

minatory attitude was taken against the developing countries. Then the third Committee reported that this should not be done and the developing countries should be given preference. GATT did not agree to implement it and then the matter was brought to the UN. I can give you a copy of the UN Resolution. It said, "No. Preferential treatment should be given to the developed countries." If you want, I can give you a copy.

SHRI VISHVJIT P. SINGH: I agree with you. You are only supporting what I am saying. The UN then prevailed upon GATT . . . *(Interruptions)* . . .

SHRI CHATURANAN MISHRA : It was not implemented.

SHRI VISHVJIT P. SINGH: This selective quotation, I am afraid will not work. To talk of the UN, of there being a conflict between the UN and the GATT, taking over of the functions of the UN by GATT, is all wrong. There is nothing of that sort. Talking about biotechnology, is he aware of the kind of investment that is required in biotechnology? Are you aware of the advances that have taken place all over the world in the field of biotechnology? There are seeds available today which do not require pesticides because they look after the pests themselves. There are seeds available which give a fantastic level of production. The crop yields are tremendous. There is more research going on. Do you want access to this biotechnology or do you not want it? That is the only way we would be able to feed the country. Even the Standing Committee of parliament on Agriculture has recommended in its Report that biotechnology is the only way by which the country can be fed. Today, if we want to feed our people, we have to make a tremendous investment in biotechnology and the only way we can do it is by having foreign investment. Investment is not coming from within the country. We have tried. We are talking of the balance of payments problem. The fact of the matter is that if you quote selectively from the Dunkel Text, you are in for trouble. The fact is that the Text says that

wherever there is a balance of payments position—it does not talk of problem, it talks of position the cover is not there immediately. You are not bound by the various provisions, the exemption provisions, apply to you. That is very clear there.

Finally, I had myself totally at sea when I am told this year, the Year of Grace 1993, that India should go isolationist. But the world is changing and yesterday's rhetoric does not apply to today's situation. Wake up; the world is changing. We do not want to be left behind. China was at the same level of exports as India and, today, China is ten times ahead of us. Indonesia and Thailand were behind us ten years ago. But, today, they are ahead of us. Even our neighbouring countries are overtaking us. It is high time we woke up. We cannot function in an isolationist atmosphere.

THE DEPUTY CHAIRMAN : Mr. Vishvjit, we will adjourn the House for half an hour for lunch, and you can continue at 2 o'clock. Now the House stands adjourned for lunch till 2 p. m.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at six minutes past two of the clock, The Vice-Chairman (Shrimati Jayanthi Natrajaji) in the Chair.

DISCUSSION ON DUNKEL DRAFT TEXT—*coftd.*

SHRI VISHVJIT P. SINGH : Madam Vice-Chairman, to resume my argument where I left off, I was dealing with the isolationist argument put forward by Dr. Murli Manohar Joshi. He was in favour of India taking the isolationist approach towards the GATT negotiations, of India becoming an insula country, completely divorced from the world. As I said earlier, we cannot allow yesterday's rhetoric in today's situation, I will show you why we

cannot remain isolated from the world. Let us look at our imports. Thirty per cent of all our imports are of oil and oil products, like kerosene and diesel. Fifty-six per cent of all kerosene used in our homes is the imported kerosene. Twenty-three per cent of all the diesel used trucks and pumps on the roads is imported.

DR. NAUNIHAL SINGH (Uttar Pradesh) : Hon. Member, it does not come from developed countries.

SHRI JAGESH DESAI (Maharashtra) : Wherever it comes from, you have to pay foreign exchange for that.

SHRI VISHVITT P. SINGH : Madam, 25 per cent of all our imports every year are accounted for by machinery, machinery which is required for setting up fresh industry, machinery which is required for revamping industry, machinery which is required for upgradation of technology of industry, machinery which is essential for industry, that industry which is essential to provide both employment and production, production which is essential for the nation, which is essential for exports, which in turn pays for the imports.

Twenty-five per cent of all our imports are accounted for by raw materials like steel, copper and chemicals. All of these go to industry; that same industry which you talked of earlier, which is essential for employment, essential for production. Ten per cent of all our imports are accounted for by pearls and semiprecious stones meant for jewellery and all this jewellery is made by our artisans, our craftsmen, which in turn is exported and earns us valuable foreign exchange. So, 10 per cent of all our imports are for pearls and semiprecious stones. Five per cent of all our imports are for fertilisers. Twenty-five per cent of all the urea consumed by farmers is imported. Fifty per cent of all the DAP and ammonia litrate consumed by farmers is imported. 100 per cent of all the potassium fertilizer used by farmers is imported. Altogether they will account for five per cent of our total import bill, Therefore, this grand total comes

to 95 per cent. In other words, 95 per cent of our total imports are of essentials used by both agriculture and industry.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) :

THE VICE-CHAIRMAN (SHRIMATI IAYANTHI NATARAJAN) : Please stop interrupting him. Please sit down, Mr. Gautam. Your interruptions will not go on record . . . (*Interruptions*) . . . Please sit down, Mr. Gautam. Please stop interrupting the hon. speaker. Why do you interrupt ?

श्री संघ प्रिय गौतम : *

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Mr. Gautam, please sit down. Will you please have the patience to listen to him and stop interrupting the hon. Member ? This interruption will not go on record.

SHRI VISHVJIT P. SINGH : Madam, unfortunately, the intellectual level of the Member seems to be so far above me that it is very difficult for me to comprehend what point he is trying to make.

SHRI CHATURANAN MISHRA : You are inviting an other trouble

SHRI VISHVJIT P. SINGH : No, I am not.

SHRI CHATURANAN MISHRA : By paying this tribute to him, you are inviting another trouble !

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Mr. Mishra, he is smiling. Rather, you are creating another trouble ! Please continue, Mr. Singh.

SHRI VISHVJIT P. SINGH : Let them have their say, Madam. As I said, 95 per cent of all our imports are of essential items used by both agriculture and industry, which are vitally important for us and which we cannot afford not to import. Here, I would like to take just a second

* Not recorded.

to answer what the hon. Member said because, I feel in retrospect that it needs to be answered. There are so many things which we cannot produce here, which do not occur naturally here. There are other things for which there is no economy of scale : it will cost us more, many times more, if we try to manufacture those items in India. And oil, in any case, is a God-given thing. We have limited resources of oil and we have to import oil. And that's why we have to import.

As the country develops, Madam, the imports will increase, and this increase in imports will come because of the development, because, of the infrastructural development, because of the employment which is generated. All these will finally result in an increase in the consumption of all these essentials. As our agriculture will expand, so will our import of fertilizers. As our industry will expand, so will our import of machinery. So will our import of the oil required. The oil bill will mount up. And all these will be paid for by exports. Today, only 66 per cent of our imports are paid for by exports.

As I said earlier, we are fast being overtaken by our neighbouring countries. China, which was behind us a few years ago, is today five times ahead of us. Indonesia and Thailand who, just ten years ago were far behind us, are today racing ahead and they have overtaken us. Even the smallest countries of South-East Asia are ahead of us. It becomes impossible for us to consider the future if we are not a part of these trade negotiations. As I have pointed out earlier, 107 countries, accounting for 90 per cent of the world trade, are members of the GATT. We cannot afford to be excluded from that. We have to be a part of that. It is only if we are a part of it that we can get the concomitant benefits.

SHRI JAGESH DESAI : Isolationism will perish us.

SHRI VISHVIIT P. SINGH : Of course, isolationism will perish us, that we all know.

I would like to deal first with the Uruguay Round. There is a lot of misconception about how it came about and what happened. Let us understand what happened here. The Uruguay Round of negotiations started in 1986. It is the Eighth Round since 1948. There were seven earlier Rounds. This is the Eighth Round. This time, instead of taking various sections, a package approach was evolved. Why was this package approach evolved ? It was because even though the negotiations were carried on for four years from 1986 to 1990, there was no result forthcoming, there was no final agreement forthcoming. In the face of such circumstances, in the face of direct contradictions between different groups, between the EEC and the USA, between the USA and Japan, between Japan and the developing countries, between the developing countries and the EEC, various conflicts were there. These conflicts were sought to be resolved by the Director-General of GATT, whose name has become synonymous with these negotiations, Arthur Dunkel, who produced a set of proposals which, he said, were the result of his interaction with all the various parties involved in the negotiations. He said that he had kept everybody's interests in mind, that he had given certain weightages and that he had come to a compromise formula. That compromise formula is the Dunkel text he produced. It is a package deal. If it gives in one area, it takes away in another area. If it takes away in one area, it gives in another.

SHRI KAMAL MORARKA (Rajasthan) : Where does it give ? Does it give to India ?

SHRI VISHVIIT P. SINGH : Excuse me. The echo has started once again.

SHRI KAMAL MORARKA : Madam, I object to this. I have just come. Where is the question of once again ?

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : There was another one.

SHRI VISHVIIT P. SINGH Mr. Morarka, let me remind you that there

are others who are equally proficient as you are. You have come a little late.

SHRI KAMAL MARARKA: You are our peer.

SHRI VISHVJIT P. SINGH : I am but your servant.

SHRI KAMAL MORARKA : You tell us something about the proposals. You are giving some disjointed history which is all wrong.

SHRI VTSHVJIT P. SINGH: Thank you for your very enlightened comments.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Mr. Singh, ignore all interruptions.

SHRI VISHVJIT P. SINGH : They are very enlightened comments. I must say that you seem to-be some sort of a seer. you walked in and you could immediately catch the import of what I way saying.

SHRI KAMAL MORARKA : For ten minutes with what difficulty I have been tolerating your speech, you do not know.

SHRI VISHVJIT P. SINGH : Very good, very good, very good.

As I said, Madam, Dunkel put forward this set of proposals in December, 1991. I would like to deal-with some specific sections,

The world production of agricultural products and the trade in agricultural products is distorted. It is distorted because of high subsidies available in industrialised countries both fro production and for export. Arthur Dunkel in his text, proposed a six-year package of reform. It had three sectors to it—sedhtion of domestic support, greater market access and abolition of export subsidies. But, and this is a major point, there are exemptions for developing and less-develop countries. These exemptions apply to India.

What is the effect on India ? There are two kinds of subsidies. There are non-product specific subsidies on fertilizers, water, seeds electricity etc. There is no reduction required if the value is below 10 per cent

of the agricultural output in the base years 1986 to 1988.

If you take that base year, our total is 5.2 per cent. So, in fret, we can increase the subsidy. Forget about reducing it. (*Interruptions*) The subsidy is given to the low-income farmers and to the resource-poor farmers, not just to low-income farmers. They are exempt from this provision. Now, we come to the product specific subsidy. (*Interruptions*) There are 20 products where the Government of India gives minimum support prices. In other words these are the products where it can be said to be a straight subsidy. The Dunkel Text requires a reduction if the subsidy as a said exceeds 120 per cent of the value of the output. In this particular case because it is a product specific subsidy calculated at the international market price in the base year. Seventeen of our products are not affected, because the international prices were higher than the Indian prices in the base year. Only three item are affected—sugariane, tobacco and groundnut. The prices of these hems in the base year were above the international prices, but the subsidy was below 10 per cent. It is difinitely below 10 per cent. Therefor?, again in this particular case there is no effect. So, we are not affected in any of the situations

A fuss is made, that all that the Dunkel Text requires is international access to be allowed to three per cent of the market. The fact is that India has an adverse balance of payments position. (*Interruptions*) So, we are not covered under this clause. In any case this agreement on agriculture is only for six years. It will be renegotiated after six years. If we get a proper balance of payments position within these six years, we can always re-negotiate. All the planning that we have done, imagining that we are aware of it, within six years we can always negotiate. There is no problem for us. Both our procurement programmes and our public distribution system do cnot come under the purview of the Dunkel Text because they are not subsidies given to the farmers. They are given individuals below a certain income. They have nothing to do with a particular occupation. Therefore, there is no problem there

It is not a product-specific subsidy. Nor is it a non-product subsidy. We are not affected there. So, all this hulkballoo which is made of the Dunkel Text being disadvantageous to us and that we have to change our policies, is not correct. We do not have to change our policies in regard to this.

As I said, there is one area where I would deal with very carefully. The hon. Minister also expressed his reservations and I would also like to express my reservations in the area of seeds. I would like to make it very clear. Dunkel provides for three options: One, to accept the patenting of seeds; two, to instead of providing an effective system of protection, some other system of protection should be there or, three, have a mixture of both. Each country has to decide upon its own methodology on how to go about it, what methods it wants to adopt. As far as we are concerned, we will have researchers' rights and farmers' rights. This right of the researcher to exploit the product which he has produced and the right of the farmer to exploit the product he has produced at the farm. We are asking—I think hon. Minister has made it clear in his statement also—for these two rights to be incorporated in the text itself, in the agreement itself. We will choose our own option. We have chosen our own option. We have informed them what we have chosen. We want them to incorporate it in the text so that it becomes a part of it.

I will now come to the Intellectual Property Rights. This is one of the main areas which gets affected in the long run. There are various lobbies which are active. As I said earlier, there is a lot of mis-information. As we all know in India our patent regime will be affected if we sign on the Intellectual Property matters. We in India have process patents and do not have product patents. We will have to shift to product patents. If we go out of this, what will be the effect of it? Firstly, we have ten years exemption. In other words, the current situation will prevail for another ten years. If we sign it in December, 1993, this will come into effect only in January,

2004. We have full ten years wherein we will not be affected. Even then what will be the effect? I would like to quote here from the second report of the Standing Committee on Petroleum and Chemicals (1993-94) of the Tenth Lok Sabha. This is the report on the proposed National Drug policy. I am quoting from para 45:

"During the course of examination of the Department of Chemicals and Petrochemicals the Committee wanted to know about the assessment of the Department in regard to likely impact of Dunkel's proposals on the Indian Drug and Pharmaceutical Sector. The Secretary, C&PC stated:

"The movement of all our various drugs and formulations to the extent of 10 to 15 per cent only are covered by patents. The rest of the common medicines are outside the patent. Their patent has expired. In any case they are not affected."

In para 46, they say, I quote:

"He noted that the medicines which were being manufactured for the common man in the country would continue to be manufactured. The patent provisions would be applicable only to the discoveries made after signing the agreement. Besides 10 years time would be allowed as a transitional period subject to introduction of new drugs under the provisions of exclusive marketing rights."

From para 52, part (iii) and (iv) 1, would like to quote. This is very important. This is an enabling provision.

"(iii) The Government can give compulsory licence if it is found to be in conflict with restrictive business principles of the country. Government can give compulsory licence for manufacture of drugs used for non-commercial purposes by the Government like for distribution in hospital etc.

(iv) The Government has retained the power of imposing restriction on

import of materials;" With these provisions, there is no danger to us.

SHRI CHATURANAN MISHRA: Please quote, recomintidation part also. What is the final 'recommendation of the Cominittee also ?

SHRI VISHVJIT P. SINGH : I was very much there, I know what were the recommendations of the Committee. I will allow you to 'read recommendations part when your turn comes.

SHRI CHATURANAN MISHRA: I will do that.

SHRI VISHVJIT P. SINGH : We are seeking changes in the TRIPS agreement on compulsory licence. We are seeking a change in the TRIPS agreement on naturally occurring life forms and genetic materials being patented. We do not want them to be patented. That is our clear view. Those are the changes "we are seeking in the TRIPS agreement. We want compulsory licensing provisions to be linked to the national concerns. Where it is a national concern, for example, where it is a matter of the health of the people, there we should be allowed to do it. Already it is allowed. We just want to reiterate that point.

As I said before, Madam, if we need new drugs, technology is a must for India ; investment is a must; 200 million US dollars are required for the development of any new drug. Foreign investment only follows intellectual rights. If intellectual rights are not available, in those conditions, foreign investment is also not available. If foreign investment is not available, We will not get new drugs available. Therefore, it is essential, it is for the health of our people, that we get access to these technologies. I would now come, to TRIMs.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): How long will you take, Mr. Vishvjit ?

SHRI VISHVJIT P. SINGH: I am concluding in two or three minutes.

A lot has been said—and, again, it is going to be said by Dr. Joshi that be-

cause of these TRIMs, we will not be able to stop any foreign investment coming into any area, we will have to allow foreign investment into whichever area they want to come in. Again, this is a total misconception. There is no infringement on the sovereignty of this nation. There is no requirement for any country, under the Dunkel Draft, to allow foreign investment to come in. We will choose foreign investments. We can have investments in areas we choose. That is our privilege, our prerogative. That is not being taken away.

I once again say, Madam, let us not use Yesterdays' rhetoric for today's situation. Kindly open your eyes. Kindly see what the real situation obtaining. on the ground is. Don't be misled. There are so many areas where we need foreign technology. There are so many areas in which we need foreign investment. Lastly, there are so many areas in which we need money to pay our import bill which is going to be ever-rising if we are to develop. Please don't close your eyes. Don't follow an isolationist policy. Think of the future. Think of the country. Think of the future generations. And, wake up. Please do not sleep at this juncture. Let us sign the Dunkel Draft with our eyes open. Let us understand it is not a bugbear, it is not a *hawwa* which is sitting upon you it is something which is going to be for the good of the country, which is going to take us forward rather than backward. Please wake up.

Thank you, Madam.

SHRI KAMAL MORARKA : Now that he has finished his,, speech, you have a chance to wake up.

SHRI S. JAIPAL REDDY (Andhra Pradesh) : Madam, I must say I was painfully surprised by the introductory remarks of the Minister. If I remember aright, a few months back, I read a news item according to which Mr. Pranab Mukherjee had expressed grave reservations about the Dunkel Proposals. Today, in his own statement, he seems to have staged a volteface. And, if this kind of resilience is shown, I am afraid, the interests of our nation are inprtil. Vishvjit Singh

appears to become a victim of isolation syndrome. He started his presentation on a note of helplessness. And if this is the spirit in which we negotiate. It an international ferum, how can be achieve aay-thin at all ? That is the point Vishviit Singhji classically represents the defeatist mentality of this Government and I am dot pleading for isolation, but we must, Is a nation, have the courage and the stamina to plough a lone furrow if it is necessary. I am hot pleading for ploughing a lose furrow but we must give an indication that we are capable of playing a lone furrow if it comes to that. But if we say right trom now that we cannot plough a lone furrow, then our position will not carry conviction at the international forum.

As has been mentioned by friends, Uruguay round is pot simply one more round. The United States tried to expand the scope of GATT beyond recognition. GATT will not remain GATT at all. It has been hitherto dealing in goods. Now the scope and purview of GATT are being sought to be extended beyond all imagination;. But why did this happen ? The USA was fes-i>g its competitive edge an goods and USA made this move way back in 1982 and all the developing countries were resisting that move. When they could not resist, they tried to dodge; when they could not dodge, they tried to dela. And then the United States began to twist the asms of developing countries through bilateral sanctions. We have been a member of GATT, no doubt. We have been a member of GATT, since 1948. But GATT did not prevent United States from initiating bilateral steps, such as Super 301 or Special 301. And the Uruguay round was characterised by uprecedented controversies; Even Europe was having serious reservations at that time. I would like the Government to tell us—I want the Minister to be awake literally—I would like the Government to tell us as to the positions they took in the last ten years. Madam, i must say that our negotiations have not been characterised by transparency in the first place. The nation does not. knew what the Government has been doing. I would like the Government to tell us as to what position it took in 1986,

at Montreal in 1988; unless the Government tells us as to the negotiating man-dates it gave to the team over the years, how would we know what the Govern-nient has gained and what the Government has lost? I am asserting without any fear of contradiction that none of the positions that the Government of India took has been conceded under; the Dunkel Pro-posals. Can the Minister dany this Mr. Vishvjit Singhji was saying that we have to give somethings we, have to take something Would the Minister, the Government, be good enough to enlighten us as to What it got in return why did it want to bring services within the purview of the GATT? Because it was the world leader and it coatinjes to be the world leader in inifor-raatics and telecommunieations.uJ*w» they have brought in all the aspects of service industry, investment, production, distribution and repatriation of profits. rational goals or social priorities within use nation have been perceived and projected as trade barriers by these GATT bureaucrats and the spokesmen of the developed countries. Madani, this entire effort was aimed at cornering and mono-polising the market of the Think World countries. If it is I matter of problem with-;*. the developed countris there Ki an organisation called OEGD which could have taken care of 'N" without the first' World. But why did they rake up these issues at the GATT ? Because the develB£-cd countries would like to have a lions share of the, market of the Third World. Why are they laying,staress on intellectual property, rights? They are laying exclusive emphasis on this matter because they have near monopoly of both knowledge and technology. The trans-national companies would like to move their capital in search of higher profits. .In 1986 at Uruguay Round the developing countries particularly India and Brazil, tried to confront them, the developed countries, with thier own record. They tried to show how the provision of the GATT were being' vro-lated, how their own policies were' protectionist, anti-liberal and anti free trade. Therefore, we got two words used "sian*" still and roll-hack". We wanted such deci sions that have been taken in violation of

the GATT provisions to be rolled back in the developed countries. In June, 1988 the pharmaceutical association of USA and EEC came out with a document which is known as "Basic Framework of GATT Provisions in Intellectual Property" and this document runs counter to the provisions of the conventions evolved by what is known as "World Intellectual Property Organisation" which is, in fact, a UN organisation. Why did the GATT fall foul of the conventions and protocols evolved by the World Intellectual Property Organisation which is a UN organisation? This is a clear example of how the UN organisations are sought to be by-passed. In investment matters it was Japan, another developed country, which took the lead. But nowhere during the last so many years did the negotiators take care about the needs and sensibilities of developing countries.

Now coming to agriculture, the importance of agriculture in a Third World country is different from the place it has in the First World.

Agriculture accounts for a large share of gross domestic product in a developing country. Agricultural sector employs a very large share of work force in developing countries. This is not the case in the developed countries. Therefore, our concerns in the agricultural sector would be and should be different from those of the First World. Now these countries after having developed themselves, after having developed agriculture through a process of heavy subsidisation for decades on end would now like to talk of liberalisation in the agricultural sector: The stages of development are totally different. There is one area, namely, textiles where the developed countries have been dragging their feet. We have been trying to force this on the agenda of the GATT. What is the position? America says that affect to cannot allow the textiles from India without restriction for the next 10 years to come. We learn through despatches from Geneva now that the US is pleading for further extension of the period from 10 to 15

years for textiles. Madam, the economic pressure exerted by the USA, unfortunately for us, coincided with the collapse of the Soviet Union. Therefore, we have a Draft Dunkel Text which is a single final act. We never wanted all these things to be brought within the purview of the GATT. It is not correct, as Mr. Vishvjit P. Singh tried to say, that we tried to do so. In fact, in 1986 we wanted the question of services to be negotiated separately and outside the purview of the GATT. There is one dangerous provision in this Dunkel Draft Text known as cross-retaliation. We have heard of retaliation in history and law. But this would not be tooth for tooth. It would be worse than the Mosaic Law. It will be eye for tooth. If you violate in any sector, they could take retaliatory measures in other sectors. This is nothing less than globalisation of the US domestic law, namely, Special 301 and Super 301. This is the new world order for which our friends are pleading. This is a system made to order by the developed countries. Our 1970 Patent Act served India well both in agricultural and pharmaceutical sectors. Now the Dunkel Text says, "The patent should be extended to product also and the period is for 20 years in all sectors". In fact, in practice, this period could be extended up to 40 years because, you know, after exhaustion of the period of 20 years for product, they could have another period of 20 years through process patent. It is interesting and revealing to note that even atomic energy and space technology will have to abide by the discipline of the new GATT. We will have to produce nothing at all at home, for. Importation will attract with patent law. Friends have referred to the pharmaceutical sector. The Government has been saying that only 10 to 15 per cent of the drugs in the country will be affected by the new patent law. Mr. Vishvjit Singhji who has out-dunked Dunkel felt that they will not be affected at all. According to the Indian Drug Manufacturers' Association, 46 per cent of the drugs would attract the patent law. According to the American Manufacturers' Association, 76 per cent of Indian drugs would attract the new patent law. The Government has not come out with any authoritative statement

on this question at all. The experts tell us that 42 per cent of anti-biotics and antiasthmatics would attract the new patent law! About 98 per cent of anti-bacterials would attract the law under Dunkel. Seventy per cent of anti-leprosy drugs would attract the provisions of the new law. Sixty-six per cent of anti-ulcers and 51 per cent of cardiovascular drugs and 89 per cent of contraceptive hormones would be affected. It is universally admitted that the prices of drugs in India will go up. There is only some controversy about the extent of rise. Coming to agriculture, our Government has been blandly stating that we will not accept the patent law, but we will accept the *sui generis* system. But what is the system? By the use of a Latin expression, we should not allow ourselves to get mystified. The fact of the matter is, it will severely restrict the rights of the farmers and plant-breeders. You have one convention called the UPOV, the Union for Protection of New Plant Varieties. We had one in 1971 and it was modified under the US pressure in 1991. Under the new UPOV of 1991, even farmers will not be able to use their seeds unless the plant-breeders permit them. Can you be so naive as to believe that plant-breeders will allow the farmers to use the seeds without charging them? In other words, the Dunkel Text does not allow the Indian farmers to use their seeds or to sell their seeds to their farmers. Most of the seeds sold in the country are transacted through inter-farmer processes. Of the 60,000 tonnes seed requirement of Indian agriculture, less than 38 per cent of the seeds are distributed are made available through national and State Seed Corporations. In other words 62 per cent of seeds are distributed through inter-farmer sales and this will be prohibited. Somebody can file a complaint at the GATT Dispute Settlement Mechanism and the Government of India will be hauled up. Madam, they are pleading for intellectual rights in regard to their innovations. But are we to assume that wheat, cotton, rice, etc. had been lying around in forests? It is not so. These crops were also invented, created, manipulated, experimented, out of wild forests by the farmers and tribals for cen-

turies. Now, they have come forward with the calculation that our subsidies for sugar, cane and other things would not exceed 10 per cent. So far, the Government has not made available its table of calculations. On what basis are you making these bland sweeping statements? According to the experts, who made a special study of sugar cane in Uttar Pradesh, Bihar and Haryana, the subsidies for sugarcane alone would exceed 30 per cent. In all our calculations, we have not been able to take the concessions we give to agriculture regarding power tariffs. I think these calculations have been fudged with a view to misleading the nation. It is not correct to say that the Dunkel Text allows the Government to give support price to the farmers nor is it correct to say that the Dunkel proposals permit the public distribution system because the criteria relate only to nutritional objectives. And as for the import of food, they say that that does not apply to us because we are facing balance of payments problem. When our Finance Minister, with the speed of a rocket, is moving towards unified exchange rate, how can we argue that we have this problem of balance of payment? It will also not be possible or permissible to take recourse to canalisation of exports through STC or to take recourse to maximum export price. And all these assurance are being given here on the basis of private clarifications obtained from the GATT beaurocrats. It is an elementary principle of law. Madam that the *text* prevails over the interpretation that may be privately given. Will you take steps to see to it that the text is suitably amended to reflect your what will you do? Madam, the developing countries, India in particular, are rich in respect of skilled labourers. Can we export our skilled labourers? If the developed countries are so much bothered about free trade, why don't they permit free movement of labour? Their own medical treatment in America would be five times cheaper if they allow our doctors to go there. So, with all these outrageous features and obnoxious provisions, I do not know how the Government is going to gallow what will be called the GATT-II.

If we keep out and if we show the will to keep out, I am sure that many of the provisions of GATT will be suitably amended. We account for one-sixth of humanity. If we pay through isolation, let me assure the Government that the isolators also will have to pay the price.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : You will have to conclude now.

SHRI S. JAIPAL REDDY: I would like to know as to what is our Maginot Line, as to what is our line of defence beyond which we will not negotiate, as to what are our minimum negotiating mandates, as to what are the non-negotiable objectives of our country. Will you lay bare our agenda ?

Madam, I am surprised to see that this Government which had kept quiet, which had maintained a studied silence for well over a year, suddenly took recourse to a barrage of propaganda in favour of the Dunkel Draft Text. They have been abused and misused the Doordarshan for the purpose. I would like to make one legal point.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : No. How much time will you take?

SHRI, S. JAIPAL REDDY : This Government has no right to, sign the Dunkel Draft Text. This, country, this Parliament, will not permit the Government to sign the Dunkel Draft Text. If it is going to be signed by, the, developed countries before 15th, December, let them do so. But this Government, should not sign the document at all. It is only the Parliament which, can do that, It should go through the same process as, the amendment to the Constitution. We will, from now onwards, be victims of technological imperialism of the developed countries.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN) : Mr. Reddy please conclude (now). You have taken a great deal of time,

SHRI S. JAIPAL REDDY : The sovereignty of the nation will now be replaced by the authority of the new global trinity, namely, the GATT-II, the IMF and the World Bank. No Government of this country has the right to mortgage the future of our country.

Thank you very much, Madam.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra). Madam Vice-Chairman, I thank you very much for giving me this opportunity to speak on such an important subject as the Dunkel Draft Text. I was listening to the speeches of the hon. Members very seriously and I also have my own personal doubts about the Dunkel Draft Text and the GATT negotiations. There are now as many as 105 signatories to the GATT who are known as the contracting parties. Till today, I think India is not a signatory to the GATT. GATT was established in the year 1948. Since 1948 till 1993 we could not participate in the GATT, it is because it was not favourable for the growth of our own economy. That is what I feel. Now the problem is that no country can remain aloof or away from the world for our economy has become open to the international economy. But as Mr. Jaipal Reddy has rightly pointed out, we cannot mortgage our sovereignty for the interests of other developed countries and we did not do it in the past. I hope that our Government will be quite serious while signing this GATT treaty because the US Administration is in a hurry to conclude the Uruguay Round of negotiations by 15th December, 1993. Even before the conclusion of this Uruguay Round and the GATT negotiations, while presenting the Budget of the last year, we had reduced several taxes, taxes on imports and exports. Of course, it is very essential that we must import essential items. But we should not import everything. Our aim should be to import essential items and export on a large scale. We must have surplus exports. This has been very rightly pointed out by my friend, Shri Jaipal Reddy, while starting his speech. He is my friend; and he is a Member of this honourable House and the most

learned person. Basically, India's economy is agro-based economy. In the USA, one crore and seventy-three lakhs of people are engaged in agriculture out of a population of 27 crores. Agro-economy is not their economy. But, in our case, agro-economy is the only economy. Seventy per cent of the population is dependent on agriculture. Now, I want to concentrate only what is given in GATT about agriculture.

Madam, they have made so many patent laws. They have said reduction of tariff and non-tariff barriers. So far, seven such rounds of multilateral trade negotiations have taken place and the Eighth Round of multilateral trade negotiations known as the Uruguay Round is under way. What are the important things in agriculture? A reduction in domestic support in favour of agricultural producers. Now, if there is a reduction in domestic support in favour of the producers, agricultural producers how are we going to match our agricultural produce? Of course, geographically, agriculturally, as far as the land mass is concerned, we are the second largest country in the world, as far as agricultural acreage is concerned, and that is the only reason why seventy per cent of the population is dependent on agriculture. But, in the Draft, under item 13, it has been mentioned, "Reduction in domestic support in favour of agricultural producers.", and it would be 20 per cent in six years if the level of support exceeds five per cent of the value of agricultural production. So, in six years, there will be a 20-per cent reduction in the support for agricultural production. This is one of the disastrous things in this Draft and I am strongly opposed to that.

There is another thing. I am making my own personal comments. Of course, I am fully supporting the stand of the Government. But, at the same time, I request the honourable Government and the Prime Minister, "Please do not mortgage the benefits of the farmers of this country to any of the international bodies.". This is my only point, because I am a farmer and I am also so affected by this.

The second thing is about market access. The stipulation, is that there should be a reduction of protection by 36 per cent over six years for developing countries and 24 per cent over ten years if they are required to come under non-tariff restriction. So for the developing countries it is all right. But, for India, for a country like ours, if the support is reduced by 24 per cent, then, ultimately, the farmers of this country will be affected and, therefore, I strongly oppose this proposal.

Then, for export subsidies listed for reduction, the stipulation is "Reduction in budgetary outlays as well as quantities of 36 per cent and 24 per cent respectively." I want that our surplus agricultural produce should be exported. I know it myself - my friend, Mr. Morarka, also knows. He comes from Bombay and so, he knows that the farmers of Maharashtra are exporting one a large scale grapes, mangoes, etc. My friend, Shri Kalp Nath Rai is sitting here and he is concerned about sugar, etc. Maharashtra has achieved the maximum record of sugarcane production under his regime. The farmers of this country also very much want that if there is scope, sugar also should be exported so that we can get more foreign exchange and the farmers can get better remunerative prices for their sugarcane crop. So, I want that this Export promotion Council to be set up. But it should not be on the advice of the United States of America.

भूयाँ में बैठे
हए व्यवस्थित को भारत की इकोनोमी पर
रोब जमाने का अधिकार नहीं है।

They are nobody to rule our economy. I remember what Gandhiji said, वाचलं धन,

वैराग्य और स्वराज से साराज हमें बनना है।

So, our economy is a self-reliant economy till the period of Indira Gandhi and Rajiv Gandhi. Right from the period of Jawahar- Lal Nehru, we have always tried to form a late our Budget which is a self-reliant Budget. Now also, I support this Budget of Shri Manmohan Singh. {Interruptions} You please listen to me. It may not go in your 'e-st. but it must go in the country's interest. Whatever is in the country's interest. I support it.

SHRI KAMAL MORARKA : Mr. Jadhav, it is only in interest of people like me, and it is not in the country's interest!

SHRI VITHALRAO MADHAVRAO JADHAV : You are also a constituent of this country. That is what I felt. You are not anti-national.

Madam, due to this policy of liberalisation, the increase in exports has got a quantum jump after the Budget given by Mr. Manmohan Singh. At the same time, there are some factors which are included in the Budget. It is said that the Budget is being dictated by somebody else. If it is being dictated by somebody else, we must be revolutionary in our country. No power on the earth can dictate to the 90-crore population of our country. We are quite competent. Most of America's technology is supervised by 30 per cent of our scientists who are working in the United States of America. Even in the NASA also, our scientists are working. So, our country is not small. The only thing is that we must have full confidence in ourselves, and we must go to sign the Uruguay Round. And if it is in our favour, if it serves our interest on our terms—I say, on our terms if it can protect the interests of the farmers, then only we should sign it. Before that, I suggest that there should be a nationwide debate on this GATT from all sectors—from farmers, from traders, and from industrialists. Then only we must decide as to what should be done, either we should participate in it or we must keep ourselves isolated as we are till today.

Madam, the other point is that the obligation to reduce the domestic subsidies would compel India to reduce the incentives given to the farmers at present and would limit the Government's ability to produce basic foodstuffs through the market price support programmes because the main objection to this Uruguay Round is that there should be a total elimination of subsidies. Madam, I was on the Joint Parliamentary Pricing Committee on Fertilizers. There also I opposed the removal of subsidies from the fertilizers. Even if you

give a subsidy of Rs. 6,000 crores on fertilizers, our agricultural production will go up by more than Rs. 60,000 crores. It is a productive subsidy; it is not a non-productive subsidy. The phrase which has been written here is 'non-productive subsidy'. That is totally wrong. It is mentioned that as far as the non-product specific subsidies are concerned, the following are the major support programmes excluded from the definition of subsidies for purposes of calculations : Research. Madam, 'research' has been given here. Is research a non-product subsidy ? Research is essential. Whatever amount we are spending on research, it is the least amount as compared to the other countries of the "world. So, here it is mentioned: Research, plant protection and disease control ; extension service ; training ; provision of infrastructure—capital cost only ; regional assistance programmes ; environmental programmes ; income support programmes decoupled from production ; public 'Stock-holding for food security purposes; domestic food aid ; generally available investment subsidies; input subsidies to low income and resource poor farmers. So, they say that these are the non-product specific subsidies. I do not agree with them. These are the subsidies which are required. For research, subsidy is required. It is required for plant protection and disease control. Our crops have a large number of diseases. Due to that, more than 50 per cent of our yield is affected. This yield is affected by plant diseases and pests. For that purpose, even today, we are not in a position to provide insecticides and pesticides which are needed by the farmers. For this purpose, if subsidy is to be given, it cannot become a non-productive subsidy. This is what I feel. Extension services. Unless we have proper extension services, we cannot increase our agricultural production. Then, training, provision of infrastructure and regional assistance programmes. There are so many programmes which are concerned with agriculture. These cannot be nonproductive types of subsidies. Whatever subsidy is given in respect of fertiliser, whatever subsidy is given in respect of food and the public distribution system, it is a productive types of subsidy and it is

the concern of a large number of population of our country.

In other cases, it is provided that the level of protection for all agricultural commodities shall be reduced by 36 per cent on a simple average basis over a period of six years. For developing countries, the overall reduction is 24 per cent over a period of ten years. This provision is also there I do not agree with this also. If the developed countries want to reduce their subsidy by 36 per cent in ten years or five years, it is none of our concern. Under no circumstances, our subsidy should be reduced even by 1 per cent because it would affect our farmers.

The second important aspect of this part is the public distribution system. The language of the text has been formulated taking into account the need for preventing the major developed countries from giving producer subsidies in the garb of consumer subsidies.

My fear is that they want to control all the plant seed material. They want to put a patent law on our genetic and plant breeding material. As my friend rightly pointed out, who are they to tell our farmers that they should not utilise their own seeds? Our farmers have been using their own seed for thousands of years. Nobody can compel our farmers not to utilise their own seeds which are produced in their farms.

Take the question of research. I know about it. I have been a research scholar in the Pune University. I was doing research. I know what research has to be done. It is need-based research. It is need-based research as per our requirements, as per the breeding material available in our country. They cannot send plant material either from the United States of America or Canada or Britain and say that we should *do* research, on that. They have no right to impose a special type of patent law on our farmers. Hence, I strongly object to this.

THE VICE-CHAIRMAN (Shri M. D. SALIM) in the Chair.

Sir, the point is, there cannot be any restrictions on our scientific and technological research. Actually, till today, it is a free trade. They were providing all the material, all the research material, which is required, including tissue culture, genetic and plant breeding material, from all over the country. Now, they want to bring in some patent law. By this, they want to monopolise the entire economy of our country. This is very clear. After the collapse of the Soviet Union, the United States of America has become the sole super power in the world today.

SHRI KAMAL MORARKA : That is the problem.

SHRI VITHALRAO MADHAVRAO JADHAV : The whole thing is that ready 106 countries are under their influence. This is nothing but slavery on other countries which want to run their economy independently. No sensible person in the country can tolerate such a type of slavery imposed from any corner of the world, whether it is from the United States of America or from anywhere else. In that context, Mr. Vice-Chairman, I strongly support the indigenisation of our research. I strongly support self-reliance in our research efforts. No patent law in the world can prohibit our scientists and our farmers from using their own materials. *(Interruptions)* It is not a question of any party in this. It is a question of supporting what is in the national interest.

, SHRI S. JAIPAL REDDY : Mr. Vice-Chairman, I would like to state that we welcome the approach of Mr. Jadhav. This is not an issue on which we should be divided on party lines at all.

Dr. MURLI MANOHAR JOSHI : This is an issue on which we need to evolve a consensus. It is above parties and views. It is in the national interest that we come to a consensus.

SHRI VITHALRAO MADHAVRAO JADHAV : Thank you. Of course, we do not want your support because our Congress is also quite capable to sort out our problems. *(Interruptions)*.

श्री संजय त्रिपाठी गौतम . . . (व्यवधान)

श्री विठ्ठल राव माधवराव जाधव : आप, बैठिए, आप समझत नहीं। जोशी जी बड़े सेंसिबिल आदमी हैं, मैं उनसे बात कर रहा हूँ।

DR. MURLI MANOHAR JOSHI : He is as sensibly as myself-

SHRI VITHALRAO MADHAVRAO JADHAV: Mr. Vice-Chairman, the Government has expressed its main concern on TRIPs. I also, appreciate some of the points that have been raised by our Government. Number one is : "Importation being treated as working of the patent will result in domestic market being served solely by imports and will preclude any possibility of local manufacturing in India."

The other ' is : "The impact Of plant variety protection on agriculture will be adverse. Patenting' of genetic material will "have adverse effects for our economy." These are some of the comments and concerns expressed by our Indian Government at this Uruguay Round of Negotiations. Our Government must Stand firmly. Unless these things are incorporated, we should not even consider or accept those proposals.

The other concerns expressed are :

"Extension of the term of validity of a patent to 20 years; is' asbitary. It will result in limiting access to new technology and delaying introduction of new drugs." I do not know why the Government wants to give 20 year's period. For 20 years we will rule and after 20 years they will rule our country—is that the idea? Nothing like that. Whenever our country's interest is at stake we should not accept that thing at any cost. That should be- our stand.

The other concerns expressed are : "Products for which patents are filed after the date entry into force of the Agreement cannot be marketed in India by Indian companies because or the introduction of pipeline protection.

Reversal of burden of proof will change the very basis of the Indian legal system."

Lastly, Mr. Vice-Chairman, I would like to refer to textiles. This will be my last point. Basically, textiles is an Indian industry. It has come up since pre-historic period. They want to put some restrictions through an agreement on Textiles. The agreement envisages complete phasing out of Multi-Fibres Agreement (MFA) in 10 years. This transition period is divided into three stages. Here also I would like to say that they have no right to compel us by incorporating such an agreement on Textiles and Clothing. Catton industry has been working independently in our coun-iry and it should be allowed to work independently. The most important thing is that , oar economy should 'be an export-oriented economy. Agriculture is the main profession of our country and the country must have an agriculture export council. That agriculture export Council must decide-which agricultural commodities are to be exported, what shouldr be the surplus production. For that we must Save our own patent laws;; we should not be influenced by any other coutry putting a pressure on us Mr. Vice-Chairman, Sir, I appeal to the Government that if it is not in favour of our farmers of the country, it should not sign the Agreement, If at all it has to be signed, there should be a nation-wide debate on this. Take the views of all, and then a decision must: be taken.

With these words I conclude.

THE VICE-CHAIRMAN (SHRI MD. SALIM Dr. Ashok Mitra.

SHRI S. JAIPAL REDDY : We all welcome Dr. Ashok Mitra. He is a veteran economist making his maiden speech. He is welcome.

SHRI ASHOK MITRA (West Bengal): Mr. Vice-Chairman, Sir, I wish this the occasion Of my rising on the floor of Parliament for the first time was a debate on an issue, which was less .contentious or more harmony inducing than the Dunkel proposals. But whatever has to be has to be.

I listened with great care to the Commerce Minister's statement, it is written in beautiful officialese but it does not tell us a single thing. And that has been the entire story in the last two years. He is absolutely right that over these two years there has been intense concern expressed in different walks of life, among the people, how the Dunkel proposals would affect our life and living. But there has been no response from the Government.

You know the sequence of things that happened. The hon. Minister for Human Resource Development listened to representations by some distinguished economists and others. He listened to them but there was no inkling of what was going on in the Government's mind. A round of discussions took place when the Commerce Minister assumed office. Again he listened, he got the documents submitted to him by the people, but we didn't know what was going on in the Government's mind. And yet, all the time, we know, everything was hush-hush: Government negotiators were going to Geneva and other places and talking. This is a free, democratic, independent country that we have. But it is assumed that the people of this country do not have the right to know, the representatives of the people do not have the right to know, how the Government is—shall I use that expression—mortgaging the nation's future?

The Commerce Minister's statement however includes two important clues. Number one: He admits that the Dunkel document is full of ambiguities. It is amenable to several interpretations and there is absolutely no guarantee that what, sitting in New Delhi, we assume the interpretations are or would be acceptable to the GATT authorities or to the developed countries, who decide our destiny. The Commerce Minister also said that he invited the new Director-General of GATT and sought some assurances from him on the issue of compulsory licensing of patents and on the possible adverse repercussions of the acceptance of the Dunkel proposals for our agriculture. And he had to admit that the Director-General did not concede

one inch of ground. In fact, I remember, Mr. Sutherland addressed a press conference and said that India will have to sign the text as it now stands and there can be no changes or amendments; but, subsequently, India can, on bended knees, appeal to the developed countries for some concessions here and there; whether those concessions will be granted is at the absolute discretion of the developed countries.

Now, why did these things proceed in this manner? At least the Prime Minister, on the very last day of the last monsoon session, on the floor of Lok Sabha, made quite a categorical statement. He said that as far as international treaties are concerned, Parliament has no jurisdiction; it is for the executive branch of the Government to carry on the negotiations. So, according to his statement, Members of Parliament—representative of the people had no business to seek any prior information on the country's negotiating position on Dunkel. With great humility I want to point out that there is a basic, fundamental, difference between an ordinary international treaty and an international treaty featured by proposals that the Dunkel text embodies. In an international treaty all you do is to define certain relationship externally between your country and a foreign country. It doesn't affect your internal structure. But Dunkel will affect our internal structure of production. What we shall produce and what we shall not produce, up to what extent we shall produce and up to what extent we shall not produce, these are decisions which will be determined not by the Government in New Delhi, not by our State Governments, not by our industrialists or agriculturists, but by some distant masters sitting 10,000 or 12,000 miles away. It will affect our distribution system. How much we can distribute, what kind of commodities we can distribute, to whom we can distribute and at what price we can distribute them, of such crucial matters we will not be the masters. The veto will be exercised by an international body which may be located in Geneva or somewhere else. This is what the Dunkel proposals say.

Thindly once we accept the Dunkel proposals, we will have to change several of our Acts, our legislations. Several of our laws which this sovereign body, the Indian Parliament has passed, will have to be amended or altogether abolished.

Finally, we will have to change our Constitution at least on a particular issue. The Constitution which we, the people of India, gave to ourselves, way back in 1950, will need to be changed. I will come later to the precise point where this will be necessary.

If you would allow me to go into some of the specifics, the Dunkel proposals have three distinct focuses: The first is with respect to what the Commerce Minister mentioned, the trade-related investment measures. The second is with respect to services. The third is with respect to the entire gamut of what we have been discussing under intellectual property rights including patent rights.

As far as the trade-related investment measures, are concerned, I am afraid our Commerce Minister has been pre-empted by our Finance Minister. What do the Dunkel proposals say? They say that we must allow free and unilateral investments in our country, that all countries should provide free access to external capital. Our Finance Minister, in the course of the past two-and-a-half years, has already done that, foreign capital is welcome, foreign capital can own as much as 51 per cent of the equity of practically all industries including even some defence industries.

Secondly, the Dunkel proposals also say that there can be no distinction made between big capital, medium capital and small-scale capital, that there can be no restrictions on monopolies, there can be no restrictions on big (industrial houses, there can be no protection to small entrepreneurs, there can be no protection to the tiny sector, all are to be treated alike, foreign capital will have the same prerogatives and privileges as local capital and amongst local entrepreneurs you cannot make any distinction, among big, small and poor. There has to be a free level playing field.

We have recently seen the emergence of the so-called Bombay Club. Our industrialists are worried. They are perturbed. They are concerned. One of them, a very important member of the Club, who happens to be the Chairman of the International Chamber of Commerce this year, has categorically stated that it was entirely wrong on the part of the Government to offer this *carte blanche* to foreign capital before you have taken enough care of the domestic industrial structure. So, our industrialists have already experienced the kind of things that some of us who belong to the Opposition have been fearing about, but that is that. The *fait accompli* the Finance Minister has presented to the Commerce Minister and to the nation, and we are told that what has already been set in motion cannot be reversed; if we try to reverse, those who offer us money, sitting in Washington D.C., will take a very dim view of our affairs. We are not our masters. Our masters reside eleven thousand miles away. So, let us forget about investment measures; It is pointless to discuss that particular issue at this juncture.

What about services? This is very interesting. In 1986, when the Uruguay Round was negotiated, it was supposed to be exclusively a series of trade negotiations leading to a common treaty concerning only commodities. Trade in services were left out. As an intermediate stage pressure developed on behalf of the American Administration and we were told that negotiations would also cover services banking, insurance, media and so on. That is really interesting. The bankers must be free to come to India. The insurance men must be free to come to India from all over and specially the U.S.A. The Hollywood movie moghals would have a free entry into India. And, of course, already our skies have been taken over by the foreign television channels. But our doctors will not be allowed free entry into the United States; our engineers and technologists, if they tried to enter the United States, will be arrested and sent to Ellis Island. We may say, all right, thank you very much. You want to send your bankers and insurance people to India; there are service sectors. We, too

have got certain other service interests. What about our unskilled workers ? Why don't you allow a few thousands of our unskilled workers into the United States of America ? "Let there be a total reciprocity. You want free access, but free access cannot be unilateral. Here is a free access of the rich capitalists into the territories of the third world, but no free access of the third world doctors, engineers or ordinary workers within the four corners of the term of the free access. This shows how the Dunkel draft is unequal. It talks of free international trade, free market access. But where the world is already rigidly divided between some advanced groups and some under developed groups, some strong, some weak, some rich, some very poor, some greatly industrialised, others which are struggling to set up industries on their own, talk of free trade is absurd. It would mean unfair trade practically in every instance, because those who have money, those who have clout, those who have technology and those who have power, will always ensure that the terms of trade, the conditions of interchange are tilted in their favour. This is already being exhibited by the provisions in the Dunkel proposals with respect to the services sector.

We have been told by the representatives of the Government, including our Finance Minister, that foreign bankers represent efficiency. They are supposed to bring in efficiency. They will bless us with financial reforms which will come in the wake of the entry of foreign banks. Foreign banks would ensure greater efficiency of Indian banking. They would, for instance, teach us the technology of merchant banking; how to elicit capital into the country. With due respect the only technology the foreign bankers have till now brought into the country is the technology of the Scam. They have taught us the art of forged bankers' receipts. All this is on the record. The Government's own Committee has said that more than 50 per cent of the malfeasance the scam has involved has been done by the foreign bankers. Our Government has however dared not to raise one little finger against these criminal demerits,

who infest foreign banks and who pretend to teach us about, efficient banking.

We had nationalised the insurance industry thirty-seven years ago and Mr. Jawaharlal Nehru was the Prime Minister. He thought this was a major step in capturing the commanding heights of the economy. I would request the Commerce Minister to go back and read some of the speeches that were delivered by the then Prime Minister, the then Finance Minister and the then Commerce Minister. What are we now, saying? Thousands of insurance employees would go out of work. Never mind. We have been asked to get rid of this commanding height. We are under orders from a country which is 11,000 miles away to get rid of the insurance sector, to get rid of the banking sector. That is what is happening. The foreigners will come. They will come with their equipment, with their computers. -At least 200,000 additional employees would be without jobs as a consequence of the Dunkel draft in the insurance sector

I should also mention what is happening as a result of the television channels. Forget everything else. I would here* by ask the Commerce Minister, who is not present here at the moment to just put his hand to his heart and ask himself, what will happen to the ethos of this country, ten years from now. We are one of the poorest nations on earth. About fifty per cent of our children are unlettered. Fifty per cent of our population go hungry. But foreign television channels highlight places where there are no wants, no problems but only luxuries. Some of these surface in our country also. They will think, "Why can't we get into that kind of life, ? All right, I do not have the income. I do not have offered to any employment opportunity. Never mind. I can always indulge in some criminal activities and get some money." I do not know what will happen. I really shudder to think what will be the consequence of this kind of freedom of the sky the Dunkel proposals are insisting upon.

Now I come to the most contentious of all the issues, the so-called Intellectual Property Rights, including the patent rights. I am sorry to say that the Commerce Minister didn't even make a single mention of the Indian Patents Act, 1970. That Act has been hailed round the world as a model Act by the newly industrialising countries, an Act which other Third World nations could emulate. Three cardinal principle guided that particular legislation :

(a) We Indians will not recognise foreign patents where the item concerned is a food item or a life-saving drug. We will have to look after our people's welfare. We will not accept the sovereignty of any foreign patent where the people's right to live is involved.

(b) The second principle in that Act was that we will not allow the multinational companies to mulct Indian citizens in the name of patents. We must not give any passage to the multinationals; they must not exploit our people. And the third and the most fundamental thing that Act said was that no impediment must be placed, in the pretext of patent protection of India's right to independent economic development. If, for purposes of economic development we want to pursue a particular line of economic activity, then we would not be bothered whether it interfere with a patented, which foreigners want to impose upon us. Now, as a consequence of the Dunkel Draft, if accepted by our Government, this Patent Act will be thrown overboard. You have to scrap it. And, when we scrap it, some of the important provisions of this Act go overboard. A very important provision was that, in areas which were outside the orbit which they described, we will accept foreign patents only for a period of 14 years. But even in such cases, we will accept the patent for a process only for six years. Hon. Members can easily appreciate the distinction. For example, assume the case of malaria or typhoid for which a patent has been held by an American drug company. But, our scientists, our technologists, our laboratory workers, could exercise their mind and brain and produce a similar or identical or

near-identical product through a separate process. We would desist from trying to evolve that product through an alternative process only for a period of six years. For your particular particular product, yes, we respect that outside limit of 14 years however, for the process, it will be only six years. This will apply also for software computers, etc. The particular lerand that the foreigners have produced, the particular process that is embedded in that brand, we will not infringe upon; we will respect their rights. But if our angeineers, our computer experts, can produce a similar computer, through their own processes, at the end of six years, we will allow them to go ahead. What does the Dunkel draft say ? It stops making any distinction between a product patent and a process patent. It says all patents must run for 20 years ; and, during these 20 years, we will not be allowed to carryout any experimentation along the lines of that particular product. We are prohibited. What will happen to our workers ? You take the computer industry, the computer science. The technology there is fast developing. If for 20 years, for 20 long years, our scientists are prevented from carrying on any original work because Dunkel has enforced a 20 years ban, what will happen? You may have an original mind, you may have the patent technological capability in the country, your scientists may be itching for creative activity, but we shall be prevented because the foreigners have said so. This is what Dunkel says.

The Commerce Minister himself has mentioned that we want compulsory licensing of foreign patents. Once a patent is compulsory licence, it is subject to our discipline. We know from where it is coming, in what form it is coming, what is being imported, in what manner it is being imported. But Dunkel sayss no compulsory licensing, foreigners can come and go with their products and that the country Government has no right to ask them to register with it. For example, one of these days we might receive a letter from some one in Des Moines in Iowa that we have imported a harvester machine from their town in such and such year and, therefore, from now on, all categories of harvester machines

that are produced in India would be subjected to the payment of royalty. This could be one formulation of what Dunkel Suggests. And who will be the judge to decide whether this formulation is right or wrong? Certainly our Commerce Minister will not be allowed to decide. It is some foreigners who will decide. Thirdly, a very interesting case. In the kind of judicial system that we have, we have to prove art allegation. The person making the allegation has to prove it. For example, if somebody says that I committed a murder yesterday evening. The person who is alleging it has to furnish the evidence, that he has seen me at a particular spot; he has seen me with a loaded revolver; he has seen me aiming this revolver at this particular person and that he has seen me shooting that person. The onus of proof lies with the accuser, but under Dunkel, if a foreigner would come and tell our Government that citizen so and so has infringed his Patent, the Indian citizen will have to prove that he has not infringed the patent. The onus of proof is on the accused, not on the accuser. This is an extraordinary judicial doctrine that the Dunkel Draft is seeking to force upon us.

Now, I come to the issue of agriculture. Several lyrical statements have been made about the prospects of agriculture. A statement has been made during the Question Hour this morning by the hon. Commerce Minister that once we accept Dunkel, may be, there will be a lowering of tariff and quantitative restrictions in the advance countries which will allow us to send in more of our agricultural products to these countries and thereby we shall be able to earn more and more foreign exchange.

I have three or more separate issues to mention in this connection Number one. Fifty years ago when I had my first Economics lesson, one of the earliest things that I was taught was, that it is extremely foolish on the part of a poor primary producing country to emphasise the export of agricultural products, for when you export agricultural products, you are really exporting potential employment. Let us

safeguard us. You can spin the cotton. You can weave the spun thread. We can then manufacture a fabric. You can apply a design on the fabric. You can cut the fabric into pieces. You can manufacture dresses, curtains and so many other things. At each point you are really adding to your employment. But if you send out, if you send out, let us say, cotton, you lose the prospects of fabrication. Let us take foodgrains. Fifty per cent of our people go hungry every day. This will be even more true also of our working class. More and more of them are being thrown out of employment as a consequence of the policies adopted by our Government. If instead of exporting the food, you put food into the mouth of our children, of our workers, they will grow strong and they will be able to improve their capacity. So, by exporting agricultural products you are really harming your national cause. This is apart from the other point which is insisted upon by many academicians and economists. If you export in excess agricultural goods, the prices will still turn against you in the inter-national market, the terms of trade will turn against you. The manufacturers in the advanced countries will then gain an extra trade advantage at your cost.

Therefore, don't paint too rosy a picture about how agricultural exports. How do we assume that France or Germany or the United States of America would readily agree to accept more of our farm products? Already some Congressional leaders in the United States of America have approached the administration. They met President Clinton and said "this transitional period of 10 years is much too short." At the end of the 10 years we are supposed to allow more concessions to foreign goods, whether manufactures or farms production, which will harm the cause of our workers and our national economy. So, let this 10 years' restriction be raised to 15 years. Still there is an uncertain area as to how much will farm exports increase and in what proportion. We know what we are losing. But what we are gaining is a big question mark. That we cannot predict,

We cannot build castles in the air in such matters and restrict the rights and privileges of missions of our agricultural producers.

I have two other specific points to refer to. One is the whole issue of public distribution and subsidies. Mr. Commerce Minister I found him very happy in the morning was explaining why our subsidies were less than 10% during the last 10 years we need not worry. But let me give a very hypothetical example. It is hypothetical but it is not unrealistic, it might well happen. We have had 5 successive good agricultural years. We have not made much investment in agriculture over the last five or ten years, but because of the bounty of nature we have had an excellent harvest. Suppose next year there is an absence of rain and a general crop failure and as a result in certain areas of the country the price of wheat or rice shoots up to Rs. 20 or Rs. 25 or Rs. 30 per kilo. Under the Dunkel constraint with 10% limit on subsidy if the market price is Rs. 20 the subsidy we will be allowed to offer only Rs. 2 and our public distribution system would be prevented from selling the grain at less than Rs. 18. If the price quoted in the market is Rs. 30, then the subsidy permitted to be offered will be only to the extent of Rs. 3, therefore, the price in our ration shops and fair-price shops could not be brought down to less than Rs. 27. How many Indians, whether in town or country, would be able to pay this quoted price? Or, take the extreme case where we have to provide famine relief. We have to distribute grains free. It is good that the Minister of Civil Supplies is joining us at this point because the issue, very much concerns his Ministry. Suppose we have to provide some relief to two hundred thousand or three hundred thousand or half a million people have been affected by drought and have to be supplied food free. That means 100% subsidy. A free market buff, somebody who believes in market access, somebody who believes in the Dunkel draft, can immediately lodge a complaint with the GATT authorities or to the new trade negotiation proposed to be

set up that India is a scandal and that Government! of India is distributing food-grains at one hundred per cent subsidy. Our Government, since it is so much dependent on foreign powers, will perhaps be forced to stop relief work if it has already agreed to the Dunkel Proposals. The other thing is even more dangerous. There is a compulsory provision in the Dunkel Text that we must allow each year the entry of at least 3.3 per cent equivalent to our domestic output of a particular agriculture product. If the internal production is 100 units, we must allow the import of 3.3 units. Again the elementary economics text-books are full of examples of how in a year of glut of excess production, even a one per cent increase in total supply can bring down the price by 20 to 30 per cent. If you have an entry of 3.3 per cent, your price can go down to even 200 to 300 per cent, ruining the entire generation of Indian peasants.

This is not so innocent a proposal. About 3 or 4 years ago some economists, ensconced in the World Bank, had made a suggestion; why, after all, these Third World countries should indulge in agriculture? They are inefficient. Their per acre productivity is very low. They do not have the equipment and they do not have the technology. So, let there be a broad international division of labour. Farm productivity is the highest in the USA and Canada. Let there be global international division of labour. We will produce all the foodgrains in North America and we will supply food to needy Third World countries. There was quite a lot of discussion about this formula for 'efficiency', for optimising global economic efficiency, concentrating production in the countries which are the most efficient. Will the good Americans however, sell wheat cheap to our poor farmers whose annual income does not even reach Rs. 2000? May be, for one kilo of rice they will charge Rs. 50. Is this the kind of world, the kind of scenario, to which we will succumb?

I have said enough. But what can be done? Now there is a certain suggestion.

of catalysis within the Government circles, "What can we do?" I have heard it even today. We cannot cut ourselves away from the international economic system. We have to accept the reality of the Super Power and we have to keep the Super Power in good humour. It is not really such an impossible situation. Let us consider what may happen. Supposing, by 15th of December, we do not sign the Dunkel Draft. We could still write to the Director General of GATT that we have some reservations, we have some questions, we have some doubts and these are to be discussed amongst ourselves. The standing Committee of the Ministry of Commerce has yet to submit its report to Parliament. When it submits its report, we will go through it. Meanwhile the GATT will have to give us some time. In any case this is not an unusual request to make. Even the US Government, when it signs an international treaty, the standard practice for it is to say that it is signing on a provisional basis, on a tentative basis, and it is subject to ratification by its legislature. If the USA can take that escape route, why can't we say, "Sorry. You should not try to intimidate us. Merely because you have set an arbitrary date of 15th December, we do not have to abide by it. We have doubts which you have not satisfactorily resolved or explained. Therefore, as a sovereign nation we should be allowed some more time." Besides, suppose we refuse to sign, what happens? we still remain members of GATT. We are one of the contracting parties of GATT. So that other countries, even those who have signed, cannot treat us as outcasts or untouchables. As long as GATT as an organisation is not abolished, we are sitting pretty, nobody can do any thing to us. This is an aspect of the matter which has not been discussed enough. But we are on very strong grounds. Though we do not sign Dunkel, we are still left with GATT and nobody can say that we are going to be disinherited from enjoying provisions of GATT. It is not a hopeless case. We can still try.

About a week ago I saw a statement in one of the newspapers. The statement was made by a group of French intellectuals,

writers, poets, trade-unionists and professors that they were opposed to the Dunkel Draft. What touched me was that they said that they opposed the Dunkel Draft not for the sake of France or on behalf of France's agricultural community, but, as idealists, they thought that Dunkel would sound the death-knell to the Third-World countries; they were lodging their protest on behalf of the Third-World countries.

How much I wish that our Government here would take a lead and lead the opposition of the Third-World countries; Reassemble them. Everybody is a bit disheartened as a consequence of developments in the world since 1988-89. Malaysia is a small country... But it has still protested very vocally. We have had large scale protests against Dunkel stretched of Latin America. We can talk to President Mandela. He is soon going to take charge in South Africa. We can talk to Mr. Mugabe. We can reassemble a new group of under-developed countries in order to fight some of the more negative provisions the Dunkel Text.

I should end now and I will end on a personal note. I was brought up as a child in a dusty town in Bengal. We were then a dependent country. Even from our little town there must have been five to ten thousand young people, even old ones, who then languished in prison. If there was a visitor to our household, I would take pride in taking him down some lane, or by lane, from this house somebody was imprisoned for five years, from that house somebody was sent up to the gallows, he was hanged because he shot a British Police Superintendent; From the next house somebody was exterminated. We were fighting for our country's freedom and there was nothing else in us but our total dedication to the cause of national freedom. I wish; some of this dedication will come back to us in our struggle against Dunkel. Thank you.

**श्री राजनी राजम साहू (बिहार) : माननीय
उपसभाध्यक्ष जी, अभी मैंने अपने साथी श्री**

अशोक मित्रा जी के भावनात्मक विचार इस सदन में सुने। बहुत सी बातों पर उन्होंने बहुत ही महत्वपूर्ण सुझाव दिए।

उपसभाध्यक्ष महोदय, "गैट" की स्थापना अस्थाई रूप से 1947-48 में अंतर्राष्ट्रीय व्यापार का मसौदा बनाने के लिए की गई थी। आज 107 देश इस संस्था पर विचार-विमर्श कर रहे हैं और जैसा कि कहा गया कि 15 तारीख तक कुछ मुद्दों पर विचार-विमर्श के बाद जो एक एग्रीमेंट तैयार हुआ है, उस पर भारत को हस्ताक्षर करने हैं। हमारे साथी माननीय अशोक मित्रा ने कहा कि कुछ इस पर और भी विचार-विमर्श किया जाए और उन्होंने कुछ सुझाव दिए हैं। मैं मानता हूँ कि सभी दलों की विचारधाराओं को सुनने के बाद माननीय वाणिज्य मंत्री जी अगर इसमें सक्षम होकर और दक्षता के साथ अपने टर्म्स पर कुछ कर सकें तो बहुत अच्छी बात होगी।

भारतवर्ष में इस "गैट एग्रीमेंट" के बारे में अनेकानेक भ्रामक प्रचार किए जा रहे हैं। दरअसल अंतर्राष्ट्रीय व्यापार मुद्दों पर बहस करने के लिए यह एक संस्था बनाई गई थी। इसके तहत जो मुद्दे थे कि अंतर्राष्ट्रीय व्यापार की कार्य-योजना को इस तरह बनाया जाए जिससे डेवलप और अंडर डेवलप देश, सब मिलकर यह सुनिश्चित करें कि जो अंडर डेवलप या पूअर कंट्रीज हैं या जो गरीब मुल्क हैं, उन्हें किस तरह से विकसित किया जाए और जो डेवलप और अंडर डेवलप कंट्रीज के बीच की खाई है, उसे पाटा जाए। मान्यवर, 1974 में नई अंतर्राष्ट्रीय व्यवस्था की घोषणा और कार्ययोजना में इन प्रस्तावों को शामिल किया गया था। दक्षिण, पूर्व व पश्चिम, सभी देशों की जनता ने इसका उत्साहपूर्वक स्वागत किया था।

उपसभाध्यक्ष जी, डंकल टेक्नोलॉजी के स्थानान्तरण पर आचार संहिता स्थापित करने के लिए "अंकटाड" ने अपना कार्यक्रम भी

प्रारम्भ कर दिया था। इसी के साथ पेटेंट प्रणाली, आई० सी० आर० प्रणाली के संशोधन की पद्धति को चुनौती भी दी गई थी। बहुत सारी संस्थाओं ने इस पर कार्यक्रम प्रारम्भ किया था, पर अंत में धीरे-धीरे यह देखा गया कि ज्यों-ज्यों बातचीत की गई, जिन-जिन देशों से यह अफेक्टिड होने लगा, इसका स्वरूप बदलने लगा और अंत में औद्योगिक देशों का ध्यान सिर्फ अपने स्वार्थ पर लग गया। कहा जाता है कि डंकल प्रस्ताव में जो कुछ भी है, वे विकसित देशों के विचार हैं और बहुराष्ट्रीय कंपनियों के हितों की रक्षा है। मैंने सदन में भी सुना, हमारे कई साथियों ने इस पर इसी आशय के विचार रखे हैं। आर्थिक संरचना और राजनैतिक अर्थव्यवस्था बदलती है, गरीब देश इसमें सबसे ज्यादा प्रभावी होते हैं। धनी देश हमेशा शोषक अर्थव्यवस्था की नीति को अपनाते हैं। और गरीब देशों के सामने साधनों पर अपना अधिकार जमा लेते हैं, पिछले दिनों में ऐसा देखा गया है। अब हमें देखना है कि इस डंकल प्रस्ताव से भारत कितना प्रभावी होता है। महोदय, गैट अंतर्राष्ट्रीय व्यापार के मार्ग में बाधाएं दूर करने के लिए अंतर्राष्ट्रीय व्यापार के संचालन के लिए एक मंच है। विश्व व्यापार को उदार बनाने के लिए गैट के सदस्य समय-समय पर परामर्श करते रहते हैं। भारत वर्ष पिछले दिनों ऐसी व्यापार टेक्नोलॉजी एवं बाजारों से काफी लाभ उठाया है। माननीय उपसभाध्यक्ष महोदय, जो डंकल प्रस्ताव है, उसमें खेती में सबसडी दी जाने के प्रस्ताव पर उन्होंने आपत्ति की है। इसमें दो-तीन प्रस्ताव हैं एक सबसडी का प्रस्ताव है जो सीड, खेतीबाड़ी से संबंधित जो किसानों से संबंधित है और दूसरा दवाई एवं दवा कंपनियों के लिए प्रस्ताव है, इन्हीं दो बातों की ओर मैं आपके समक्ष अपने विचार रखना चाहूंगा। डंकल प्रस्ताव में दो तरह के अनुदान का उल्लेख है। पहली किस्म का अनुदान वह है जो किसी खास जिस के उत्पादन से जुड़ा नहीं है। यह अनुदान उर्वरक, पानी,

बीज, कीटनाशक आदि से जुड़े हैं, जो सब तरह की फसलों के लिए उपलब्ध हैं। यह अनुदान की कुल राशि के उत्पादन मूल्य से अधिक नहीं होनी चाहिए। भारत में यह 5 प्रतिशत से अधिक नहीं है। अतः ऐसे अनुदानों को घटाने का प्रश्न नहीं उठता है। दूसरी तरफ दूसरी तरह के वे अनुदान हैं जो उत्पादन विशेष के साथ जुड़े हुए हैं या किसी फसल के साथ जुड़े हुए हैं। इसका स्वरूप समर्थन मूल्य से जुड़ा होता है। उत्पादन के साथ नहीं जुड़ने वाले अनुदान की तरफ डंकल प्रस्ताव का कहना है कि इनकी कुल राशि उत्पादन मूल्य से 10 प्रतिशत सीमित रहनी चाहिए। गणनाओं से यह पता चलता है कि करीब 20 जिस में यह अनुदान निर्णायक है। सिर्फ गन्ना, मूंगफली और तम्बाकू के मामले में यह अनुदान तुलनात्मक है और यह राशि 10 प्रतिशत से कम नहीं है, जैसा कि प्रस्ताव में कहा गया है। अतः भारत को अनुदान के प्रस्ताव पर, मैं समझता हूँ कि कोई डरने की आवश्यकता नहीं है। अनुदान किसानों को दिया जाए या नहीं दिया जाए, एक बहस का मुद्दा है और आवश्यक सेवाओं का ढांचा तैयार किया जा सकता है, यह सुनिश्चित कर लेना चाहिए। डंकल प्रस्ताव के प्रावधान में कम कमाई वाले साधन रहित किसानों के लिए अनुदान पर यह प्रस्ताव लागू नहीं होता है। अर्थात् अनुदान संबंधी बंधन उन पर असर नहीं रखता। छोटे किसानों पर यह लागू नहीं होता। हमारे देश में 70 प्रतिशत छोटे किसान हैं। यह उन पर लागू होता है जो बड़े किसान हैं। हमारे देश में 70 प्रतिशत छोटे किसान हैं। इसलिए जो विचार यहां खेती के बारे में रखे गए, वह इस प्रस्ताव में नहीं है। यदि डंकल प्रस्ताव का विदेश से भारत के लिए कृषि उत्पादन की न्यूनतम प्रवेश देने का प्रस्ताव है तो मैं मानता हूँ कि यह सही प्रस्ताव है। यदि कृषि संबंधी प्रस्ताव पर अगले छ: वर्ष के बाढ़ पुनर्विचार करने का प्रावधान है तो यह भी मान्य होना चाहिए। यदि भारतीय किसान को हर वर्ष अपनी जरूरत को पूरा करने के लिए मल्टी नेशनल कंपनियों से बीज खरीदने

के लिए मजबूर करता है या नहीं करता है, इसकी जांच करनी होगी इस प्रस्ताव को देखते हुए। मान्यवर, मैं मंत्री महोदय से अनुरोध करता हूँ कि इसका समर्थन देने के लिए या इस पर दस्तखत करने से पूर्व इन बातों को देखें। इसके साथ ही मैं मंत्री महोदय से यह भी जानना चाहूंगा कि क्या हमारा उद्देश्य बीज को पेटेंट करना है या नहीं है? मेरा मानना है कि डंकल प्रस्ताव में हर देश को इलैस्टिसिटी होनी चाहिए, ऐसी कोई रिजिडिटी न हो, यह भी देखने की जरूरत है। मैं मंत्री महोदय से आश्वासन चाहूंगा कि इन बातों का ध्यान रखते हुए जो उसमें प्रावधान हैं, उनके बारे में समझ-बूझकर ही डंकल प्रस्ताव पर दस्तखत करने चाहिए।

व्यापार में असंगतियों को दूर करने के लिए शक्तिशाली देश, कम शक्तिशाली देशों को आर्थिक हथकंडे अपनाकर मजबूर न करें, इस ओर भी ध्यान देना चाहिए। भूख और गरीबी को मिटाने तथा विकास को गति देने के बजाय व्यापार के माध्यम से उद्योग-धंधे हटाए जाएं, बेरोजगारी बढ़े, इस पर भी दस्तखत करने से पूर्व विचार करना चाहिए। इस प्रस्ताव पर विचार करते समय इस बात का भी ध्यान रखना चाहिए कि बीमार आदमी की दवाई मिले और मंहवाई न बढ़े। जैसा कि मंत्री महोदय ने सुबह बताया, इन सब बातों का उसमें समावेश है और इसमें हमारे देश के हित की रक्षा की जाएगी ऐसा मुझे विश्वास है।

महोदय, बीज और पौधों की किस्म पर धनी देशों का आधिपत्य गरीब देशों पर न हो, यह भी एक आवश्यक मुद्दा है। हमें देखना होगा कि बहुराष्ट्रीय कंपनियां व्यापार में घाबली करके उपभोक्ताओं के हितों की नुकसान न पहुंचाएं और बुनियादी तौर पर डंकल प्रस्ताव में जो इंटेलिक्चुअल प्रॉपर्टी राइट और इंडियन पेटेंट ऐक्ट में एक फर्क बताया गया है, उसे भी हमें दर

दूर करने पर विचार करना चाहिए। पेटेंट होल्डर को अधिक पावर है और रिस्पॉन्सिबिलिटी कुछ नहीं है।

इस प्रस्ताव को देखने से पता लगता है कि औषधि और दवा पर इसका क्या प्रभाव पड़ने वाला है और उस ओर अब मैं आपका ध्यान आकर्षित करना चाहूंगा। महोदय, हमारे देश में 1970 के पेटेंट ऐक्ट की वजह से औषधी उद्योग में, फार्मास्यूटिकल उद्योग में काफी उन्नति हुई। इसकी प्रगति बहुत ज्यादा हुई। मैं आंकड़े देना चाहूंगा कि 1970 के पेटेंट ऐक्ट की वजह से बल्क ड्रग में 18 करोड़ से 800 करोड़ की वृद्धि हुई। प्रोडक्शन और फार्मुलेशन में डेढ़ करोड़ से 4200 करोड़ की वृद्धि हुई। ड्रग इंडस्ट्री में 225 करोड़ से 1100 करोड़ की लागत की वृद्धि हुई। रोजगार 5 लाख से 10 लाख हुआ। एक्सपोर्ट भी 194 करोड़ से 1145 करोड़ हुआ। दवा की जो कीमत 1961 में सबसे अधिक थी, 1970 के पेटेंट ऐक्ट की वजह से यह विदेशों की तुलना में अब बहुत कम है। अगर हम "गैट" के एग्रीमेंट की वजह से पेटेंट ऐक्ट में सुधार लाते हैं तो हमें देखना होगा कि जिस हार्डि पर इंडस्ट्री पहुंची है वह मैटेन रहे। इसके साथ ही इंडियन कंपनीज़ को भी जो छूट दी गई है उन से उन को नुकसान न पहुंचे। मैं समझता हूँ कि जब तक इंडियन कंपनीज़ अपने पैरों पर खड़ी न हो जाए तब तक प्राइस कंट्रोल रहे और मल्टी-नेशनल्स कंपनियाँ रॉयल्टी लेती रहें। लेकिन किसी भी तरह से लाइसेंसिंग की पद्धति को बिल्कुल उठा दिया जाए यह मुनासिब नहीं होगा। हम देखना होगा कि अन्य देशों ने जिन्होंने सिर्फ प्रोसेस पेटेंट फॉर कैमिकल्स का प्राविजन किया है, क्या हम भी प्रोसेस पेटेंट ऑफ कैमिकल्स का प्राविजन कर सकते हैं या नहीं यह देखना चाहिए। जर्मनी ने अपने पेटेंट लाँ 1887 में यह प्रावधान किया है। उसी तरह से यूनाइटेड किंगडम ने 1918 से 1949 तक प्रोसेस पेटेंट

ऐलाऊ किया था। तो क्या हम इस एग्रीमेंट में प्रोसेस पेटेंट तक ही अपने को रख सकें, ऐसा कर सकते हैं, या नहीं, यह विचारणीय है। प्रत्येक देश की प्रभुसत्ता होनी चाहिए अपनी डोमेस्टिक इंडस्ट्री की रक्षा करने के लिए, यह महत्वपूर्ण प्रश्न है।

उपसभाध्यक्ष महोदय, मैं दो सुझाव देना चाहूंगा। हमारे वाणिज्य मंत्री जी यहां पर बैठे हैं। मैं चाहूंगा कि इस प्रस्ताव के साथ साथ आप अपने ड्रग्स को भी पी० डी० एस० सिस्टम फॉर पुवर एंड नीडी परसनस के लिए लागू करें और पुवर और गरीबों को जितनी आवश्यकता है उन के लिए पी० डी० एस० सिस्टम आफ ड्रग्स होनी चाहिए।

दूसरी बात यह है कि जब तक इंडियन इंडस्ट्री सेल्फ-सफिशियेंट नहीं हो जाती है तब तक लाइसेंसिंग का भी प्रावधान होना चाहिए ताकि 10 साल का जो समय दिया गया है, उस के अंदर इंडियन इंडस्ट्री अपनी आर० एंड डी० को डेवलप करे और उस के बाद ही इन प्रावधानों को हटाया जाना चाहिए।

उपसभाध्यक्ष महोदय, जैसा कि आप को भी मालूम है, आर० एंड डी० के लिए बेशुमार पूंजी चाहिए। तो मैं सरकार से यह चाहूंगा कि आर० एंड डी० के लिए जो हमारी इंडियन कंपनीज़ हैं उन को मदद दी जाय और सरकारी तौर पर अगर आर० एंड डी० की स्थापना की जाए जहां से वह टेक्नाजी ले कर अपने उद्योगों का फैलाव करें, उद्योगों को बढ़ावा दें तो यह बहुत ही उत्तम होगा। मैं चाहूंगा कि वाणिज्य मंत्री जी इन सारे विचारों को मद्देनजर रखते हुए यदि 15 तारीख तक प्रस्तावना पर हस्ताक्षर करना ही हैं, यदि ऐसा करना नितान्त आवश्यक है तो इन सब बातों का समावेश करते हुए जो सुझाव मैंने दिए हैं और जो सुझाव हमारे अन्य साथियों ने दिए हैं उन सब का समावेश करते हुए हस्ताक्षर करें। हम दुनिया व

देशों से अलग नहीं रह सकते। आज आवश्यकता इस बात की है क्योंकि व्यापार और सभ्यता एक देश से दूसरे देश को इतने करीब आ गये हैं कि एक को अस्तर दूसरे पर पड़ता है इसीलिए हम इतने सालों से इस एग्जिमेंट पर विचार विमर्श कर रहे हैं। यदि इस पर विचार विमर्श करने के बाद नितान्त आवश्यक हो हम तभी इस पर दस्तावेज करें। इन्हीं शब्दों के साथ अपना बहुत-बहुत धन्यवाद।

MESSAGE FROM THE LOK SABHA

Joint Committee to Enquire into Irregularities in Securities and Banking Transactions.

SECRETARY-GENERAL : Sir, I beg to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha :

"I am directed to inform you that Lok Sabha at its sitting held on Monday, the 6th December, 1993, adopted the following motion :—

That this House do recommend to Rajya Sabha that Rajya Sabha do appoint one member of Rajya Sabha to the Joint Committee to enquire into irregularities in securities and banking transactions in the vacancy caused by the resignation of Shri Yashwant Sinha from Rajya Sabha and do communicate to this House the name of the member so appointed by the Rajya Sabha to the Joint Committee."

I am to request that the concurrence of Rajya Sabha in the said motion. and also the name of the member of Rajya Sabha so appointed, may be communicated to this House."

DISCUSSION ON DUNKEL DRAFT TEXT—Contd.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Before I call the next speaker, Mr. Morarka, I would like to request Shri

M. A. Baby to take the Chair, if the House so agrees.

[The Vice-Chairman (Shri M.A. Baby in the Chair)]

SHRI KAMAL MORARKA (Rajasthan): Thank you, Mr. Vice-Chairman, Sir.

At the outset, let me say that the speakers preceding me, specially from, the opposition, have very competently dealt with the various facets of the Dunkel Draft Text. I do not think I will take the time of the House to go into each individual item in respect of the various issues that really concern India. In fact, these issues are of concern not only to Members from this side, but also to Members from the Congress Party, I have observed that all their Members have referred to these issues. The very fact that they referred to these shows that they are equally concerned about these issues. It is some helplessness on their part that after analysing these issues, they are recommending the Dunkel Deaft Text.

At the outset, I want to put the matter in a simple language. What is the whole issue ? The issue is- that world trade has been going on under an agreement called GATT, the General Agreement on Trade and Tarjifs, for forty-fifty years. Today, suddenly, some countries of the world want these rules to be changed. Sir it is like a test match, a five-day test match, in cricket which is going on for years. Till it suits me, it goes on. I have got good bowlers and I have been wining the test matches all these years., Suddenly, I find that some other countries also have got good bowlers and, therefore, I decide that we should have one-day matches where the team is not out, but whoever scores the highest runs wins.

Similary, here, they want to change the pules of the game because the rules of the game which have stood the test of time have started working against the very countries which had framed; the rules. G.A.T.T. is supposed to be a multilateral organisation. Actually,, it was bilateral. The U.S.A. and the U.K., in the forties, arrived at certain trade rules which were accepted by the world, It was working satisfactorily.