GOVERNMENT OF INDIA
MINISTRY OF AYURVEDA, YOGA & NATUROPATHY,
UNANI, SIDDHA AND HOMOEOPATHY
(AYUSH)

RAJYA SABHA
UNSTARRED QUESTION NO.2243
TO BE ANSWERED ON 16TH March, 2021

PROMOTION OF TRIBAL SYSTEM OF MEDICINE

2243 **SMT. PHULO DEVI NETAM:**

Will the Minister of **AYURVEDA, YOGA AND NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY** be pleased to state:

(a) the measures being taken by Government to promote tribal system of medicine; and

(b) the detailed provisions of patenting the medicines made through tribal system of medicine?

ANSWER
THE MINISTER OF STATE (IC) OF THE MINISTRY OF YOUTH AFFAIRS AND SPORTS AND ADDITIONAL CHARGE OF MINISTER OF STATE (IC) OF THE MINISTRY OF AYURVEDA,
YOGA & NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY
(SHRI KIREN RIJIJU)

(a): Ministry of AYUSH is undertaking following measures to promote tribal system of medicine:-

I. North Eastern Institute of Folk Medicine, an autonomous body under the Ministry of AYUSH has been established at Pasighat, Arunanchal Pradesh with the objective of surveying, documentation and validation of folk medicines and integration of folk medicine with AYUSH systems in India.

II. Ministry of AYUSH through its research council viz. Central Council for Research in Ayurveda Sciences (CCRAS) has been executing a "Tribal Health Care Research programme (THCRP)" in 15 states through its units/institutes under Tribal Sub Plan. In addition, documentation of demographic profile & collection of information on folk medicines/traditional practices prevalent among the tribals population is carried out.

(b): Department for Promotion of Industry and Internal Trade (DPIIT) has informed that in order to be patentable, any Ayurvedic, Naturopathy, Unani, Siddha or Homoeopathy products or processes should qualify as an "Invention" as defined under section 2(1) (j) of the Patents Act, 1970 (as amended).

According to Section 2(1)(j) of the Patents Act, "Invention" means a new product or process involving an inventive step and capable of industrial application.

Thus, any such product or process (i.e. Ayurvedic, Naturopathy, Unani, Siddha or Homoeopathy products or process) should be “new” over the prior art.

Further, any such product or process should involve an “inventive step” as defined under section 2(1)(ja) of the Patents Act. “Inventive step” means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art.

Furthermore, any such product or process should be capable of industrial application as defined under section 2(1)(ac) of the Act. “Capable of industrial application”, in relation to an invention, means that the invention is capable of being made or used in an industry.

It is also pertinent to state that any such Ayurvedic, Naturopathy, Unani, Siddha or Homoeopathy products or processes, in order to be patentable, should not fall within the scope of section 3(q) of the Patents Act, which excludes an invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components from the patentability.