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# MP Shashi Tharoor submits Private Bill in Parliament to protect Traditional Knowledge

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**T**HIRUVANANTHAPURAM: Spearheading the cause of Traditional Knowledge (TK) protection by taking up the recommendations of scientists from Kerala, Member of Parliament (MP) Shashi Tharoor has submitted a Private Bill in Parliament to protect TK and is under consideration in the Parliament. This comes after Political leaders of Kerala cutting across political barriers had pledged their support to push for TK Bill in the Parliament, following scientists concern to check bio piracy.

"We have a wealth of Traditional Knowledge (TK) in our country, but no means of protecting it, regulating its applications or ensuring it's not wrongly exploited. My Bill seeks to recognise TK and protect it in all our interests," MP Shashi Tharoor told TOI, after submitting the Private Bill in Parliament to protect TK.

The TK Bill which is submitted to the Parliament shall come into force on such date as the Central Government may issue, by notification in the Official Gazette. Once passed by the Parliament, it will be called the Protection of Indian Traditional Knowledge Act -2016 and it will extend to the whole of India.

The Bill defines Traditional knowledge' (TK) as knowledge and expression of culture, which may subsist in codified or oral or

other forms, whether publically available or not, that is dynamic and evolving and is passed on from generation to generation. It is associated with 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, provided that this shall not include any TK covered by any law for the time being in force passed by the Indian parliament. It also calls for providing TK preservation, promotion, management and to check unauthorized commercial exploitation.

Scientists from Kerala had indicated that TK protection has to be ensured to check bio-piracy. They too had indicated that TK refers to the knowledge passed on since generations, innovations, tribal herbal cures, unique agricultural practises and native culture.

Behind the scene, a senior scientist on IPR management Praveen Raj from CSIR- National Institute for Interdisciplinary Science and Technology (NIIST) here had consistently taken up the cause of TK protection by inspiring and guiding Tharoor in drafting the TK Bill. In a first, he had reiterated to protect TK separately and not to include it under Intellectual Property Rights (IPR).

"TK protection has to be in-situ, in the place of its origin, retaining its originality and geographical protection and need not be included in the IPR folder. TK protection can be ensured by the State with rights for the original holder by creating 'Knowledge Commons' with those holding their rights under a Commons License," Praveen Raj told TOI. The right holders shall permit others to use knowledge in their possession for non-commercial purposes. However, path-breaking discoveries need not be listed under Commons and can be separately patented, he said.

He had already made a plea to Chief Minister Pinarayi Vijayan to introduce TK Protection Law based on the Kerala IPR policy 2008. The CM's office had sent the file to Chief Secretary and from there it was forwarded to Kerala State Council for Science, Technology and Environment (KSCSTE). KSCSTE officials had stated the Kerala IPR Policy and draft TK bill was formulated by the Law department and the proposed TK Protection Act comes under the purview of Law department.

The LDF government in 2008 had announced the IPR policy and placed in the legislative assembly. Later, the UDF led government had constituted a committee which had released a draft TK Protection Rules on July 1 2014. Earlier, Law secretary BG Harindranath told TOI that TK protection comes under IPR and Patents Act of the Centre and the legislation forms part of the Central list. "As per the Constitution, the state has no legislative competence to introduce the TK bill. Only the Parliament can introduce that," he said.

Finance Minister Thomas Isaac had assured the state government support in introducing a legislation for TK protection. Congress MLA VD Satheesan has also assured to take up the call for a proper legislation to protect TK. MLA VD Satheesan told TOI that many are unaware of the need to protect TK, despite the fact that Kerala is rich in TK particularly the herbal cures with its biodiversity hotspot in the Western Ghats.