who has been granted the permission for commercial use of the traditional knowledge:

Equitable benefit sharing agreement.

Provided that NATK shall receive the lump sum and royalty on behalf of the knowledge society and appropriate Government, as per the benefit sharing contract specified under this section, to be transferred to its National Traditional Knowledge Fund set up under section 20, and shall ensure the equitable sharing of benefits between the knowledge society and the appropriate Government.

7.(1) Subject to the provisions of sub-section (3) of section 5, a request for non-commercial use of traditional knowledge in a non-exclusive manner, especially for research purposes, shall not ordinarily be rejected by the knowledge society unless it is detrimental to the interests of the knowledge society:

Recognition of value-addition to traditional knowledge.

Provided that the use of the traditional knowledge shall be accompanied with clear labelling and demarcation or identification that the traditional knowledge is obtained or derived from India.

Illustration.—The use of traditional knowledge for research shall be accompanied with referencing in the following words:

“This traditional knowledge referring to was obtained/derived from India and is in the custody of the Union of India.”

(2) Subject to the provisions of sub-section (3) of section 5, the non-member granted permission for non-commercial use of traditional knowledge shall be felicitated by the appropriate government for having contributed to such enrichment, development or advancement of traditional knowledge, in a manner as prescribed by the appropriate government.

(3) Subject to the provisions of sub-section (3) of section 4, the non-member granted permission for the commercial or non-commercial use of the traditional

knowledge may also be made an associate member of the knowledge society at the discretion of its decision body:

Provided that such associate member shall become entitled to one vote in the decision making body of the knowledge society with regard to the use and enrichment, development or advancement, whether for commercial or non-commercial use, of such traditional knowledge. 5

Intellectual
Property
Rights and
traditional
knowledge.

8.(1) No patents or any other form of intellectual property protection shall be granted or applied for by any person, within India or abroad, on any traditional knowledge or aggregation thereof, on any traditional knowledge obtained or derived from India, whether in the custody of the knowledge society or in public domain. 10

(2) Subject to sub-section (1), an invention, according to clause (j) of sub-section (1) of section 2 of the Patents Act, 1970, which is the output of advanced research on traditional knowledge, may be patented:

Provided that prior to submitting an application to the patent office for acquiring a patent for such invention based on the traditional knowledge, the applicant shall acquire permission from the NATK. 15

Misappropriation
and regulation of
traditional
knowledge.

9.(1) The misappropriation of traditional knowledge shall include, but is not limited to—

(i) access and use of the traditional knowledge without prior approval of the appropriate Government or knowledge society; 20

(ii) transfer of traditional knowledge in violation of the conditions laid down in sub-section (4) of section 5;

(iii) where applicable, violation of any terms of the agreement between the authorised user of the traditional knowledge under sub-section (3) of section 4 and the custodian of traditional knowledge, for whatever purpose, whether commercial or non-commercial; 25

(iv) willful attempt to apply or obtain a patent or intellectual property protection for a traditional knowledge in the custody of a recognized knowledge society through deliberate efforts;

(v) any act that is in breach of confidence and which results in the violation of any law in force; and 30

(vi) such misappropriation, which may or may not have resulted into gainful profit for the violator or may or may not have caused any harm to the custodians, monetary or otherwise.

(2) Subject to section 49, the misappropriation of traditional knowledge shall be deemed as an offence and shall be punishable under this Act. 35

(3) Notwithstanding anything contained in sub-section (3) of section 4, the following persons shall apply to the appropriate government to seek permission to enter into an agreement with a knowledge society under sub-section (1) of section 5 and the appropriate government shall entrust NATK or State Boards, as the case may be, to decide on the matter:— 40

(i) a person who is not a citizen of India;

(ii) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income tax Act, 1961;

(iii) a body corporate, association or organization not incorporated or registered in India; 45

(iv) a body corporate, association or organization incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management;

(v) a body corporate, association or organization incorporated or registered in India which is a large scale enterprise; and

(vi) anyone, who is not a relevant custodian of the traditional knowledge, defined as per this Act.

5 (4) Without prejudice to clause (iii) of sub-section (2) of section 20 and clause (iv) of sub-section (2) of section 31, any person continuing the use or practice of traditional knowledge post enforcement of this Act shall be considered to constitute the offence of misappropriation as specified under sub-section (1) of this section, unless a recognition is obtained under sub-section (4) of section 3.

10 **10.** Where traditional knowledge has been misappropriated, the appropriate government shall, subject to sub-section (8) of section 3, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right.

Civil remedies for misappropriation of traditional knowledge.

15 **11.(1)** Whoever is found guilty of misappropriation under clause (i) of sub-section (1) of section 9 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 as may commensurate with the damage caused, or with both.

Punishment for misappropriation.

20 (2) Whoever is found guilty of misappropriation under clauses (ii) to (vi) of sub-section (1) of section 9 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees, and, where the damage caused exceeds five lakh rupees, such fine as may commensurate with the damage caused, or with both.

25 (3) If any person contravenes any direction given or order made by the Central Government, the State Government, the NATK or the State Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second time offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine may extend to two lakh rupees
30 everyday during which the default continues.

(4) Where an offence or contravention under this Act has been committed by a company, every person who at the time of 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
35 guilty of the offence or contravention committed unless proved that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

40 (5) Notwithstanding anything contained in sub-section (4), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.

45 CHAPTER III

NATIONAL AUTHORITY ON TRADITIONAL KNOWLEDGE

50 **12.(1)** With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Authority on Traditional Knowledge (NATK).

Establishment of National Authority on Traditional Knowledge.

(2) The NATK shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose

of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the NATK shall be at Thiruvananthapuram and the NATK may, with the previous approval of the Central Government, establish offices at other places in India.

(4) The NATK shall consist of the following members—

(i) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of India's traditional knowledge, patents and intellectual property protections, and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;

(ii) a Member Secretary, who is the head of staff structure created under section 15 and shall be a person of adequate experience in handling knowledge resources, docketing and documentation to be appointed by the Central Government;

(iii) ex-officio members, to be appointed by the Central Government, one each as representatives of the following ministries and departments—

(a) Ministry of Tribal Affairs;

(b) Ministry of Science and Technology;

(c) Ministry of Law and Justice;

(d) Office of the Controller General of Patents, Designs and Trade Marks;

(iv) the Director General of the Council of Scientific and Industrial Research;

(v) the Chairperson of the National Biodiversity Authority;

(vi) five non-official non-voting members, to be appointed by the Chairperson of NATK for a period of three years, from amongst specialists and scientists, in an advisory capacity, having special knowledge of, or experience in, matters relating to conservation and sustainable use of traditional knowledge, patents and intellectual property protections, and equitable sharing of benefits arising out of the use of traditional knowledge, representatives of industry, conservers, creators and knowledge holders of India's Traditional knowledge:

Provided that one such member shall be the head of the Traditional Knowledge Digital Library unit of the Council of Scientific and Industrial Research.

13. (1) The salary, term of office and conditions of service of the Chairperson, Member-Secretary and honorarium for non-official non-voting members other than the *ex-officio* members of the NATK shall be such as may be prescribed.

(2) The Chairperson shall be the presiding officer of the NATK and shall exercise such powers and perform such duties, as may be prescribed by rules made by the Central Government.

(3) The Central Government may remove from the NATK any member who, in its opinion, has—

(i) been adjudged as an insolvent; or

(ii) been convicted of an offence which involves moral turpitude; or

(iii) become physically or mentally incapable of acting as a member; or

Conditions of
service of
Chairperson
and members.

(iv) so abused his position as to render his continuance in office detrimental to the public interest; or

(v) acquired such financial or other interest as is likely to affect prejudicially his functions as a member;

5 (vi) acquired any other conflict of interest as is likely to affect prejudicially his functions as a member.

(4) The NATK shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed by rules made by the
10 Central Government.

(5) The Chairperson of the NATK shall preside at the meetings of the NATK.

(6) If for any reason, the Chairperson is unable to attend any meeting of the NATK, one of the ex-officio members of the NATK, as chosen by the members
15 present at the meeting, shall preside over the meeting.

(7) All questions and appeals which come before any meeting of the NATK shall be decided by a majority of votes consisting of two-thirds of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting
20 vote.

(8) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

(9) No act or proceeding of the NATK shall be invalidated merely by reason
25 of-

(i) any vacancy in, or any defect in the constitution of the NATK; or

(ii) any defect in the appointment of a person acting as a member; or

(iii) any irregularity in the procedure of the NATK not affecting the merits
30 of the case.

14.(1) The NATK may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.

Committees of NATK.

(2) A committee constituted under this section shall co-opt such number of
35 persons, who are not the members of the NATK, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

15. The NATK may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

Officers and employees of National Authority.

40 **16.** All orders and decisions of the NATK shall be authenticated by the signature of the Chairperson or any other member authorized by the NATK in this behalf and all other instruments executed by the NATK shall be authenticated by the signature of the Member Secretary of the NATK.

Authentication of orders and decisions.

45 **17.** The NATK may, by general or special order in writing, delegate to any member or officer of the NATK or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 43 and the power to make rules under section 50) as it may deem necessary.

Delegation of powers.

Salaries and Allowances of NATK.

18. The salaries and allowances payable to the members and the administrative expenses of the NATK including salaries, allowances and honorarium to non-official non-voting members, and pension payable to, or in respect of, the officers and other employees of the NATK shall be defrayed out of the Consolidated Fund of India.

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Central Government to provide grants and loans to the NATK.

19. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay by way of grants or loans such sums of money to the NATK as the Central Government may think fit for carrying out the purposes of this Act.

National Traditional Knowledge Fund.

20.(1) There shall be constituted a Fund, to be managed by the NATK, to be called the National Traditional Knowledge Fund and there shall be credited to the Fund—

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(i) any grants and loans made to the NATK under section 19;

(ii) all royalties and other benefits received by the NATK on traditional knowledge under its custody; and

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(iii) all sums received by the NATK from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for—

(i) channelling benefits to the knowledge societies and appropriate governments;

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(ii) in-situ conservation, promotion and sustainable development of traditional knowledge; and

(iii) socio-economic development of persons practising traditional knowledge and incentivizing formation of knowledge societies within the country.

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Budget accounts and audit.

21.(1) The NATK shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

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(2) The accounts of the NATK shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the NATK to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any other person appointed by him in connection with the audit of the accounts of the NATK shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Authority.

35

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(4) The accounts of the NATK as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

Functions of the NATK.

22.(1) NATKA shall be deemed as the institutional repository of vital information concerning the traditional knowledge owned by the appropriate government under Section 3 and custodian of unified TKDS.

45

(2) The NATK shall advise the Central Government on matters relating to grants of erroneous patents based on India's traditional knowledge and shall directly oppose the grant of such patents by the Patent Offices.

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(3) The NATK shall compile and maintain a central and unified TKDS, by acquiring such details from the State TKDS as may required.

(4) The NATK shall settle all disputes and ambiguities in regard to recognition of new knowledge societies, subject to sub-section (7) of section 3 and sub-section (3) of section 33, post investigation and consultation with the TKDL unit or any experts it deems necessary, and the decision shall reflect in the TKDS.

(5) The NATK shall examine any dispute, application or appeal, brought to its notice in a manner prescribed by the Central Government, and after due investigation and hearing, grant decisions as per powers vested in it by this Act.

(6) The NATK may—

(i) advise the Central Government on matters relating to the in-situ conservation, sustainable management and use of traditional knowledge and equitable sharing of benefits arising out of the utilization of traditional knowledge;

(ii) advise the Central Government on matters relating to TKDL access (non-disclosure) agreements with foreign patent offices and such other matters as may be deemed necessary, for access to material from the TKDL;

(iii) assist the right holders to negotiate terms with other possible users, whether commercial or non-commercial;

(iv) undertake promotional activities for traditional knowledge; and

(v) perform such other functions as may be necessary to carry out the provisions of this Act.

(7) The NATK shall issue guidelines in accordance with provisions of sub-section (2) of section 3 for the certification of knowledge society with the State Board, in order for them to be recognized as custodians of traditional knowledge.

(8) The NATK may, after consultation with any expert committee constituted in this regard, declare any form of traditional knowledge, 'under threat of extinction', and shall constitute special provisions and programmes to prevent the extinction of the traditional knowledge.

(9) The NATK shall, in consultation with the Central Government, State Boards and an expert committee constituted for such purpose, frame guidelines for benefit sharing agreements, for the benefit of the knowledge societies and the appropriate governments, which may be given effect in all or any of the following manner, namely:

(i) transfer of technology;

(ii) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;

(iii) association of benefit claimers and the local people with research and development in traditional knowledge and its utilization;

(iv) setting up of venture capital fund, for aiding the cause of benefit claimers;

(v) payment of such monetary compensation and non-monetary benefits to the benefit claimers as the NATK may deem fit;

(vi) payment of lump sum or royalty on commercial use; and

(vii) joint patenting under sub-section (2) of section 8 or royalty from benefits arising out of licensing of patenting.

(10) The NATK shall prepare an annual report on sustainable management of traditional knowledge in accordance with this Act, including the functioning of the NATK, the State Boards, and the appropriate governments with regard to India's traditional knowledge.

(11) The NATK shall lay the report prepared under sub-section (10) before each House of Parliament and shall also publish the report on its website. 5

Powers of the National Authority.

23.(1) The NATK shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:–

(i) summoning and enforcing the attendance of any person and examining him on oath; 10

(ii) requiring the discovery and production of documents;

(iii) receiving evidence on affidavits;

(iv) issuing commissions for the examination of witness or documents;

(v) reviewing its decisions; 15

(vi) dismissing an application for default or deciding it *ex-parte*;

(vii) setting aside any order of dismissal of any application or any order passed by it *ex-parte*;

(viii) any other matter which may be prescribed.

(2) All members, officers and other employees of the NATK shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. 20

CHAPTER IV

STATE BOARD OF TRADITIONAL KNOWLEDGE

Establishment of State Board on Traditional Knowledge.

24.(1) With effect from such date as the respective State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a body for the State to be known as the (name of the State) State Board on Traditional knowledge. 25

(2) Notwithstanding anything contained in this section, no State Board shall be constituted for a Union territory and in relation to a Union territory, the NATK shall exercise the powers and perform the functions of a State Board for that Union territory: 30

Provided that in relation to any Union territory, the NATK may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify. 35

(3) The State Board shall be a statutory body by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name *sue and be sued*.

(4) The State Board shall consist of the following members, namely: 40

(i) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of traditional knowledge, patents and intellectual property protection and in matters relating to equitable sharing of benefits, to be appointed by the NATK.

(ii) three ex-officio members, namely:– 45

(a) President of the State Sahitya Academy or Folklore Academy;

(b) Vice-Chancellor of a University to be nominated by the State Government;

(c) the Advocate-General of the State;

5 (iii) one scientist having adequate knowledge and experience in the conservation and sustainable use of traditional knowledge, patents and intellectual property protection and in matters relating to equitable sharing of benefits nominated by the State Government; and

10 (iv) not more than five non-official members from amongst experts in matters relating to conservation and sustainable use of traditional knowledge, patents or other forms of intellectual property protections and equitable sharing of benefits arising out of the use of traditional knowledge, to be appointed by the State Government.

(5) The head office of the State Board shall be at such place as the State Government may, by notification in the Official Gazette, specify.

15 **25.(1)** The salary, term of office and conditions of service of the Chairperson and the members other than *ex-officio* members of the State Board shall be such as may be prescribed by rules made by the State Government.

Conditions of
service of
Chairperson
and members.

20 (2) The Chairperson shall be the Chief Executive Officer of the State Board and shall exercise such powers and perform such duties, as may be prescribed by rules made by the State Government.

(3) The State Government may remove from the State Board any member who, in its opinion, has—

- (i) been adjudged as an insolvent; or
- (ii) been convicted of an offence which involves moral turpitude; or
- 25 (iii) become physically or mentally incapable of acting as a member; or
- (iv) so abused his position as to render his continuance in office detrimental to the public interest; or
- (v) acquired such financial or other interest as is likely to affect prejudicially his functions as a member;
- 30 (vi) acquired any other conflict of interest as is likely to affect prejudicially his functions as a member.

35 (4) The State Board shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed by rules made by the State Government.

(5) The Chairperson of the State Board shall preside at the meetings of the State Board.

40 (6) If for any reason, the Chairperson is unable to attend any meeting of the State Board, any member of the State Board chosen by the members present at the meeting shall preside at the meeting.

45 (7) All questions and appeals which come before any meeting of the State Board shall be decided by a majority of votes consisting of two-thirds of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

(8) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

(9) No act or proceeding of the State Board shall be invalidated merely by reason of—

(i) any vacancy in, or any defect in the constitution of the State Board; or

(ii) any defect in the appointment of a person acting as a member; or 5

(iii) any irregularity in the procedure of the State Board not affecting the merits of the case.

Officers and employees of State Board.

26. The State Board may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

Authentication of orders and decisions of State Board.

27. All orders and decisions of the State Board shall be authenticated by the signature of the Chairperson or any other member authorized by the State Board in this behalf and all other instruments executed by the State Board shall be authenticated by the signature of an officer of the State Board authorized by it in this behalf. 10

Delegation of powers.

28. The State Board may, by general or special order in writing, delegate to any member or officer of the State Board or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 42 and the power to make rules under section 50) as it may deem necessary. 15

Expenses of State Board on Traditional Knowledge.

29. The salaries and allowances payable to the members and the administrative expenses of the State Board including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the State Board shall be defrayed out of the Consolidated Funds of the State. 20

Grants and loans to State Board.

30. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Board by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act. 25

Constitution of State Traditional Knowledge Fund.

31.(1) There shall be constituted a Fund, to be managed by the State Board, to be called the State Traditional Knowledge Fund and there shall be credited to the Fund— 30

(i) any grants and loans made to the State Board under section 30;

(ii) any grants or loans made by the State Government;

(iii) all sums received by the State Board from such other sources as may be decided upon by the State Government or the NATK including benefits received from NATK in line with equitable benefit sharing contracts under section 6. 35

(2) The State Fund shall be applied for—

(i) the management and conservation of traditional knowledge;

(ii) compensating or rehabilitating any section of the people economically affected by acts committed under sub-section (1) of section 9 or the violation of the rights of traditional knowledge societies; 40

(iii) in-situ conservation, promotion and sustainable development of traditional knowledge;

(iv) socio-economic development of persons practicing traditional knowledge and incentivizing formation of knowledge societies within the State; and 45

(v) meeting the expenses incurred for the purposes authorized by this Act.

32. The accounts of the State Board shall be maintained and audited in such manner as the State Government may, in consultation with the Accountant General of the State, prescribe and the State Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

Audit of
accounts of
State Board.

33.(1) The State Board shall be the trustee of traditional knowledge owned by the State under sub-section (1) of section 3.

Functions of
State Board.

(2) The State Board shall, if satisfied after sufficient scrutiny of application received under sub-section (2) of section 3 and following the procedures under sub-section (2) of section 35, forward the application to NATK with a clear recommendation for processing the same under sub-section (4) of section 22.

(3) Subject to sub-section (1) of section 23, NATK shall pass an order within a period of six months, recognizing or rejecting the claim of the knowledge society for recognition as a custodian of traditional knowledge.

(4) The State Board shall ensure that the TKDS remains up to date and that all orders of NATK, in regard to custodianship of traditional knowledge, are reflected in the TKDS within one month of the order of NATK under sub-section (3) above.

(5) The State Board may—

(i) advise the State Government on matters relating to the conservation and sustainable use of traditional knowledge and equitable sharing of benefits arising out of the utilization of traditional knowledge;

(ii) advise the NATK or appropriate government on matters relating to grants of erroneous patents based on India's traditional knowledge;

(iii) assist the right holders to negotiate terms with other possible users under sub-section (3) of section 4, whether commercial or non-commercial for which they may charge a fee;

(iv) undertake promotional activities for traditional knowledge, protection and management;

(v) perform such other functions as may be necessary to carry out the provisions of this Act.

(6) The State Board may facilitate and support, in any manner necessary, the indentifying, classifying, codifying and cataloguing of all traditional knowledge of the State, which are already in public domain and no custodianship can be claimed thereon, in collaboration with the TKDL unit of Council of Scientific and Industrial Research.

(7) The State Board shall, by any act or measure necessary, promote and protect the traditional knowledge of the State and the rights of the knowledge societies, and build awareness of the communities on the aforementioned rights as custodians of traditional knowledge.

(8) The State Board may, after consultation with any expert committee constituted in this regard, recommend to NATK for declaring any form of traditional knowledge 'under threat of extinction', and shall constitute special provisions and programs to prevent the extinction of such traditional knowledge.

(9) The State Board shall prepare an annual traditional knowledge report on sustainable management of traditional knowledge in accordance with this Act, including the functioning of the State Board and State Government with regards to the State's Traditional knowledge.

(10) The State Board shall lay the report prepared under sub-section (8) before the State's Legislative Assembly and Council if applicable, for a total period of thirty days and shall also publish the report on its website.

Powers of the State Board on Traditional knowledge.

34. All members, officers and other employees of the State Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

CHAPTER V

5

PROCEDURES, TKDS, TKDL AND FUNCTION OF GOVERNMENT

Application for grant of custodianship.

35.(1) The NATK or the State Board, as the case may be, shall receive an application under sub-section (2) of section 3 and fees in a manner prescribed and sufficient scrutiny of details as per sub-section (2) of section 3, accept an application from a knowledge society, to be recognized as custodians of traditional knowledge.

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(2) The NATK or the State Board, as the case may be, shall give wide publicity for at least one month to the application for grant of custodianship of traditional knowledge to a knowledge society with a view to invite any objections or grievances to such grant of custodianship before the procedure under sub-section (4) of section 22 is initiated by NATK.

15

(3) The NATK or the State Board, as the case may be, shall examine objections or grievances brought to its notice in regard to grant of custodianship and after following due process under sub-section 4 of section 22, take a decision on application for grant of custodianship.

(4) The NATK or the State Board, as the case may be, shall decide on grant of custodianship as per powers vested in it by this Act.

20

(5) In case of grant of custodianship to the knowledge society, the NATK or the State Board, as the case may be, shall issue a letter of recognition, and a unique and exclusive docket number from its TKDS, to the knowledge society with due intimation to the respective State Board.

25

Traditional Knowledge Docketing System.

36.(1) A Traditional Knowledge Docketing System (TKDS) shall be created and maintained by each State Board for its jurisdiction and centrally coordinated and maintained by the NATK.

(2) The TKDS shall be deemed as a repository of vital information in order to identify the custodian knowledge society with the traditional knowledge.

30

(3) The TKDS shall constitute—

(i) details of the custodian knowledge society in respect of nature or definition by which members of the knowledge society may be identified and where they may be found.

(ii) a short non-exploitable description of the traditional knowledge:

35

Explanation.— The description of the traditional knowledge shall be enough to identify the traditional knowledge but not so much that it can be exploited without the consent of the knowledge society.

(iii) the details of constitution of knowledge society, if any, which shall include matters like details of the decision making body of the knowledge society, whom to contact and how to approach the knowledge society.

40

Traditional Knowledge Digital Library.

37.(1) The Traditional Knowledge Digital Library unit under Council of Scientific and Industrial Research (CSIR) shall maintain, protect and develop India's Traditional Knowledge Digital Library (TKDL) for the purposes of identifying, classifying, codifying and cataloguing the traditional knowledge that is obtained or derived from India.

45

(2) The TKDL unit shall attempt to identify, classify, codify and catalogue India's traditional knowledge which is in the custody of the appropriate Government.

(3) The TKDL unit shall attempt to identify, classify, codify and catalogue the traditional knowledge in the custody of any knowledge society, if the knowledge society provides consent to the TKDL unit, prior to its use.

5 (4) In the case of traditional knowledge in the TKDL, before the custody of traditional knowledge is transferred to a knowledge society, the knowledge society may, by way of notification through the appropriate Government, choose to purge the information relating to their traditional knowledge from the TKDL.

10 (5) The TKDL shall be made available to patent or intellectual property offices around the world, by whatever name called, as 'prior art', to prevent or revoke the grant of erroneous patents on India's Traditional Knowledge, under reasonable and necessary non-disclosure and privacy agreements.

(6) The access to the TKDL shall only be granted on consent of the custodian and after signing a non-disclosure agreement with the TKDL unit of Council of Scientific and Industrial Research (CSIR).

15 **38.(1)** The Central Government may take any measures necessary to oppose, prevent or get revoked, the grant of patents or any other form of intellectual property protection, within India or abroad, which is based on traditional knowledge obtained or derived from India.

Functions of
the Central
Government.

20 (2) The Central Government may constitute such schemes and programs, as it deems necessary, for the protection, in-situ preservation, promotion and sustainable development of traditional knowledge obtained or derived from India, as per the spirit of this Act.

25 **39.(1)** The State Government may take any measures necessary to oppose, prevent or get revoked the grant of patents or any other form of intellectual property protection, within India, which is based on traditional knowledge obtained or derived from its jurisdiction.

Functions of
the State
Government.

(2) The State Government may constitute such schemes and programs, as it deems necessary, for the protection, preservation, promotion and development of traditional knowledge, as per the spirit of this Act.

30 CHAPTER VI

MISCELLANEOUS

35 **40.(1)** Without prejudice to the foregoing provisions, the NATK shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

National
Authority to
be bound by
the directions
given by
Central
Government.

Provided that the NATK shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

40 **41.(1)** Without prejudice to the foregoing provisions, the State Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Power of the
State
Government to
give directions.

45 Provided that the State Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government whether a question is one of policy or not shall be final.

Settlement of disputes.	<p>42.(1) Every determination, order or adjudication made by the NATK in regard to any dispute shall be given in such form and after following such procedure as may prescribed by rules made by the Central Government:</p> <p style="padding-left: 40px;">Provided that before determining, ordering or adjudicating, the parties shall be given a reasonable opportunity of being heard.</p> <p>(2) While adjudicating any dispute under this section, the NATK shall be guided by the principles of natural justice.</p>	5
Appeals.	<p>43. Any person, aggrieved by any determination or order of the NATK or State Board under this Act, may file an appeal to the respective High Court within sixty days from the date of communication to him, of the determination or order of the NATK or State Board, as the case may be:</p> <p style="padding-left: 40px;">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.</p>	10
Execution of determination or order.	<p>44. Every determination or order made by the NATK or by the High Court in any appeal against any determination or order of the NATK shall, on a certificate issued by any officer of the NATK 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.</p>	15
Protection of action taken in good faith.	<p>45. No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or the State Government or any member, officer or employee of the NATK or the State Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.</p>	20
Offences to be cognizable and non-bailable. Act to have effect in addition to other Acts.	<p>46. The offences under this Act shall be cognizable and non-bailable.</p> <p>47. 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 bio-diversity.</p>	25
Power of Central Government to give directions to State Government. Cognizance of offences.	<p>48. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or regulation or order made thereunder.</p> <p>49. No Court shall take cognizance of any offence under this Act except on a complaint made by—</p> <p style="padding-left: 40px;">(a) the Central Government, appropriate government, NATK, State Boards or any authority or officer authorized in this behalf by that Government; or</p> <p style="padding-left: 40px;">(b) any knowledge society or user under sub-section (3) of section (4) 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, appropriate government, NATK, State Boards or an officer authorized as aforesaid.</p>	30
Power of Central Government to make rules.	<p>50.(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for any of the following matters, namely:—</p> <p style="padding-left: 40px;">(i) form of letter of recognition and provisions of deemed license under sub-section (5) of section 3;</p> <p style="padding-left: 40px;">(ii) manner of felicitation under sub-section (2) of section 7;</p> <p style="padding-left: 40px;">(iii) terms and conditions of service of the Chairperson and members under sub-section (1) of section 13;</p>	35
		40
		45

(iv) powers and duties of the Chairperson under sub-section (2) of section 13;

(v) procedure under sub-section (4) of section 13 in regard to transaction of business at meetings;

5 (vi) allowances of committee members under sub-section (2) of section 14.

(vii) form in which the annual statement of account shall be prepared under sub-section (1) of section 21;

10 (viii) form of application and payment of fees for undertaking activities under sub-section (1) of section 35;

(ix) the additional matter in which the NATK may exercise powers of the civil court under sub-section (1)(viii) of section 23;

(x) the manner of giving notice under sub-section (5) of section 22;

15 (xi) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session or a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

51.(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power of State Government to make rules.

30 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) form of application for recognition as custodian and the manner for transfer of traditional knowledge under sub-section (2) of section 35;

(ii) manner of felicitation under sub-section (4) of section 6;

35 (iii) terms and conditions of service of the Chairperson and members under sub-section (1) of section 25;

(iv) powers and duties of the Chairperson under sub-section (2) of section 25;

(v) procedure under sub-section (4) of section 25 in regard to transaction of business at meetings;

40 (vi) the manner of maintaining and auditing the accounts of the State Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 32;

(vii) manner in which the application to be forwarded to NATK under sub-section (2) of section 33;

45 (viii) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power to give effect to the provisions of the Act.

52. The NATK shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act. 5

Power to remove difficulties.

53.(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty: 10

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

India is one of the oldest societies of the world, as well as one that has been most aware and conscious of its surroundings. Its observations over the years have translated into one of the largest repositories of knowledge about medicinal preparations, methods of treatment, literature, music, art forms, designs, marks etc. as well as a vast range of know-how, skills, innovations, practices and learnings. Collectively, this constitutes India's traditional knowledge, which has become, in many ways, an expression of our culture.

The advancement of science, technology and commerce offers considerable opportunities for the benefit and spread of India's traditional knowledge. However, since many of the indigenous communities who are its custodians still rely on their traditional knowledge for their livelihood and identity, its misappropriation can severely prejudice their interests. For instance, patenting and intellectual property protection grants ownership and exclusive rights of use over innovative knowledge. There have already been several attempts to acquire such exclusive access to India's traditional knowledge, which is a gross injustice. Traditional knowledge is neither an innovation nor held by any single person. Rather it is passed down and refined over several generations and therefore may not be considered as 'intellectual property'.

Even as the World Intellectual Property Organization (WIPO) holds consultations to define and provide guidelines for traditional knowledge and its management, India must appropriate all its traditional knowledge to ensure that any application of it is accompanied with recognition of its original custodians. Moreover, India must ensure that the application of traditional knowledge does not harm the interests of its custodians and the benefits are equitably shared between the knowledge societies and the users.

In this regard, India has even set up an innovative and one-of-its-kind 'Traditional Knowledge Digital Library' to classify and codify India's traditional knowledge so that it can be offered as 'prior art' to prevent the grant of erroneous patents. Parliamentary recognition shall give it the due importance it deserves to protect India's interests. However, it should be complimented with a system of registration that identifies the traditional knowledge with its rightful custodians.

The protection of traditional knowledge must ensure that there is enough incentive for research and innovation and for its benefits to be shared in a fair manner. There is a vast amount of social benefit from further development of traditional knowledge, and it must equally reward those who are willing to invest in it.

This Bill recognizes the complete and absolute right of the Union of India over the traditional knowledge that exists within its national territory. In addition, it recognizes the contribution of specific communities in the development of the traditional knowledge by giving them certain rights, including the right to self-determination. The Bill also proposes administrative framework to manage traditional knowledge in India.

Legislation is required so that traditional knowledge of India is rightly attributed, correctly defined and its use appropriately incentivized to maximize its potential benefits.

Hence this Bill.

NEW DELHI;
17 February, 2022.

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides that the Central Government shall establish a NATK. It also provides for appointment of a Chairperson and other members to the NATK. Clause 13 provides for conditions of service of Chairperson and members. Clause 15 of the Bill provides for appointment of Officers and other employees to the NATK. Clause 18 provides the salaries and allowances payable to the members and the administrative expenses of the NATK. Clause 19 of the Bill provides that Central Government shall provide grants and loans to the NATK for carrying out the purposes of this Act. Clause 20 provides for the constitution of a National Traditional Knowledge Fund. Clause 35 of the Bill provides that NATK shall give wide publicity for application for grant of custodianship of traditional knowledge to a knowledge society. Clause 36 provides for creation of a Traditional Knowledge Docketing System. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees seventy-five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 50 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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BILL

to provide for the in-situ protection, preservation, promotion
and sustainable development of India's Traditional
Knowledge and for matters connected
therewith or incidental thereto.

(Dr. Shashi Tharoor, M.P.)