

Chamber and request him. Do you think that he will not entertain you in his Chamber?

(Interruptions)

SHRI NITISH KUMAR: In connection with the Mandal Commission(Interruptions)

MR. SPEAKER: Shri Nitish, inspite of the fact that everything has gone so well, you are standing and talking like this. It means you do not believe in any sort of fairness and believe in disorderly thing. You do not accord any importance to the things which have been done properly.

[English]

SHRI FRANK ANTHONY (Nominated Anglo-Indian); Mr. Speaker, Sir, I have argued in the Supreme Court the very question of promotions.

MR. SPEAKER: I respectfully request you to guide Shri Kesri in his chamber. The time is very short. I have not allowed Sharadji also and he should not complain against me. I request Shri Kesri to call you to complain against me. I request Shri Kesri to call you to his Chamber and take your advice. He will benefited by your advice. Please help me because we are at the fag end of the Session and we have important business to transact.

17.27 hrs

PAPERS LAID ON THE TABLE - *CONTD.*

Draft Agricultural Policy

[English]

THE MINISTER OF AGRICULTURE (SHRI BALRAM JAKHAR): Sir, I may be allowed to lay the draft Agriculture Policy on the Table of the House. It can be finalised

after discussion in the House.

[Placed in Library See no. LT-3296/92]

MR. SPEAKER: The Draft Agricultura Policy - It may not be a Resolution - is sought to be laid on the Table of the House. I think the hon. Members will appreciate it.

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, copies have to be circulated.

MR. SPEAKER: Copies, both in Hind and English, will be circulated to all the Members later.

MOTION RE IMPLICATIONS OF THE DUNKEL DRAFT TEXT ON TRADE NEGOTIATIONS - *CONTD.*

[English]

MR. SPEAKER: Shri Debi Prosadji...

(Interruptions)

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, when you allowed for the statement, you had paid that it was the opinion of the Members that the Government should put forth its views on the issue. (Interruptions)

MR. SPEAKER: You are speaking despite everything having been done according to your own wish. It is not proper on your part.

(Interruptions)

SHRI RAM VILAS PASWAN: We are referring to the Dunkel's proposal. What is the Government going to do regarding the Dunkel proposal. Please allow some discussion on it.

[English]

DR. DEBIPROSAD PAL (Calcutta North West): Mr. Speaker, Sir, the Dunkel text that emerges from the Uruguay round of negotiations undoubtedly will have some far-reaching effects.

MR. SPEAKER: Debi Prosadji, just one minute please. You are right Mr. Paswan.

SHRI CHANDRAJEET YADAV (Azamgarh): Otherwise, the discussion becomes meaningless. It will not really be fruitful.

SHRI JASWANT SINGH (Chittorgah): Mr. Speaker, Sir, as stated by other hon. Members., it is necessary to re-state the context in which we are making our submissions. As pointed out by Atalji, firstly there was appointed a Cabinet Committee to give views on what the Dunkel proposals are. That Cabinet Committee's views are not known to us. Secondly, since the Government passed the responsibility to this Cabinet Committee did or did not do. A paper was circulated. But it is a discussion paper and as pointed out by Atalji, that is not sufficient. Thirdly, the context of this discussion, on which you very kindly allowed four hours, is simply the fulfilment of an assurance from the Government that they will consult the House That they have a consultation with the Members of Parliament. Sir, this is not a consultation via. what we are going through just now. It is in fact- forgive me for saying so- a device actually to avoid a meaningful consultation.

Therefore, we recognise, as pointed out by Atalji, that there is a time pressure on this Government, that the new administration of the United States of America and John Major, as the current President of the EEC want to put GATT back on the negotiating table before the end of January. It is our understanding therefore that the time

pressure on the Government is to come forward with its reactions before mid-January. My fear is that, in this hurry, we will commit future generations of Indians to it. And we will of course be putting some kind of shadow on the economic sovereignty of the country. But even more important is that, we will be putting some kind of a curtailment on the freedom of action which successive Governments can take or not take. Therefore, as suggested by Atalji and other hon. Members, there should be a Joint Parliamentary Committee and let that Joint Parliamentary Committee go into it. The Parliamentary Committee is not shackling the Government's initiative or action or necessary executive action that it has to do.

And secondly, we must know where the Government stands. How do we discuss? You can allot four hours. You can allot anything.

MR. SPEAKER: I expected at the time of moving this Motion that something could have been said on Dunkel proposal. Probably, it was the intention of the Government to hear what the hon. Members had to say and then to respond. Now, if it is a wish of the Members, I leave it to the representative of the Government to take a decision in this matter and I will allow them to do it.

I do agree that it is very important issue and we should take a very balanced view.

SHRI SOMNATH CHATTERJEE (Bolpur): A non-partisan and a national view.

MR. SPEAKER: Yes, a non-partism and a national view. I know, in very great detail about this thing and Shri V.P. Singh also knows it very much. I know the ecstasy and agony of participating in discussions like this and the origin and the genesis of it is also known to me. That is why we will take a proper decision. Then, I will allow Prof. Kurien, if he wants to say something after Dr. Debi

Prosad Pal. Because he was on his legs. Let him complete and then you then you will take the floor.

DR. DEBI PROSAD PAL (Calcutta North West): Mr. Speaker, Sir, the Dunkel Text which emerges from the Uruguay Round of negotiations undoubtedly will have some far-reaching effect upon the economic policy and the decisions of the country. Therefore, I agree that these proposals require a wider consideration and a deeper study of its effect upon the economy is concerned. But some of the apprehensions which have been made and which have been raised also proceed upon certain incorrect facts and I would request the Government to give greater details of the proposals and the deliberations so that this House also may be in a position to know what exactly are the proposals and the deliberations.

Sir, there is a suggestion that we should not be a party to this Dunkel Draft of the Uruguay Round of negotiations. This sort of suggestion, I do not think is a proper one. Undoubtedly, we have to consider the impact of these proposals upon our economy. Undoubtedly that should be done before any firm decision is taken on this point. But at the same time, we should know that we are founder member of the General Agreement of tariffs and trade. 108 countries are members of this GATT. In this context, we should also know that if a rule is framed or based on a multilateral trade policy, it will help all the member countries to evolve certain patterns of behavior in the multilateral trade.

And that is why, the member countries also are discussing and deliberating upon how a consensus can be arrived at regarding the rules based on this Multilateral Trade Agreement. And in such a case, I agree also with Atalji that we should have also discussions with some of the countries with whom we also have got common interests.

It is the result of the consensus that something is to be evolved. But if we do not become a Member and if we abandon all these proposals, the result will be all the more damaging because in that even greater powers can impose their policy decisions unilaterally upon this country like Section 301 of the US Court.

If there are multilateral trading agreements and the rules are based upon them, then it will have a restraint upon the behaviour, upon the pattern of conduct of all the countries including the Major Powers. That is why, our Government also has decided to negotiate and also ultimately to take a decision. We have to make a package deal. In a package deal, there is always something which goes in our favour, something also we may have to abandon. But, we have got to see as a result of package deal how much the country is gaining and how much the country is losing, because in a package deal we have got to evolve our own advantages which we can have from these rules upon the multilateral trading agreement.

It is in this context that we have got to see those developing countries which are members of the GATT. We can also have negotiations, discussions with them, evolve a point of common interest which will be affecting the developing countries including our country. And if we can evolve a certain formula, certain rules, that will help us. It is no good saying that we should to be a party or we should abandon the Dunkel Text, because in the Dunkel text there are many things which are also in our favour. And unfortunately the full text has not been properly given a circulation so that the public mind has got an apprehension regarding the impact of this Dunkel Text.

We must not forget that we have now restructured our trade policy as a result of new economic policy which the Government

[Dr. Debi Prasad Pal]

has already announced and is committed to. It is the imperative need of certain circumstances that we have got evolve this restructuring of our trade policy because today in the world the entire pattern of international trade, the pattern of economic development has already undergone substantial changes both in dimension and also in quality.

Look at the former Soviet Union. The Eastern

European countries are now embarking upon and they are now entering into opening up their economic policies as a result of which they are also now in competition with many of the developing countries. Even China has already applied to become a Member of the GATT. Now, in this context, many countries including Brazil, Chile and also Mexico and many other foreign countries, are also becoming Members of the GATT. Now, in this context, we have to evolve a common pattern; and it is no good simply brandishing that Dunkel Text will take away our economic sovereignty. Now, much of this criticism is based upon certain misapprehensions about the correct factual position.

Look at the Dunkel Text in the field of agriculture. In the field of agriculture, so far as domestic subsidies are concerned, there is no restriction; there is no restriction regarding restructuring of the pricing; there is no restriction regarding Public Distribution System which our Government can do according to its own economic planning and according to its own economic objectives. On the other hand, the export subsidy which the industrialised countries very often make is to be reviewed. So, it will be to our advantage because the industrialised countries like the USA and other advanced countries, spend

millions of dollars for export subsidy. So that our agricultural products cannot enter into the arena of competition. Now according to this Dunkel Text what is to be reduced is the export subsidy, not the internal domestic subsidy and not the public distribution system is to be affected. Now in such a case in the long run, our country will be benefited because if these export subsidies are reduced in the industrialised advanced countries, we will have a better market for exporting our agricultural products. I am giving you only one illustration. I am not saying everything is in our favour. In a package deal it has got to be taken as a whole.

Now regarding the textile industry, 30 per cent is our export. But the agreement also has to be abandoned which goes against us. The major criticism, according to me, is regarding the Intellectual Property Rights, particularly the patent right in pharmaceutical and chemical products.

There are seven kinds of rights. Copy Right, Trade Mark, Industrial Secrecy, etc. Now these are not to be affected by this Dunkel Text. What is to be affected and which has the impact on our economy, I feel, is this Intellectual Property Rights in pharmaceutical and chemical products.

Regarding the product patent, formerly the process patent was there, a patent can be given regarding a process of production, process of invention. That will not affect patented product. The new proposal which introduces the patent product may have some difficulty on our economy because pharmaceutical drugs, chemical drugs which are used by the common people and if these patent products are to be patented then the patent holder will have the right to determine the price; the patent holder will have the exclusive monopoly right in manufacturing these types of products. So we have got to examine this.

I am not saying that this proposal has to be accepted in its entirety without any consideration of our national economy. Undoubtedly, Government will be equally concerned, will be seriously concerned about the affect of this proposal, the Dunkel Text, on our economy as a whole. But we cannot say that we must not be a party to it, we may not approve of the entire Dunkel Text and can be allow our economic sovereignty to be thereby affected. Because the international trade, the whole world, the different countries are now opening up their economy and India also has decided to open up its economy consistent and has taken the policy of integrating with the mainstream of international economy and international trade.

What I suggest is that this proposal has to be understood in depth and also its wider impact upon the economy as a whole. For some features we require consideration and our Government has to consider how to balance the interest of the country with the interest of international trade to which we are committed. Therefore, it requires a detailed consideration before the Government can accept it. Wide publicity is to be given to differing texts which the Government is proposing and is considering.

I also accept the suggestion that we must have to keep contact and negotiate with the developing countries. 108 countries are member of the GATT. Nobody is coming out of that proposal. Therefore, we have got to consider it. How far we can have our negotiations with developing countries and join in a common forum for developing the interest and protecting the interest of our country?

Therefore, I would request the Government to consider this proposal in its entirety and give a better publicity so that the

people may not have the apprehension in their minds and consider it from different quarters, particularly the trade interest. The public at large may have to express their views before a final decision is taken. Thank you, Sir.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF SMALL SCALE INDUSTRIES AND AGRO AND RURAL INDUSTRIES) (PROF. P.J. KURIEN): Thank you, Sir. I am not going into the merits of the question at all. Now reacting to the points referred to by the hon. Members, I may say, every point that has been raised will be replied to. But certain technical points have been raised. Firstly, what is the paper which we are discussing?

In fact, hon. Members are aware that this discussion is as a result of the commitment earlier given to the Parliament. The hon. Members wanted a discussion and a commitment was given much earlier during the Budget Session. Therefore, for discussion, to every Member a background paper was supplied and that background paper contains all the aspects of the Dunkel Draft. Of course, the Dunkel Draft, as it is, is a very huge volume. But a summary, a synopsis of what we can have, has already been circulated by the Government. That is one point.

Secondly, it is not as a formality that we are discussing it. We really wanted this discussion as early as possible. You may be aware, that even from the last Budget Session itself we had given notice of this discussion. But due to other preoccupations this House could not take it up. The Business Advisory Committee in its wisdom, did not decide to take up this discussion, and therefore, on the very first day of this session, I sent a notice.

* MR. SPEAKER: Prof. Kurien, it is better you avoid mentioning the Business Advisory Committee.

PROF. P.J. KURIEN: Yes, Sir, thank you. In this session, the notice was sent and we wanted the discussion. That is why at least on this last day we wanted a discussion. And as to why the Government has not mentioned its stand in advance, or why I did not write and so on, that is exactly what I am telling. We want to hear the Members, view before formulating our views, the Government's views. This is the commitment we have given to the House.

Therefore is no point in our saying that this is what we have done. We have not done anything. We have not taken a final view and we are waiting for this. But one thing I would like to caution the hon. Members. There are some hard realities. One hundred and eight countries are members of these Uruguay Round of Talks. They are the contracting parties. None of them are waiting for us and will not wait for us and most developing countries — in my reply I will say— have already concurred with many of these proposals and have even adopted for a packet. Most of the countries have concurred.

So, we have no time. This all my constraint. That is why the Government thought that there should be a discussion even at the late hour and we will formulate our views after listening to the Members.

SHRI BHOGENDRA JHA (Madhubani): ~~What is wrong in~~ referring to a Joint Parliamentary Committee then?

SHRI JASWANT SINGH: I wish to make a submission. I entirely appreciate the view point and the difficulties that have been put forward so ably and so candidly by my friend, the Commerce Minister, Prof. Kurien.

I also understand that what is happening on the 15th of January is to some kind of a dead line for signing the Dunkel Proposals, it is the commencement of the negotiations. If it is the commencement of the negotiations,

on the 15th of January, and if it is a process of consultation that Prof. Kurien and the Government wish to have with the collectively of the House, of the political spectrum of the country, then where is the difficulty in the Government accepting the proposal given by Shri Atal Bihari Vajpayee that let there be a Committee to assist them both in arriving at this viewpoint? It will still be the viewpoint of the entire spectrum of the House and also it will help them in their negotiating.

I am not going to insist that they should do it right away or just now. It is not possible for him to reply straight-away, but he must at least say that he will immediately go and consult the Government in the right forum of the Government. Otherwise this discussion has no meaning.

MR. SPEAKER: Some very good suggestions have been made. But probably they will take some time.

SHRI VISHWANATH PRATAP SINGH (Fatehpur): Sir, you have a rich experience of these matters.

MR. SPEAKER: Not very rich.

SHRI VISHWANATH PRATAP SINGH: The economic future of the country will get committed in a fashion of what we do in these negotiations. There is a time-frame and I know that everybody is not going to wait for us. And on 15th January negotiations will start. It is not the signing date. That is the thing. You know that it will take time. It is not that on that very evening or next morning it is going to be signed. They are very lengthy negotiations and even with all the pressures that may be put — and certainly there will be pressures to rush up everything we know all this — but at the same time, it will take time and as the negotiations develop, what are the options and possibilities? They will also unfold themselves. It is true that the Government cannot say everything. It must

have a mind. It is not so simple. They must have assessed it, what is possible and what is not possible. And that exercise must have been done. It is the difficulty of the Minister that he cannot say everything. It is the difficulty of the Minister that he cannot say everything. We appreciate that he cannot. But it is sensible because it is a very important matter. And if a Committee of the Members of Parliament is formed, then proper feedback will be there and as various options come up, this Committee will help the government also in formulating its position. In this matter. I do not have a set view or anything. You know things happen and a Committee like this will take the country into confidence. I very humbly request you, Sir, that you do ask the Government to agree to this proposal.

SHRI A. CHARLES (Trivandrum): We are not against forming a Committee. But it is a wider forum. This is not on the Agenda.. (Interruptions)

MR. SPEAKER: Please do not respond on behalf of the Government.

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, this is one of the issues on which there is no particular Party view which is being taken. This is a national matter, matter of national concern; not only of our present, not only immediate future but also distant future. Sir, every section of the House, including the Government, say that this is a matter of very great importance and that even till today the Government is supposedly having an open mind. But they say that wish to be guided by the deliberations of the House. But, Sir, can we not admit that we are not in a position to have a meaningful discussion on technical matters like this? It is not a routine matter that I say something off the cuff. There has to be a deeper study. Therefore, the Government can really benefit from the suggestions which the Members will make at an proper forum, a proper setting

and a proper atmosphere. That is why this suggestion has come and we welcome this suggestion. Let us not either divide the House or let us not either try to give an impression that the Government is anxious to avoid certain things. Therefore, in the national interest, when the entire House is together I would implore upon the Government, Sir, through you, to really respond to it favourably. And let a time table be fixed also. Such of the Members who know things and who can devote their time on this will be taking part and day to day sitting can be held during the Christians vacation or early January also. Therefore, this is not a question of anybody scoring any point here. Today every section of the House feels that it is a national matter, a matter of national concern and it should be taken up in that spirit. That is why, we are requesting the Government to accept this proposal. If they have made up their mind on this, it would have been known and we could have responded to that. They say that they have not made up any mind at all. Atleast they do not say that they have made up their mind. Therefore, let us have a proper discussion on this.

SHRIBHOGENDRAJHA (Madhubani): Sir, the discussion has started and it must continue today. Secondly, this discussion should not be taken as conclusive. We have discussed this generally earlier also. So, the discussion should continue. The Government should take into account the views of the Members of Parliament expressed earlier and on this occasions. I think, the Minister may be in difficulty. Let him consult senior Minister or if necessary the Prime Minister and announce today at the end of the discussion about the setting up of a Joint Parliamentary Committee. As comrade Somnath Chatterjee has said, the Committee can have day-to-day sittings and it can arrive at a consensus taking all the aspects into consideration, which would help the Government and the country. This is my submission.

PROF. P.J. KURIEN: Sir, I would perfectly agree that this is a very important matter and the Government needs the advice and suggestion of all the members. But I would like to pose one thing. Please understand the problem. In fact the Uruguay Proud-discussion has started on December 7 and the discussion was going on. Only due to some technical reasons, it has been delayed. As a government, it will be difficult for us to counter other members because when all the other members—all the 108—are agreeing on many of these things, our position will become difficult unless we take our decisions at the correct time and inform them.

SHRI SOMNATH CHATTERJEE: You start the sittings from Monday next.

PROF. P.J. KURIEN: Let me complete. If the Uruguay Round is started again, we have to give it a proper shape. So, if a parliamentary committee as such is formed, then naturally I do not know by what time they can finalise....(*Interruptions*) .Let me complete please. So, I am not able to commit at this point of time and this is not subject on which I can commit on the spot. But this I can say that let the discussion continue and this point also will be considered.

MR. SPEAKER: Nobody is going to postpone the discussion. We are going to have a discussion.

SHRI JASWANT SINGH: One minute, Sir. I do not want to state the obvious over and over again. This is a highly technical subject and, of course, the House must discuss, whether it is technical or not because the House has a right to express its views on important national issues. The point that I am trying to make, and make repeatedly, is that in fact the Government's own hands will be strengthened if they had the support of such a representative body, by whatever name you may call it. If you are shy of calling it a

Joint Parliamentary Committee, do not call it by that name. I am sure, you, with your genius for finding a solution to the problem, will find the right name which will be acceptable to the Government and to the collectively of us also. But I wish to appeal to Shri Kurien that the suggestion which Atalji has given, will, in fact, strengthen his negotiating hand. It is not an obstruction. It is not an inquiry committee. This Committee is not a restriction on the Government's executive action. The Government can continue to take executive action. It will help the Government. It is an admirable suggestion that has been given.

MR. SPEAKER: I think we will continue with the discussion. There is no doubt about it. That is one point. Secondly very good suggestions have been made but I think we should not expect Mr. Kurien and the Government to immediately respond to them. These good suggestions will be considered by them and maybe, if possible, they will respond today or may be even later also. We can take a decision on them. So, we will give them the time to consider this. We will not just burden Mr. Kurien and the Government. But then what the entire House is saying is obvious to them and they will consider it.

[*Translation*]

SHRI RABI RAY (Kendrapada): Mr. Speaker, Sir, the speech of Mr. Kurien put me in a dilemma. The very first thing — whether the meet is to be held on the 6th or on the 15th of the month is itself uncertain. But the current session of Parliament is coming to an end today; it is still uncertain whether any Joint Parliamentary Committee would be set up and by when it would make its recommendations. What situation will emerge before the recommendations are made. It would just not be possible for the Joint Parliamentary Committee to submit its report before February....(*Interruptions*)..... It is, therefore, better if the constitution of a

Parliamentary Committee is declared today itself.

[English]

MR. SPEAKER: We will find a situation to that. But I am not saying that they do it or do not do it. I will leave that to him.

[Translation]

SHRI RABY RAY: If it is not done today, then when will it be done. I wish you please keep it in your mind because if we do not work on war footing, how will we be able to meet the situation. I request you to keep it in your mind.

[English]

MR. SPEAKER: The suggestion is important, the matter is important and the situation is also very urgent. They have to keep everything in mind and then immediately we should not expect any Minister.

(Interruptions)

SHRI SOMNATH CHATTERJEE: He is ready, Sir.

MR. SPEAKER: Are you ready?

PROF. P.J. KURIEN: No, Sir.

[Translation]

SHRI NITISH KUMAR (Barh): This reflects the intention of the Government.

MR. SPEAKER: No, you should not say like that. If you co-operate hands of the Government will be strengthened.

SHRI PRITHVIRAJD. CHAVAN (Karad): Sir, we all agree that this is a very very serious and important issue to be discussed. Actually I myself had really asked for a

parliamentary committee during the July Session. But now we have a different timetable before us. On 1st of March - and that is really the timetable - when the U.S. Congress fast trace that authority expires and the Dunkel drafts has to be completed before that.

18.00 hrs.

I think the forming of a J.P.C. will be a very formal thing. I think the Government should agree to the leaders of all the parties to send representatives who can discuss the subject with the ministers so that a consensus can be arrived at. The time is very short. We want a national consensus on this issue.

MR. SPEAKER: These things have become very obvious and very clear to us. The matter is important, it is urgent. The views have also been very clearly expressed by the Members on certain points. But we should not expect the Minister immediately to respond and if solutions have to be found there will not be a difficulty. But, supposing, they have considered the matter in a different fashion, well, they would certainly like to deal with it in a proper manner so as to take everybody into confidence. Because on such a point it is better to have a view which is acceptable to all sides of the House and all sides of the parties. That would strengthen the Government's hands also. It is likely to be more balanced and in tune with what we should really do and all those things. Keeping this view, I do not think it is necessary to labour this point any more. We can leave it and we can continue with the discussion. Shrimati Malini Bhattacharaya to speak now.

[Translation]

SHRI TARA CHANDA KHANDELWAL (Chandni Chowk): Mr. Speaker, Sir, I simply want to know the duration of this discussion.

MR. SPEAKER: 4 hours.

[English]

SHRIMATIMALINIBHATTACHARAYA (Jadavpur): Mr. Speaker, Sir, from what has been said before this by very senior parliamentarians, it is very obvious what a complicated matter this whole Dunkel Draft is. Even by the sheer size of it it is daunting. If it is like a *Maha Bharat* then we can say that as in *Maha Bharat* we have, many concerns of our life involved, the same thing can be said of this Dunkel Draft. It hardly excludes anything under the sun. And it is this multi-faceted character of the Dunkel Draft which makes it very necessary that the full technical discussion on this point should be made before any decision on this is taken by the Government.

Therefore, while fully agreeing with the suggestion which has been made by some of the hon. Members regarding a J.P.C., I will just make a very few comments on what appears to me to be some of the crucial points of this Dunkel Draft and the Government's 33-page response to it which is the only document that we have received so far from the Government.

It is also to be noted that on this business the view-point of the Government has changed over the years. In fact, in 1989 the Government had said that we have entered into the negotiations into the areas of trade-related intellectual property rights with a clear reservation on the question of the document of the outcome. Our Government had reservations, even in 1989, about the inclusion of the TRIPS, as it is called, within the Dunkel Draft. Subsequently, even in 1991, in the President's Address to both Houses of Parliament, there was a special mention about the need to protect the interest of the developing countries in the GATT negotiations. Subsequently after Mr. Dunkel presented his Draft, which is supposed to incorporate many of the proposals that were made by the developing and over which

there was a great deal of difference of opinion, the initial response of the then Minister Shri Chidambaram was that the Dunkel package is detrimental to India's interests. Subsequently there was a note from the Commerce Ministry which somewhat, I think, minimised the negative aspect of the Dunkel draft and even from this response of the Commerce Ministry, it seems that the position of the Government with regard to the Dunkel draft was changing. Of course, I do not mean to say that the Government in its response has not made any important suggestions as to what changes may still be pressed at the negotiating table. But on the whole the general approach of this 33-page document is so weak-kneel, so vague that we are afraid that without help from the whole of the Parliament, without help from people who know it, the technical people, the Government may in fact lose this battle which they have to conduct and as such, even if there is a deadline, I would say that it is better not to sign the Dunkel draft without knowing what it involves for us and for our future generation. The Minister has said that already quite a few of the developing nations are thinking of agreeing with many of the proposals. They may be under the same sort of pressure that we are under. But if India takes a positive stand at the international forum we believe even today that India can give leadership in thrashing an alternative approach which will be more beneficial for the developing countries.

One Member has spoken of the need for globalisation, the need for internationalism of or economy which is identified with modernisation. Now, it seems that 'internationalisation' is a magic word, as if the word will immediately resolve all the difficulties of the backwardness within our economy. However, as it has been put very succinctly, what the Dunkel draft represents is a globalisation of trade laws for the protection of profit. While the economy of the developing countries is to be opened up here we

remember with shudder what Carla Hills said about the opening of developing world with a cro bar of Super 301. Now we have been spared of Super 301, but Dunkel. I would say, is the other face of Super 301. I would just say here that another hon. Member has said on agriculture that so far as agriculture is concerned, there is no danger that there will be curtailment of subsidies. This is an example of how different approaches can be made on this Dunkel draft and unless we can resolve this discrepancy in our understanding we cannot take a decision — because as far as I have understood the Dunkel draft, maybe I am wrong, but my views are totally opposed to what the hon. Member has said. As a matter of fact, the developing countries are being allowed to maintain subsidies for international and internal freight charges and marketing, but only for the period of implementation. Not only that; they are also bound by the commitment not to introduce new subsidies and this will have serious drawbacks for our exporters if they want to compete in the international market. There can be no competition on that score, because while on the one hand, the countries that wish to export to our country will be able to subsidise their agricultural products, on the other hand, the benefits that our farmers get will be curtailed.

Sir, there is another point so far as the intellectual property right is concerned. On page-33 of the Government document where the Government is making certain points as to what improvements it will seek, the Government talks about TRIPS and special compulsory licensing provision for food and pharmaceuticals. Of course, compulsory licensing provisions is there no. But, if we agree to sign the Paris Convention, the scope of compulsory licensing will be severely curtailed. The Paris Convention most reluctantly admits compulsory licensing. If the patentee justifies his actions by legitimate reasons, it may be replaced. So, if we sign the Paris Convention, our argument about

imposing compulsory licensing will be very much weakened and it will have to be curtailed drastically. Secondly, it has been stated that there has to be a clear commitment that importation will not be regarded as working and that a special provision regarding the primacy of public interests in developing countries will be there. Now, importation is already regarded as working. Even under the existing Patent Laws, illegally, transnational companies are setting up plants here, leaving them under-utilised and importing patented products from the parent countries at high prices. I can mention only a few companies like Hoffman-la-roche, Burroughs-Wellcome and Pfizer. If this can happen even under the existing Patent Act, such violations of commitment are being made, then once the Act is changed, neither the commitment nor the special provision regarding the primacy of public interests in developing countries will be of any use. It may be pointed out here that this Dunkel Draft makes a differentiation and the kind of leeway the developing countries used to get is being curtailed by making a distinction between the developing countries and the least-developed countries so that India will be deprived of many of the special treatment that it is getting now.

Sir, it has been said that so far as the cross-retaliatory measures are concerned it will not be applicable. However, if the MTO is established, in that case, there will be a super organisations which would control and which would be the ultimate arbitrating agency and since the MTO will be governed by the developed countries, what hope and what assurances have we got that the interests of the developing countries will be maintained? So, this MTO will have actually more power than GATT — the power to authorise trade sanctions against countries which may delay in changing the domestic laws. On all these points, I totally disagree with the points which have been made by the hon. Member on that side. Since such radical difference of opinions

can be there in the House, I think, it is very necessary that there should be a Joint Parliamentary Committee and a consensus must be arrived at through discussion with technical experts before any decision regarding Dunkel draft is taken.

SHRI A. CHARLES (Trivandrum): I am thankful to you for allowing such a discussion on such a vital and important issue. After wasting most of the times on non-issue, it is gratifying to see that such a very important, sensitive issue is taken up for discussion in the House.

There are a lot of differences of opinion on this very important negotiation that has been going on for the last several years. Dramatic changes are happening all over the world in economy and in politics. We cannot get isolated from the global operations. But we have to be very careful how these agreements will effect the posterity and how they will affect our future economic activities also. Divergent opinions are being given.

It is said that if we agree on the Dunkel Draft, it will result in curbing our economic sovereignty. It will blatantly interfere with or macro and micro economic decision-making and it will frustrate the pursuit of our development priorities. A number of jargons go on like this.

But what exactly is the correct position? There are two area.

Before I mention those two areas, I would also like to request the hon. Minister to clarify one aspect. Trade Related aspects of Intellectual Property Rights (TRIPs) Trade related Investment Measures (TRIMs) and Trade in Services do not usually come under the scope of negotiation of GATT. But unfortunately recently this has become the main issue. I would like to request the hon.

Minister to clarify why this new chapter which was not part of the negotiation for several years has now been brought forward and made a central point.

There are two important areas where the fear is expressed i.e. agricultural sector and then pharmaceuticals. Of course, intellectual property right is the main thing. If my knowledge is correct — I request the hon. Minister to kindly correct if my information is wrong— in the field of agriculture, there may not be any cut in subsidy or giving domestic support price, if we accept the Dunkel Draft. It allows up to 10 per cent of the total output which, at the current rate, works out to about 10 billion dollars. If we accept this Dunkel Draft, the Agreement will operate only up to 10 years. After 10 years, this 10 billion dollars may work out to be 15 billion dollars. At no point of time, this country will be able to give subsidy either in fertilizers or electricity or water supply or seeds in any other form for agriculture more than 15 billion dollars. My point is, under no circumstances, the Dunkel Draft will prevent this country in giving whatever subsidy we want to give to our poor farmers to get remunerative price. It will not affect the public distribution system. Even the farmers are capable of protecting the use of seeds. I want a clarification on this. If this is right, I would like to know why in the agricultural sector, this fear is being expressed without any reason.

MR. SPEAKER: You don't ask question. You tell him what to do.

SHRI A. CHARLES: This is my knowledge of the matter. (Interruptions)

MR. SPEAKER: This discussion is for expressing our views on Dunkel Commission. It is not question and answer.

SHRI A. CHARLES: Doubts will be totally eliminated if my questions are answered.

MR. SPEAKER: Whatever you feel about, you express.

SHRI A. CHARLES: However, I will go by your suggestion.

In respect of pharmaceuticals, I see that there is a fear that the prices of life-saving medicines will go up exorbitantly. But at present whatever preparations are available, whatever medicines are available, they will not be affected. Only about 10 per cent of the future preparations and medicines prepared with new technologies may be affected. Of course, that is also very dangerous. But we have the system of compulsory licensing. We have to respect the changes that are taking place all over the world. If we cannot accept the protection of patent rights, how can we say that we want human rights? After all, this is a developing country. The world is fast changing. We have to adapt ourselves to the changing circumstances.

So, I request that these doubts will have to be clarified and we should give a lead in the GATT negotiations among the developing nations because even though there are about 108 countries, most of the countries are only developing countries. They are also finding it difficult to face the negotiations. As leader of the Third World, I request that our Government should take every initiative in presenting our case and placing our problem, and taking decisions which will not be harmful to us. The discussions will start on the 15th January and they may go on for quite a long time. Under no circumstances, we should surrender any of our interests, may be economic or trade or commerce in any field so that our poor farmers and weaker sections of the society can be benefited.

With these words, I request that this Draft can be carefully gone through and whatever problems are there, they have to be removed and we should not surrender any of our rights.

I also agree with the hon. Members on the other side that we should consider the issue with an open mind to the best interests of the country because this is a national issue. We should stand united. We on this side are unanimous and willing to come to common consensus and to take decisions which will be in the best interests of the country.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, thank you for giving me an opportunity to say a few words in this very important item.

I share the views expressed by my learned colleagues who have suggested to the Government to take necessary steps to constitute a Committee of Members of both the Houses of Parliament to assist the Government in arriving at a neither and correct decision which we have to take in the GATT negotiations.

As you have directed me to be brief because of lack of time, I would confine my speech mostly to the field of agriculture, the impact of Dunkel Draft text on the field of agriculture.

I feel that there is a concerted effort by the developed countries to pressurise the developing countries and less developed countries, to enable them to continue to have their superiority and their dominating position in the field of marketing of agricultural products. This will have serious repercussions on our Indian agriculture. Just now, my colleague, Shri A Charles has expressed the hope that Dunkel's provision may lead to reduction or the necessity to give up subsidies to the agricultural sector. But there are different view points. It all depends upon the figures we arrive at when we calculate the domestic support that is extended for a particular product. There are different calculations. Some say - though apparently it may appear so because of our difficult balance of payments position or our lower

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per capita income - that immediately the Dunkel proposals relating to reduction of subsidy may not affect our Indian agriculture. But the Government must make it precisely clear in respect of different products such as paddy, wheat, sugar and several other agricultural products to what extent the domestic support will come to be calculated and to what extent the subsidy can either be given or cannot be given. Till now, we are having some edge in the global market because our prices of paddy, prices of wheat are comparatively less than in the world market. If we have enough surplus we will be in a position to export. But already, the Government has reduced the subsidy on fertilizers. I will not go into the details of it now. But we have already come across a position where the consumption has come down, production has come down. Now, we are importing wheat; we are also importing rice now. So, my feeling is that these developed countries are doing precisely one thing to see that their dominate position continues. In this connection, I would like to say that earlier America and Japan have exempted Agriculture from any of these GATT negotiations. Even the European Economic Community also requested that their common agricultural policy should be exempted from these GATT negotiations. Now, the same countries have brought this matter of agriculture also into negotiations.

Sir, in this connection I would like to say one thing. Mr. Senator Bolshwidge of USA sometime back was commenting on the Ronald Reagan's agriculture policy. He said:

"If we do not prevent the competition in the agricultural products from the developing countries now by reducing prices of our agricultural products, we may able to be to retain our place in the global agricultural economy".

They have subsidised to a very huge extent and they are dumping at a very far lesser price over the world thereby putting the developing countries or less-developed countries in a very awkward position. I will quote one example. Nigeria used to import a lot of wheat from the American multinational Company called Cargil. When the Nigerian Government thought that it should ban import of wheat from that multinational company to enable the Nigerian farmers get a better price and achieve self-sufficiency in wheat, the Government of the USA has threatened that it would cross-retaliate by banning the garments that are being exported from Nigeria to the USA. That is how these multinational companies like the Cargil or several other big companies which are doing a lot of business in foodgrains especially from the USA and other European countries are handling nearly 85 per cent of the wheat; they are handling 95 per cent of the corn of these countries. They are very powerful. They are, in fact, getting their purposes served through the American Government or the other Governments. So, in this context, we must be very careful regarding that one.

The other one of which I want to warn the Government is regarding the patent relating to the agricultural sector Till now there is no patenting of the plants or the plant gene. In fact, it is the developing countries especially India and Ceylon and several other countries which have evolved, over a period of centuries, the present races of food and cash crops. They have taken the wild plants from the forests; they have selected the plants and they have cross-bred and evolved these strains. Now those developed countries have spent large sums of money on bio-technology and they want to patent these plants and plant gene. Now the Indian farmer or the farmers of the developing countries will not be in a position to purchase seeds from those multinational companies. Till now it is the precise view with that these plants and plant gene which have been

evolved over centuries and centuries period of time belong to the entire humanity, the human heritage. Developed countries should not be allowed to corner the patent rights putting the developing countries and the farmers of these developing countries in a very precarious position.

Then we will have to pay a very huge royalty. You also know now that the International Rice Research Institute at Manila is doing a commendable work by taking research programme of evolving suitable strains of paddy and other crops which are suitable to different countries because right now there is no such patent rights. There are, to some extent, some right available to the scientists or the inventors who have evolved it. But the farmer has got every right to grow that, to produce and to store also for his future needs. There is no bar of his selling the seed to his neighbour. There is no bar on the scientists to take up the research work in the laboratories. Now if we accept the patent rights of these multinationals, we have to pay a very very huge royalty to those multinationals. Otherwise, these poor farmers of this country cannot face such a situation.

My suggestion is already the country is facing lot of difficult situation. My friend, Shri D.P. Pal spoke about globalisation and internationalisation. Already the country is facing the consequences of adopting these liberalised policies without care, without much safeguards. Now a situation has reached contrary to your expectations. The quantum of imports is increasing like anything but the exports are not increasing like that. As a result of which the balance of payments position is going from bad to worse and in the future days, it is going to be still worse and will make us to depend continuously on the foreign loans. The country is already burdened with rupees two lakh crores of foreign debt and your governmental efforts are going to put much more burden on the

people of this country for the generations to come. The coming generation is going to pay a very heavy price. My request to the Government is that this is such an important matter that do not take a hasty decision. Do not commit yourself to the GATT negotiations and to the Dunkel proposal American people have got every right to say that....(Interruptions)

MR. SPEAKER: You do not have to say all these things. It is known to everyone.

(Interruptions)

SHRI SOBHANADREESWARA RAO VADDE: It is applicable to the people of America. Why should the people of this country have any second position without consent, without approval of this Parliament. The Dunkel Draft should have no bearing on the people of this country and the present Government has no right to play with the interests of the people.

With these words, I thank you very much for giving me an opportunity. I hope, the Government will pay heed to the suggestions of the several hon. Members from the opposition benches.

SHRIP. C. CHACKO (Trichur): Sir, after great strain you could allow some valuable time of this House for such an important discussion. But, unfortunately, the suggestions which have come - I do not want to say that the suggestions have to come with good intentions - have thrown the whole discussion into an anticlimax. This whole discussion came up, once again, because of the suggestion of the opposition parties mainly during the previous discussion which came up before this House on Private Members, Resolutions. As Shri Jaswant Singh had pointed out, there is time pressure on this Government. It is not due to the fault of this Government or of the Minister. There is a time pressure on this subject. We can go out

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of the GATT; we can be independent; we can be isolated. We are free to do that. Shri Kurian had pointed out very categorically that 106 countries who are participating in this Uruguay Round, barring India, almost all of them have agreed either wholly or partly to the proposal which is being discussed there.

Sir, I hope that the Minister will explain the time frame by which this Government has to take a decision. It was suggested that a Joint Parliamentary Committee should be constituted to consider this issue. Shri Jaswant Singh that JPC is a term which this Government do not like. I do not think that that is the view of this Government at all. I wish that the hon. Members who had made the suggestion, at that time when this had come up in the form of discussion on the Private Members' Resolution, have discussed this issue in detail. I would like to say that whether this Government likes it or not is a different matter altogether. What line this Government is going to take on this is a different matter importance. But, at least, the consensus or the opinion of different political parties could have been placed before this Government, had the suggestion come at the appropriate time, from the hon. Members whoa made this suggestion now.

Sir, I want to express my opinion on one or two very important aspects of this subject. In fact, we wanted to hear from some of the very learned Members of the opposition, about their opinions. They have not expressed their opinions and instead, they have asked for the constitution of a Joint Parliamentary Committee. I also had an opportunity to glance through this 400 page report of the Dunkel Draft. If all that has been said about this Dunkel Draft, by Shrimati Malini Bhattacharya and some of the other hon. Members, is true, then no Member or no party will support a proposal such as this of the Government of India, to go and sign it. We have to apply our mind and we have to

come to certain conclusions as to whether these things which are being said is correct or to. I am not an expert but I have glanced through some of the suggestions that were made here.

About the Agriculture, Shri Charles has made a point. The Gross National Product is for 300, billion Out of this one-third is agricultural products which comes to 100 billion. on 10 per cent of the agricultural product, they can give subsidy which comes to Rs. 36,000 crore. Our total subsidy for fertiliser was only Rs. 6,000 crore. Then where is the real danger lurking in this? I am not defending and I am not whitewashing anything. And also, I am not saying what the Government should do.

The thing is that the learned Members of the Opposition said that this Government is going to surrender the economic sovereignty, the political sovereignty and all. They have every right to say that. But, they should also tell and how it is happening.

Sir, three-fourths of the Indian population is depending on the agriculture. I plead with the Minister that this Government has no right to surrender the rights of the farmers for before any multinational arrangement. I am of the opinion that on the question of seeds, on the question of subsidies, the Government cannot do away with this subsidy or the rights of the farmers to use the seed of his choice.

A silent revolution is going on in this country. The farmers are doing their own research. They are producing their own seeds. If the farmers are not in a position to use their own seeds which they are producing, if there is any ban due to this multinational arrangement on the seeds which they are producing. I do not think that this Government will be a party to agree to this part of the Draft.

Due to paucity of time, I do not want to go into the details.

Another most important thing that Shri Vajpayee has mentioned here is about the pharmaceuticals. I do not know whether the hon. Members are aware that this Dunkel proposal here has been agreed to by many countries especially China. I am not saying that if China has agreed to it, we should also agree to it. I am sure that there are countries who *en bloc* - without even going into the details - used to support that. China and the United States - even though China is to a member of GATT - only for months back, in August 1992, have come to bilateral agreement. According to that agreement, 20 years patent rights in the pharmaceutical industry has been accepted by China. I expected that some of the hon. Members who are very much informed about these matters will come before this House and say something. *(Interruptions)* We expected that some sort of a clarification would come out. I am sure that the Government will be there to find out who are our friends, in the 108 countries which are participating in the Uruguay round of negotiations, whom we can support and go with Countries like Mexico, Argentina and some South American countries and also China - even though China is not a member - have taken some position. But may I know whether we are going to have friends? Fortunately, the European Community has taken some definite opinion now. France has come out openly. Let us also find out whether we can have some useful and similar opinion which can be helpful in these negotiations; and we should go in for that.

I am concluding. But in a few minute, I want to say something. Rs. 3900 crores worth of medicines are being sold in India. Out of this Rs. 3900 crores worth of medicines, 90 per cent of the medicines sold in the country are not patented. If that is the case, even as Shri Vajpayee has said, the prices of the drugs are going up. The prices of the 90 per cent of the drugs which are being sold in the country are definitely not going to go up,

the prices of ten per cent of the drugs, the essential drugs, are likely to go up. So, we are not for it; we should not agree to this sir, we are not prepared to go into the merit of the question. The very same people who wanted a discussion and who said that this is such a serious matter - we agree that it is a serious matter - they did not go into the details of this. I am really sorry about the way in which the whole discussion has been brought to this stage.

My request to the hon. Minister is this. I have seen something which is very much detrimental to the export of Indian textiles. We should not agree to that. 30 per cent of the Indian export is in textiles. Anything in the multinational arrangement which restricts and which is disadvantageous to our textile exports, we should not allow. Like that, in the pharmaceuticals industry, in the agricultural sector, wherever it is against the interest of the average Indian, wherever it goes against the Indian interest, we should not agree to that. But the experiment of opening up of the Indian economy and our efforts to integrate our economy - whatever our friends may say - is being appreciated not only in India, but also all over the world. So, this experiment has to go on. We cannot isolate ourselves from the world.

In the East European countries and in the erstwhile a Republic of the Soviet Union - the Republics - what are the changes that are taking place? Can we close our eyes to what is happening there? In view of the changes which are taking place in the world, we cannot isolate ourselves from them. *(Interruptions)* Throw away Dunkel or boycott GATT — this sort of an approach may not help us. We have to analyse the whole question in its merit and decide what line we have to take, what line we have to pursue. Who are our enemies at the negotiating table of the 106 countries participating in Uruguay rounds the merit of the issue, on the basis of the benefits, we have to decide. How can we

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make maximum benefit out of these negotiations, that line of approach we have to take. For any issue, we have a solution and that is to dodge the issue or delay the issue. The pressure of time on the Government is there, because it is an international discussion. So, the Government may be kindly helped to solve these problems. Prof. Kurien has come out very openly and said that he has an open mind. We want to take an opinion. But where is the opinion? Let the parties come forward with concrete opinions. The Government has given you the assurance that we will act on the opinion of this House—at least on the consensus. Opinions are not for the coming. These are not certain things which we can discuss in our party forum and come here and keep silent.

I want that anything which goes against the interests of the country should not be agreed to. But, at the same time, there should be constructive participation in this international discussion which is going to be very import on the part of the Government. Media or the Government are not attaching any importance to this issue. We have been expelled and we have been castigated at the international level. In this situation, I think the government might have felt these things and it might have been afraid of all these things. We are now certainly a developed country. We are not certainly a developed country or say to so, a semi-developed country. Hence, we have to suffer much. I would cite some examples. I was then a Member of this House when the Government, after considerable thought passe the Patent Act in 1973 which is about the process and not about the products. I would further like to cite examples — our scientists have developed hundreds of varieties of seeds. The Potato Research Institute has developed a new variety of seed. Now 100 gram of this potato seed will be sown in three square metre of land which can again be sown in two and a

half acre of land. That is to say potato seeds worth crores of rupees may now be saved from getting rotten. Similarly, new bamboo-seed has been developed which may be sown as paddy supplings are sown. Now if we accept the Dunkel Proposals of America this will impose ban on our yield itself. Patent will not be there for process. Potato will be produced through various processes. Fruits will be grown through new process. The variety of potato being developed in the country will be banned. The American Congress has termed us as patent thief. I am not going into that dispute but this is a serious matter. If a country like India with a population of 90 crore marches ahead in the field of seed, medicine, agriculture and industry through latest technology, it may prove dangerous to America. That is why we are termed as patent thief. Mr. Speaker, Sir, as our hon. Minister has said and none of us says that we should alienate ourselves from the world but India should adopt firm attitude. China is our prominent neighbour and it is also an important country of the world. We should cooperate with it. We should also cooperate with Arab countries as well as South-East Asian countries. We should frame our policy in a way that the U.S.A., which burns wheat and gives grants for burning it if it does not sell at the prescribed price, may not burn wheat. Also, we should raise the matter in the UN Human Rights Commission as by burning wheat, the U.S.A. violates human rights. Crores of people are dying of starvation, yet, grants are being given to capitalist farmers for burning wheat crop. It should nto be allowed to happen. A number of seminars on patent, agriculture, medicine and industry have been held by our scientists. This will lead to imposition of restriction in every field, Neo-colonialism of each and every field like industry, agriculture and medicine is gradually taking practical shape. If we accept the proposal, it restricts our economic freedom too. That is why we are saying that today all of our efforts for Swedeshi, self-reliance and development

are being jeopardised, I request the hon. Minister to think over this matter and take it seriously. A joint committee of both Houses may be constituted keeping in view the national interests and current situation of the world. Its meeting should be convened every day without any interruption as India is not a backward country. India should march ahead taking the developed countries of the world with it. Whatever competition would be there with America, we are ready to compete. There are no two opinions on this that we will not cooperate with America. If India is to survive in the world, a joint committee may be constituted. With these words, I conclude. This proposal is not acceptable to us.

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, it is very unfortunate that the Central Government has not framed any policy with regard to Dunkel Draft as yet. The way the Ministry of Commerce is functioning shows that Government has not issued any guidelines to it because a team of the Ministry of Commerce had recently attended the talk where this fact came to light.

Mr. Speaker, Sir since no time is left to go into details of the matter, I would like to draw the attention of the Government to agriculture under the Dunkel Draft. It will have serious repercussions in the field of agriculture. The patent law will cause serious set-back to agriculture. At present the Indian Council of Agricultural Research is doing a commendable job in the field of developing advanced quality of seeds. After signing the proposal, seeds of improved quality will be imported from foreign countries and multi-national companies will start selling such seed. They will advertise their product in such a way that our Indian Council of Agricultural Research will have to stop its work and our scientists working in this field will be rendered jobless. The most dangerous aspect of it is that there will be patent for living objects. While patent is not done for any

living object at present. But then there will be a patent for a living object in the form of development of gene. In fact America has never produced food grains. The countries which are called developing countries the countries, of Asia and Africa are producing food grains. If patent is to be made, this right should be given to India and to the countries of Asia and Africa. It should not be that a particular country may develop a particular type of gene and then goes for its patent and then introduce that improved quality of seeds in the market. Another dangerous aspect of this proposal is that when a farmer purchases such seed and when the crop is harvested and if he wants to save such seed for future use, he cannot do so as Super-301 will come in the way as a measure of cross relation by America.

If an Indian farmer brings seed from multi-national company, sows it and when the crop is harvested and if wants to store seed thus produced, he will be prosecuted under section 301 by the Government of India. It means that the agents of multi-nationals working here will report about such storage and the police inspector will arrest the farmer at the behest of the Government of India, any State Government. How horrifying the situation will be! Imagine what sort of resentment will be there throughout the country. It is beyond imagination.

It is a matter of great concern that the work is being done in *ad hoc* manner. We have *ad hoc* Minister of Commerce. He has not been given full charge of the Ministry of Commerce. Earlier Shri Chidambaram was performing this assignment. We are the members of the Consultative Committee of the Ministry of commerce. We raised this issue at the meeting.

Secondly, a Private Members' Resolution was introduced in the House on which detailed discussions continued for many days together. Though Shri

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Chidambarma is capable in presenting even a donkey as a horse, it was his misfortune that he had to go due to scam.

In the end, I would like to draw your attention to one important thing and which is *ad hoc* thinking. It will create a serious situation. It is a matter of subsidy. We cannot provide subsidy to our farmers. It is a matter of import of 3.3 per cent of our essential items. Recently this Government has imported wheat and now it is going to import rice. All these works are being done under the Dunkel proposal. From that very day the Dunkel proposal should have been taken as enforced. From the proposed import of rice it seems that the Dunkel proposals have been enforced in the country. All of a sudden, we will come to know one day that Mr. Dunkel has occupied the chair of the Prime Minister. Such situation is likely to emerge in the country.

Mr. Speaker, Sir, through you I would like to warn the Government that if the intension of the Government is good, there is certainly a need to take firm steps with a strong will. Every Member of this House whether he belongs to this side or that side is against the law of patent. There is consensus on this issue. So, the Government should take firm steps. The entire House is with you. But there is the question of will. If the Government has already made up its mind, then the posterity and this country will suffer invariably. If any document will go down in history as a document to enslave the country, it will be the Dunkel Draft. It is a black document and we oppose it tooth and nail.

Through you, I would like to request the Government to show some courage for the sake of God.

Mr. Speaker, Sir, lastly I would like to submit that the Government has since not explained its opinion. At the GATT

negotiations, which are going on, every country has placed its opinion stating that it has one or the other compulsion and the problem, so it cannot accept the proposal. But this Government has not explained any opinion so far about Patent Law and patent of gene. There is also a matter with regard to subsidy in agriculture sector and a matter relating to a particular percentage of import. Through you, I would like to request the Government to take firm steps in this direction so that the country could not be enslaved again. Mr. Speaker, Sir, with these words I thank you for giving me an opportunity to speak in my personal capacity.

MR. SPEAKER: No, no please.

[English]

19.00 hrs

SHRI PRITHVIRAJ D. CHAVAN: Sir, this eighth round of GATT which is known as Uruguay Round is more than six years old. Its conclusion which looked uncertain is now not so uncertain due to the resolution of the US-EEC differences.

There is no doubt that the Dunkel proposal by the Director-General of GATT in April, 1989, which is the draft final agreement, has raised concerns throughout the third world, particularly in India. The debate which is going on today, the debate which was there through Private Members Resolution and also outside Parliament, has focussed the issue very clearly. But, Unfortunately, the debate has not touched any substantive issue.

There have been lot of concerns expressed about the agricultural policy; about the TRIPS area. But the substantive issue of our debate is can we afford to walk out of the GATT today?

Sir, in the GATT, there are 108

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contracting parties. They have been discussing this for the last six years. It is wrong to say that India has not put forward its opinion. India has been negotiating very hard for the last six years.

Only in April, 1989, after, all the negotiations and taking into account the views of 108 contracting parties, a draft agreement was put forward by Arthur Dunkel.

The issue-whether it is a take it or leave it document is also open. Instead of criticising the Government, we must realise that it is a national problem and I am sure there is a unanimity on that. It is a part of the warfare waged by the West. But, we cannot discuss the Dunkel Draft or the Uruguay Round in isolation. We have to look at the international economic situation today.

Sir, after the collapse of the Soviet Union, US hegemony is a fact of life. The whole world is worried about the abridgement of sovereignty as witnessed by the formation of various trade blocks. Even the Masstricht Treaty, where European countries are coming together, almost 50 percent people are voting against the abridgement of sovereignty. But even then 12 nations of Europe have come together into a common market and have agreed to give up a part of their sovereignty. Even USA has formed a common market with Canada and Mexico viz. North American Free Trade Association (NAFTA). There is ASEAN. There is LAFTA for Latin American countries. Every time an international treaty is signed, it reduces the independence of decision making and it curtails absolute sovereignty. Today, the US strategy is to consolidate its hegemony. It is using international for to get what they want and instead of confronting the United Nations, they are now using the United Nations' forum to sanitise their role as a world policeman. We have seen it in Gulf war and we are now seeing it in Somalia.

Today, the power flows not from the barrel of the gun but from the economic strength, technological superiority and trade weight.

What is the genesis of the eighth round or Uruguay Round negotiations? It is nothing but the pressure from the MNC's who need free movement of goods, services, capital, technology and information to create a larger economic space.

The adversary is the West, particularly, the United States. When we negotiate, with them, it is necessary to note what are their priorities; what are their strengths and weaknesses. There is a deep recession in the West. There is massive unemployment in the West. Their national agenda is 'jobs, jobs and jobs. The US elections were not decided on the basis of the Gulf victory but on the restructuring of the economy. Even Mr. Yeltsin has called President-elect Bill Clinton "too much of a socialist."

The western world perceives that the expansion of world trade is the only way to get out of the recession. That is why they are pressing for the conclusion of the Uruguay Round. US is using the carrot and the tick approach. What is the Carrot? Carrot is the GSP (Generalised System of Preferences), which is a bounty given to the developing countries by the developed countries. And it is used very selectively to bring everybody in line. This was brought in with the second UNCTAD Round in Delhi. They also use various USAID disbursements preferences in order to bring the third world countries to their point of view. And what is the Stick? Stick is and we all know, this Section 301 of the USA Trade and Competitiveness Act, which has been selectively used by United States to conclude many bilateral agreements.

The US is using its economic might to use the Crowbar of Section 301 power to

prise open world markets. Now the question is has 301 worked? Unfortunately it has worked. The examples of use of the Section 301 are many. China has changed its Patent Law in bilateral negotiations. Argentina has also agreed to review pharmaceutical patents. There was a big dispute with Japan. Japan has agreed on Super Computers. It has agreed to buy a satellite from the US; it has agreed for protection on sound recording so it has opened the telecommunication market, All under Super 301.

There are many examples. Norway has opened up Government Procurement. Canada has removed restrictions on unprocessed fish. Korea has removed restrictions on beef export.

These bilateral pressures from America can not be resisted by individual countries; and it is because of this reason that we need a rule based multilateral arrangement like GATT. And therefore we cannot walk away from GATT. So, what we have to do is to try to extract the maximum benefit and limit the damage. It is give and take it is a negotiation. If we get something, we will have to give up something. Now, our role has got to be to give up the least. We cannot walk away from GATT because we will have to go into hundreds of bilateral protocols and we have to suffer under unilateral action by USA.

Therefore, I would really request that the debate to be focused not on what a particular Minister is doing or what our Commerce Ministry note says and all that. Do we have choice? Do we have a choice of walking away from GATT? There have been suggestions made that why don't you try a unity of the third world countries? Why don't you talk to Pakistan? Why don't you talk to China? Everybody has settled separately. And as the Minister said in beginning, many countries have agreed to most of the provisions. Nobody, including the United States and EC, is agreeing to everything.

Everybody is giving in a little bit.

What are the areas of concern? We have all agreed and I have attended many meetings of the multi-party groups which have discussed this and we all agree that there are areas of concern in Agriculture. While on the one hand, there is a possibility of a very tight markets of Europe opening up for our export, on the other hand, there is a problem of giving up the decision of subsidy, internal support. And also on the IPR issue, there are, under the Plant Breeders Rights about seeds and patents for life forms. These are the real issues.

The second area of concern is about clothing and textiles. We have got major concessions in the sense that MFA being given up. And textile trade is being brought under GATT. But our problem is the Time frame. The time within which the integration should take place is not quick. Sir, there is not going to be any integration till year 2000, that is where we need to negotiate. This is absolutely a serious problem.

On Intellectuals Property Rights-Americans are really playing very unfair with us. The role of WIFO World Intellectuals Property Organisation, which is a real body under the United Nations auspices, which should really be dealing with this age. It is being negated; and the whole issue has been brought under GATT. This is the American policy.

Japan had a similar patent law like ours till 1977. Japan did not allow trade marks till recently. If they had given in, could Japan have progressed? We accept the fact that research and development has to be compensated. Nobody denies that. But we have also to take into account the concept of stage of development. India's stage of development, is what America was 100 years back, Germany was some years back. Then they had similar patent laws.

Our patent law is very progressive. After thorough debate in two parliamentary Committees this one of the most progressive pieces of legislation has been enacted in 1970.

Now if TRIPS Agreement wants our patent law to be totally over-hauled in a wholesale way there will be legal problems, there will be constitutional difficulties, there are possibilities that it may be thrown out by the courts. We have to resist the pressure on the TRIPS.

On the investment measures area also, there are problems like export obligations, local contents, restriction of equity and field of operation. All these are being sought to be done away with. It is also a clear cut pressure from the MNCs, which has to be resisted.

On services, the world services market is about \$ 810 billion which is 19 per cent of the total world trade. India has a strength in services area. We have a lot of intellectual labour is available. Services area is being brought under GATT for the first time. We did not get what we wanted particularly regarding mobility of labour right for an Indian citizen to go and work in America, Japan and England is still going to be restricted by bilateral visa agreement, etc. We want to get-over the problem.

In GATT Rules are also there and there are problems about stage of development. We all agree that these are problems. I will just refer to the Time-Table. The Time, Table is very critical. On 1st of March next year the US Congress authority to the Executive will expire. That means, the whole issue of GATT will go back to the US Congress. That is why there is a pressure to conclude the Uruguay Round before 1st March. If it is possible for India and the third world countries which are affected alike, it will be in our interest to delay the round so that it is not

concluded before 1st march. Another important, date of course, is 20th January when the new US President takes over.

Sir, finally, what we should really ask is, what can the Government do and what can the Parliament do. Now The debate should really focussing on these two areas. There is no point in criticising is.....
(Interruptions).....

That is why, Sir, I personally consider that it is as important an issue as being attacked by China or Pakistan, and the economic sovereignty of not only India but the entire third world countries will be in question. There has to be unanimity.

According to me, what the parliament can do is that we must give a clear negotiating mandate to our negotiating team. We have sent some people out but still there is need to send a stronger team of very seasoned trade diplomats to Geneva. It is known that the US team consists of top economists from 60 top US companies, top economists and business men of USA. Is our team equal to that? The negotiating procedure in Geneva is highly unfair which is known as the Green Room Consultations.

In the Conference Room of Mr. Arthur Dunkel, certain countries are called. It is not everybody and it is certainly not one country one vote. It is not a democratic procedure. But it entirely depends on the trade weight. Some very selective western countries are called. Then they close the door and negotiate and they cannot be supported by others. We are not supposed to know what our other friends would be doing. It is very unfair kind of a negotiating arrangement. But it is a fact of life.

What we must specifically ask our negotiating team that there must be a formal separation of areas, particularly areas of agriculture, TRIPS and TRIMS which were

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brought into this Round for the first time. It was never the concern of GATT earlier. They should be separated from the trading in goods. I think it would be possible to separate these areas and delay all these other agreements little longer so that we get little more time.

We must try for agreement with the third world countries for formal separation from the areas.

Sir, no single protocol should be signed, but separate treaties should be signed so that we can have some negotiations.

Next is, we must agree, we must force the GATT Secretariat to re-open the area of textiles and clothing, particularly the multi fibre agreement. Also TRIPS must go back to WIPO, the World Intellectual Property Organisation, a Paris-based Organisation and it should not remain with GATT. I think there is an agreement possible on this area also.

Finally, if we have to conclude the Round, I think we should bargain and get some of these areas out of it and then only we should agree to conclude the Round by March 1st. It was done in Tokyo Round. It is possible to delete some areas even now. If we all work together, the entire Third World works together, I think it is possible.

The next point is, we must not accept this cross retaliation under any circumstances. The American right to cross retaliate, to take unilateral action under Section 301, should not be accepted by GATT. Again, here also, I am told that there will be a much larger understanding between the Third World countries.

Now comes the last and very important point. If we have to sign and I have no doubt that we will be pressurised, whatever the

Minister says, whatever the Government says, we will be pressurised to sign; we cannot walk away from it, we have to sign. It may be signed under what is known as the "Best Endeavour" clause which brings me to the very important point and that is the role of Parliament. What can Parliament do? Today, Parliament has no role in international treaties. Therefore there is no reserve position. Supposing our diplomat signs the Dunkel Draft or the GATT agreement, we cannot come back and say "Look, my Parliament does not accept it" Because there is no provision in our Constitution for international treaties to be ratified or approved by Parliament. This reserve position actually strengthens the negotiating position of our team. We do not have that. There is no mandatory procedure, there is no procedural formality that a treaty or agreement has to be approved of or ratified by Parliament. And, therefore, the Agreement will be irreversible by Parliament. Therefore, what can be done even at this late stage is that all parties can get together and give — rather Parliament should take — an authority to ratify the international treaties. This can be done because we have the legislative competence to do it under Entry 14 of List I of the Seventh Schedule to the Constitution. We can legislate. Therefore, if that happens, the negotiator can only sign under this "Best Endeavour" Clause.

So that we can have at least, the option of not accepting it. Even if the diplomats and bureaucrats sign it in Geneva, we can and say that parliament does not accept it. That works out as a reserve position. This is what is going on with Maastricht Treaty, and with the U.S. Fast Track authority passed by the Congress. Many other parliaments, other legislatures have the authority to ratify, except this parliament. We have to clearly debate this issue.

There is one other area. In order to stand up to G-7 or the developed countries,

the NAM is not the forum any longer. Neither is the G-77 which has become a big crowd. The only forum that we can concentrate to confront the G-7 or the U.S. is the G-15. Unfortunately due to the happenings in Ayodhya the Prime Minister had to rush back from Senegal. The Senegal Summit of G-15 could not really devote much attention to the GATT area. That is today the only form where there is some consensus and we can really confront the West. I think everything is not lost. We can still confront the West and make them accept our position.

Finally, there is a demand that there has to be a full-time person looking after the Commerce Ministry. I fully support that. Today the Commerce Ministry is a very important Ministry. It has to be given as a full-time charge, to somebody.

MR. SPEAKER: Please conclude now. Shri Santosh Kumar Gangwar.

SHRIMATIMALINI BHATTACHARAYA: There are various proposals made by Shri Prithviraj D. Chavan. Only if these changes are accepted then the Dunkel Draft will not remain the Dunkel Draft.

[*Translation*]

SHRI SANTOSH KUMAR GANGWAR (Bareilly): Mr. Speaker, Sir, there is nothing more to speak on this issue. I feel that a lot of time has passed since private resolution was introduced and at that time the Government had said that the detailed discussion would be held on this issue. But it seems that at that time only this Government had taken it granted that we would certainly sign the proposal and now also the proposal sent by the Government has not been prepared with full honesty and seriousness.....

MR. SPEAKER: Mr. Gangwar, the question before us is of self-reliance or inter-

dependence and opinion of all the hon. Members is required on that issue. Now what is the use of criticising the party?

SHRI SANTOSH KUMAR GANGWAR: I am not criticising. Draft of a Proposal has been given to us.

MR. SPEAKER: Now come to the point., Kindly tell what is your view.

[*English*]

Please come to the point.

(*Interruptions*)

[*Translation*]

SHRI SANTOSH KUMAR GANGWAR: I would like to say when we have decided that we.....

MR. SPEAKER: Nobody has taken any decision. The decision will be taken after hearing your views.

SHRI SANTOSH KUMAR GANGWAR: We are internationalising the decisions on domestic matters. It should be discussed. This draft is prepared only for some selected countries. India is a developing nation and it seems that India will be affected the most. I would not like to go into details in this regard. Some points of this draft are very clear. American banks are facing serious crisis and they require market. India has a market in America, where people belonging to middle class are more than 15-20 crores and who can become market for them. If we pay attention in this direction, we would find that certainly a danger lies ahead. It is true that whatever may be the position of country in the field of medicine during the last two decades but last year's data show that we have exported medicines worth more than Rs. 40 crore and in the coming years the situation will be favourable for us. I had been

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attached to Agricultural Research Institute and this issue has been discussed time and again but everything it seemed that our scientists are being suppressed. If we go to the rural areas we find that proper information has not been provided in the rural areas. We are unable to know as to what is the reality. The rural people do not know that what sort of seeds are required for different types of land and soil in the villages and they can't use that seed. If we can't use the seed next time then how can we proceed in this direction.

I would like to say one thing about this draft that it should not be accepted in full. In this regard discussion should take place and for it, we should keep it in our mind that our's is an agricultural country and if we accept this proposal 75% of our farmers will reach on the verge of poverty. Therefore, a serious discussion should take place on it.

I would not like to go into detail but I would like to say that it should be ascertained that as to how long this Government will remain in power and all the parties should discuss by sitting together that as to what will be the future of the country only then we should take any decision. With these words I conclude and thank you for giving me time to speak.

[English]

SHRI SHRAVAN KUMAR PATEL (Jabalpur): Respected Speaker, Sir, in the first place I would like to congratulate my colleague Shri Prithviraj D. Chavan for his very eloquent speech on the Dunkel text. He has covered practically the entire aspect of the text. So, instead of repeating the whole thing, perhaps it would be better for me to put in right perspectives the circumstances which are prevalent in our country.

Sir, since times immemorial, I personally

feel that there has been two major events in the history of mankind which has completely changed the very perception and the very values of human being. When the half civilised nomad man discovered agriculture, he took to a place.....

MR. SPEAKER: Please do not take us to pre-historical periods. There is no time for such discussion. Please come to the point on Dunkel text. Please do not take up historical points.

SHRI SHRAVAN KUMAR PATEL: All that I want to say is that it would be foolishly heroic to suggest that we should not negotiate on the basis of Dunkel text. And those who suggest that we opt out of GATT should look at the deal of China, which is not a member of GATT. Despite this fact, China, unlike us, has surplus balance of payment and it is not faced with foreign exchange crisis. With the disintegration of the Soviet Union, the newly formed States area also opening up economy. A country like China has decided and it is trying its level best to join GATT. So, I personally feel that we should keep on negotiating. India cannot and will never compromise with its sovereignty. I personally feel that so far as Dunkel text is concerned, we must continue to negotiate and we must try to strike a deal which is in the best interests of the country.

[Translation]

SHRI VIRENDRA SINGH (Mirzapur): Mr. Speaker, Sir, I will take very little time. Mr. Speaker, Sir, when we remember the days of India's slavery the name of East India Company haunts our memories. Similarity when we discuss Dunkel Drafts then it seems whether India will again become a slave. We are concerned about it because we are farmers and live in villages, therefore, when people living in villages discuss this proposal, then we feel very scared that we would again become a slave.

Mr. Speaker, Sir, foreign companies have been entered in agriculture sector. There are beliefs that our country was already a developed country in the field of agriculture. It has been written in the history. Three thousand varieties of paddy are found in India but now they all are becoming extinct now. I have not gone through Dunkel Drafts in detail but I know the points of Dunkel Draft regarding agriculture and would like to tell about the same that there were three thousand varieties of paddy in India and according to Dunkel Drafts paddy and varieties of seeds will be imported from abroad and they will inspire the farmer for the cultivation of these seeds. It will be a great conspiracy to enslave the villages.

Mr. Speaker, Sir, it is said that once India was very rich in the field of Dairy products. Even today farmer of India is skilled in dairy farming but you will be surprised to know that multinational companies have entered in India with strong commercial purposes. As a result the farmer is lagging behind day by day in dairy farming. This is the very dangerous aspect of Dunkel Draft. During the days of freedom struggle Bapu ji said about indigenious and self-reliance and our colleagues of Congress party talk very much about Bapuji but they do not remember that Bapu had fought such a great fight on the basis of 'Swadeshi' and 'Swavalamban' and liberated the country from the British's. Bapu said about cottage industry and small industry but the Dunkel proposal.....
(*Interruptions*)

Mr. Speaker, Sir, I shall conclude within a few minutes. Cottage industries and small industries in the villages are also effected. Earlier the black-smith in the villages used to made spade and khurpi and provide it to the farmers now they are being made by the multi-national companies in India and it is being given much publicity through T.V., newspapers and magazines. Now the farmers do not purchase spade and khurpi from the

black-smith of their own village rather they purchase a spade made by the multi-national company and they feel proud on this that they also use equipments made by big companies.... (*Interruptions*)

MR. SPEAKER: Virendra Singh ji, you have already said Please discuss Dunkel proposals keeping self-reliance in mind.

(*Interruptions*)

SHRI VIRENDRA SINGH: I will conclude within one minute... (*Interruptions*)

MR. SPEAKER: Please tell your point.

(*Interruptions*)

SHRI VIRENDRA SINGH: How this agriculture sector is being affected.
(*Interruptions*)

MR. SPEAKER: You are quite right. We have to balance both the self-reliance and inter-dependence.

SHRI VIRENDRA SINGH: I have to tell about problems of agriculture and farmers and I am saying that it is the farmer and poor who has been most hit by these proposals. Therefore, to save India, villages and agriculture sector from slavery these proposals should be discussed for improvement by a Parliamentary Committee. I welcome your assurance.....(*Interruptions*)

The assurance given by the Government through you will bring some improvement.
(*Interruptions*)

MR. SPEAKER: In the end you are adopting another style of speaking....(*Interruptions*)

SHRI VIRENDRA SINGH: Yes, I would like that to save India from slavery these proposals should be reconsidered and some amendment should be introduced.

[Sh. Virendra Singh Kumar]

Our Minister of Agriculture is present here. He is very much concerned for the agriculture as well as for the farmers. Keeping in view his concern for agriculture. I hope that he would certainly make some improvements in it.

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur): Mr. Speaker, Sir, I would like to thank you for providing me an opportunity to speak at last.

MR. SPEAKER: Do not get annoyed because the speech of the members who speak in the last is considered to be very important. Therefore, do not get annoyed.

SHRI DEVENDRA PRASAD YADAV: Mr. Speaker, Sir today, an issue of public importance is being discussed in the House. This is a question of national interest. Mr. Speaker, Sir, the present and future of the country are likely to be in danger due to this Dunkel proposal. The Dunkel proposal is a draft of establishing market empire. Not only this, the autonomy of the Government will also be but in danger due to these proposals. It will also endanger the economic sovereignty of the country. It will make the crores of farmers as the slave of the multi-national companies. The Dunkel proposal will have an adverse affect on the economic condition of the farmers.

Mr. Speaker, Sir, there are two objectives of this proposal, one has immediate and another has far-reaching consequences. The immediate ones are the increase in foreign trade, and the obligatory import of agricultural produce and the far reaching consequences are the set back to the self-sufficiency and indigenous products or industries and the increase in unemployment and the ruination of the small scale industries. That is why, I say that the Dunkel proposal has causes harm to the interests of crores of farmers of

this country and the implementation of this proposal will further add to the miseries of crores of farmers. Not only this, this Dunkel may even dictate the Government of India.

Mr. Speaker, Sir, you have provided me an opportunity to speak on this proposal, I would take some more time to present my point of view.

Mr. Speaker, Sir through this proposal agriculture in undeveloped countries will be destroyed and the farmers will be made slave of multi-national companies. We, the farmers will have to use the imported seeds in the name of the improved seeds. The seeds, which will have a stamp of America, will be used here. The seeds, which we have been using traditionally for the thousands of years, will not be allowed to use and only improved seeds will be used here under the directions of the foreign countries.

Mr. Speaker, Sir, why this agreement is being discussed here. It is for the very first time that trade in agriculture is being discussed here. Since 1947 to 1986 such an emphasis has never been given on agriculture as is being given today. They are giving more stress on agriculture because the foreign powers want to enslave the farmer community, which constitutes nearly 70-80 percent of our population and is a backbone of the country. This Community has never been touched before and the foreign countries have also not succeeded in enslaving them. The developed nations of Europe and America give much stress on agriculture. They have also made much progress in this field with the Government help. They have agricultural produce in abundance thus there is a need to export the same to the undeveloped third world countries. That is why they are laying so much so emphasis on agriculture in "GATT".

Mr. Speaker, Sir, in this way the developed nations are facing a problem with

regard to selling their agricultural produce, that is why they are in search of open markets in third world countries. but what is the problem of India, who is a country of the third world. It is facing a problem of development. There is a problem of providing employment to raise the living standard of the 70 percent of the population which depends on agriculture. Therefore, the tussle is between trade and development and trade and employment. I look upon the Dunkel proposal with this angle.

The aim of developed countries is to trade and the aim of third world countries is to remove unemployment to raise the living standard of the people by providing employment. As other hon. Members also have to speak. I would so speak in nut-shell about the impacts of Dunkel's proposal on agriculture. It is going to have three sided effects. Today, they are saying that they would provide support price, but after this agreement they will not be able to give it to the farmers. This is the beginning of the Dunkel proposal. Secondly, Public Distribution System would have to be wound up and thirdly the subsidy would have to be withdrawn. They have taken initiatives in these directions on experimental basis and its practical aspect will soon come to notice. It would stop the development process and the trading would begin. Thus they are trying to stop all welfare activities relating to farmers. It would worsen the condition in the rural areas and aggravate the economic burden on the weaker section of the society. This is a sort of attack on the farmers, who are the backbone of the country. We are going to be dependent economically on foreign powers.

Mr. Speaker, Sir, this is a matter of great agony and concern. The development of the country is going to be stalled by the Dunkel proposal. There is another aspect of this proposal which is called the marketing Access. The first aspect was to stop subsidy and support price and ruining the Public

Distribution System. What is this all? My learned colleagues are sitting here, so far as I am concerned, I come from a village background but under marketing Access it would become obligatory for the country to import the agricultural produces. Be it in the interest of the country or not but the import of agricultural produces from the foreign countries would be made obligatory. The second aspect of this evil is Oriented Market Access and the third aspect is Minimum Market Access.

Mr. Speaker, Sir, this way the country is going to face very dangerous situation. It will not only increase the unemployment but also ruin the small scale industries. The small scale industries would become capital based industry. They wish to make agriculture a capital based venture. The labour will lose its importance and capital would gain importance. Big machines and small machines would be used. The pilot who fly aeroplanes get a salary of Rs. 5000 to Rs. 10,000 but the one who is working on a small machine, who is a rickshaw puller gets just Rs. 10. But the persons who operate delicate machines would earn an income of Rs. 10, 000. In the olden times a person used to travel on elephant and another person used to walk along beside the elephant.

The difference was only of seven feet. It means the economic disparity was also of seven feet. Today one person has means of traveling by aeroplane which flies at the height of 25,000 feet and other does not have such means, this is economic disparity. Due to this economic disparity A.K. 47 is being used and violence is breaking out and social disparity is increasing. When micro-machine is introduced., it will lead to social disparity. It will increase violence and then the Government will resort to oppressive measures. Thereafter the Dunkel proposal will damage the structure of democracy. It means the entire democratic system will come to an end. It is just a rehearsal and

[Sh. Devendra Prasad Yadav]

hence a medium to disintegrate the country. I have strong objection to it and I request that the matter may be referred to J.P.C. It should not be passed hurriedly and without giving it a thinking. In the name of intellectual property, the entire control over seed will remain in the hands of multi-national companies which will have complete monopoly over it. It has become amply clear from it that the farmer will have no control over seed and on the other hand multinationals will have monopoly. At present, there is an agreement for a debt of 80 billion. The Government has already taken a loan of Rs. 10, 750 crore from foreign countries. If the Government does not accept the Dunkel proposal, it will not be able to get loan from the I.M.F. It is their compulsion. The country will be mortgaged in the hands of foreign power. It will shatter the financial structure of the country and traditional seed will be no more. The plight of the farmer of the country will further deteriorate. But they are not at all worried about the country. They are worried about themselves alone so that they may sign the agreement at any rate. Our culture is also going to be attacked. It will do harm to the Indian culture as well. The Dunkel proposal is intended to hit the Indian Culture. With these words I conclude and thank you for giving me time to speak. The Dunkel proposal must not be approved at all. It must be referred to J.P.C. and then considered.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Mr. Speaker, Sir, I would not go into the details of the Dunkel proposals, because a proposal has already been made for setting up a joint Parliamentary Committee and if it is set up, we will go into the details at that stage. Now, I would like to take off from where Mr. Chavan has left.

Sir, one of the things to which I would like to draw the attention of the House is about

the funny contradiction in the Dunkel proposals. It is well-known that this General Agreement on Trade and Tariff is a measure to reduce the hurdles for trade and for free trade, this GATT is established. But, we simultaneously see that the proposals of Dunkel along with the liberalisation of multilateral trade, impose restrictions on trade and as has been pointed out, they are in the form of patent rights or intellectual property rights. This is the contradiction that envelops the Dunkel proposals. Why is it so?

I differ from these perceptions. In this, it is not a matter of economists at all. It is a matter of economic interests and clash of them.

I support the proposal of the Joint Parliamentary Committee. Why? In order to understand that, we see that plenty of countries are agreeing with this. We also see that there is conflict in the discussions in the GATT for the Uruguay Round. Why are there agreements, why are there conflicts? The agreements are due to two kinds of reasons. The agreement means, restructuring of the internal economy of every single country including the United States, France, Japan, Germany and all the countries which are indebted and are forced to agree. There will be internal restructuring if we agree to that. Now some of the countries are agreeing because they can absorb the shock of the restructuring. The French President rebelled against it. Germany saw to it that despite that rebellion, they will agree to the restructure. These are developed countries of the world.

For the other countries, they are forced to agree. What does it mean? What is the consequence, let us try to understand. The consequence is these are the countries precisely who cannot absorb the shock of restructuring within their countries. Tomorrow certain lines will be profitable. One of or two lines will prosper. But those other lines would be disadvantageous to us. We are

dealing with the exit policy and others but we are not able to find a solution for those. Since majority of our population are engaged in the occupation that they take to will be adversely affected, the problem of restructuring within our country will generate starvation within our country. I entirely agree with the JPC exercise. They have to find out which are the lines which will be advantageous, which are the lines of activities which will be disadvantageous and to what extent. They will try to provide arguments there.

But as I began by saying, it is not a matter of economists at all. We are in a bind in two senses. Number one, the internal policy which we are trying to follow does not, as it stands, allow us enough elbow room. The other thing is an objective thing—the development of technology in the world and its ownership. It is not only developing but its ownership is so concentrated that it requires globalisation and therefore, it can exert a tremendous pressure on those countries who in the comity of nations would be considered as have-nots. Therefore, I am not going into the details of sectors which will benefit and which will not benefit. But until and unless our Government, after evaluating the pros and cons is in a position to say—he has said that the treaty must be ratified by Parliament. I welcome that suggestion. But unless and until we can say from this place that the disadvantage in a position to tell the developed countries, we Indians are very strongly outplacced by the advantages, we will not be a party to that which will require, keeping away from the economic policy that you are pursuing here. Unless we Indians are prepared to undergo technological backwardness but here we are prepared to stand on our own legs and refuse to be bound by what the advanced countries are trying to dictate to us, it will be an exercise in futility by the JPC.

So, a preliminary determination is an absolute must that if required, this Parliament

will declare that we are out of it. If we are to undergo that kind of suffering which will be there because we are out of it, all the same, we will be on our own.

In view of this and along with the suggestions which our friends have made and in view of the proposal for the JPC to go into the details of the arguments to expose the manoeuvrings of the developed countries, I submit that it will be an exercise in futility and I want this Parliament to declare unanimously, if need be, that we are out of the GATT. That is the threat we offer to the advanced countries of the world.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF SMALL SCALE INDUSTRIES AND AGRO AND RURAL INDUSTRIES) (PROF. P.J. KURIEN): Sir, First of all, I thank every hon. Member who has taken part in this very important discussion.

Very valuable and important suggestions have been made. I would at the outset assure the hon. Members that Government would seriously consider the views expressed by them while formulating our views.

I would also like to assure that Government would like to continue dialogue with the members of the various parties in this regard to take their assistance while formulating views.

This is a very complex and, at the same time, vibrating subject. The first point I would like to address is that it is for us to decide whether bilateralism or multilateralism, which is better, for developing countries. It has been mentioned here by many hon. Members that pressure from developed countries or some countries will be on us or is still on us and, therefore, certain decisions are being taken by the Government accordingly.

I would like all of you to consider this

[Sh. P. J. Kurien]

aspect in all seriousness. It is a reality in the world that there are economies which are very powerful and there are economies which are less powerful.

THE MINISTER OF STATE OF THE MINISTRY OF POWER (SHRI KALP NATH RAI): Starved also.

PROF. P.J. KURIEN: Yes. Very big countries also and if there is no multilateral trading system, if there is no accepted norm and rules for multilateral trade, what will be the plight of the developing countries? To the extent there is no multi-lateral trading system which is non-discriminatory and also which is beneficial to all countries, accepted by all countries, to that extent, the developing countries, will be vulnerable and certainly they will be under bilateral retaliation or subject to bilateral retaliation. Therefore, it is in the interests of the developing countries to have a multilateral trading system. This is the first point I would like to make. I hope all of you will agree with me.

MR. SPEAKER: There is no difference of opinion on that point. Excepting one or two Members there, nobody has said anything.

PROF. P.J. KURIEN: One or two Members mentioned about Super 301 etc. If the Uruguay Round is successfully completed and multilateral system is adopted by all, then there will be a Body which will consider and no secondary, no contracting party, can take retaliatory measures without taking prior consent of that Body. (*Interruptions*) Let me complete. I am only saying that all of us agree for the need of a multilateral system.

Now I come to the question of the negotiations under GATT system. What is the nature of the negotiations there? Everyone knows that it is a matter of consensus there. There are 108 Members. Each country is naturally trying to take the

maximum advantage for its self country. We can try; we are trying hard to impress upon, to articulate our concern and convince every member especially the developing countries. We are trying to enlist their support. But are we to think that these developing countries or the developed countries will give us all support while we are not prepared to concede anything for them? It is a negotiation. Let us understand the hard reality. In the negotiation we have to try hard and best to achieve what is the best for us. It is just not possible to say: "Take a line and say you accept it. Otherwise we do not accept it." We have to go, bargain and try to achieve the maximum out of it. This is what we are trying to do. No single country can get everything it wants including the U.S.A. when the final draft is signed, I have no doubt that every country will have something that it wants and it will be disappointed on something else also because ultimately decision is by a consensus.

Sir, a very important question has been raised here by one or two hon'ble Members regarding how the Government changed the stand; whether on the question of TRIPS, Services, the Intellectual Property Rights has been agreed by us under pressure from some countries. I would like to make the point very clear. This question has been raised by Shri Rabi Ray, Shrimati Malini Battacharaya, Shri Charles and other. But I would like to make it clear that our stand was very clear. We want these subjects out of the purview of GATT. We wanted these subject out of the GATT negotiations. It was like that. It is not that we surrendered out of pressure and we actually betrayed the developing countries. The fact is that from 1986 onwards we were taking the stand that the mandate of Pant a delitate did not include substantive norms and standards- Intellectual Property Right patents etc. But subsequently what happened was some of the developing countries like Brazil, Yugoslavia; Egypt etc. and all these countries agreed to have these other subjects also which are not in the

traditional GATT regime to be included. They agreed before us and it is not that we agreed. The industrialised countries continue to hold the view that the mandate of Punta del Este included these subjects also. We did not agree to that. But again subsequently most of the countries, the developing countries, agreed. I have said that GATT is a consensus body. So, it included that finally in spite of our view. It is not that we first went and agreed and betrayed the developing countries. That is not the fact of it.

The most controversial areas which have been mentioned here are i) agriculture and ii) the Intellectual Property Rights, I should say, TRIPS. These are the two important areas which have been mentioned here.

About Agriculture, I would like to say one thing. It has already been mentioned by one of the hon. Members. I would like to allay the fears that we will be handicapped even if we agree to sign the proposal regarding agriculture. I would like to highlight this. It is not because subsidies are not prevented there. Yes, there is a proposal for cut on subsidy.

20.00 hrs.

But that is only of subsidy is beyond ten percent. Today, in GATT parlance, they call it Aggregate Measure of Support (AMS). Our AMS is much below ten per cent. In fact, it is negative and we can give subsidy up to ten per cent of the AMS. We had a calculation on this. It has been mentioned here also. If today we calculate from our GNP the subsidy, we can give, according to Mr. Dunkel, about Rs. 30, 000 crores. (*Interruptions*)

I am not yielding. I will answer every question. Therefore, ten per cent AMS is the maximum limit which a developing country can have. And our subsidy is only in the negative. Therefore, we see an advantage. Developed countries, industrialised countries

have heavily subsidised their agriculture. Then, they dump their goods in the international market. And what is our position? Agriculture is the mainstream of our economy and we are not, I would say, able to compete in the international market to the extent we want. But if this package is accepted, I see a long term advantage for us. This is for us to see. I have no doubt about it. You can further consider it. But please see to that. Once we are in a position to export, once we can produce more and export, our agricultural commodities will get good market in the international market. This is a point to be considered. Therefore, subsidy on agriculture, I do not think, is the question.

Let me categorically say that as the Dunkel Text stands today. We can continue to have whatever subsidy we are giving and we can give more. We can continue without our public distribution system. We can continue our FCI holding of the food commodities and distribution. None of these are barred as the Text stands today.

Another question is about the farmer's right to retain the seed. Though it comes with the TRIPS and the Intellectual Property Right, yet I would like to mention about it as it is connected with agriculture. Even the farmers, right to hold the seed from their products and use for themselves, that is not prevented it. That is not prevented in the Text. This is what I would like to say. (*Interruptions*)

SHRI SOBHANAD ESWARA RAO VADDE (Vijayawada): Can a farmer sell to his neighbor in futures this right? (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Can he multiply and sell?

PROF. P. J. KURIEN: I will answer that. What I have said is that a farmer has a right to purchase his own seed and use it. That is what I have said. I am only explaining the

[Sh. P. J. Kurien]

actual position. I am prepared to listen to you further.

Another point which is of concern to us is textiles. That is the second area which is of concern to us. One or two hon. Members have mentioned about textiles. Why it is of concern to us is because 30 per cent of our export is from textile sector. There is a multi-fibre arrangement today. We would like to phase it out as early as possible. That is our intention. Actually the importing countries the developing countries would like to continue it. This Dunkel Text says that this can be phased out in ten years.

We would like to have this phasing out a little more earlier. In Dunkel Text, the phasing out for the first seven years is only upto 49 per cent and the rest can be done in the next three years. So, we would like to have the maximum phasing out earlier. We would like to have it front-loaded rather than back-loaded. We are trying to pursue that line. The abolition of MFA is in our interest. And in the next ten years, it is being abolished. But we are not satisfied with that. I am not saying that we are satisfied with that. We have to negotiate very hard to see that we get something better.

The area of Services has been mentioned by some of the hon. Members. I would like to assure the hon. Members that we are not doing anything to be worried about. We would like the mobility of the labour to be incorporated and that is our effort. If labour mobility is accepted, we will be able to make use of this. It is not for a permanent migration but we can send our trained personnel. We have got computer trained personnel, professionals and a lot of skilled labour. We would like to have, at least, a share in the market there, especially of the not surrendering anything more than what is there. We have not agreed to it. I can assure

you that there is nothing that we have agreed to. Our effort is to get something more which is favourable to us. Of course, there has to be a balance and as I told you, you may have to give in something because it is a give and take process. When we give in something, we will make use of the best judgment and see that what we get is balanced by what is being given and that ultimately it is favourable to us.

The most important, the most sensitive and the most critical area is that of TRIPs-Trade Related Intellectual Property Rights. I fully agree with the hon. Members that this is an area of grave concern. It is here, where the real problem lies. And it is because of this that the whole kind of misunderstanding or apprehension is coming. But would India like to be known as a country which does not give protection to Intellectual Property Rights? That is something which we have to think about in the modern world.

There are seven major areas in this Intellectual Property Rights. They are: Copyrights, Trade Marks, Trade Secrets, Integrated Circuits, Industrial Designs, Geographical Indications and Patents. In all these areas, other than that of Patents, our laws are perfect, comparable to that of any other country on we have no problem there. In fact, we do want those areas. We want our Copyrights to be protected. Take for example our own Film Industry. We want copyright protection there. So, in our own interest also, in most of these areas, there should be protection. And also, take for example, Computer Software. We want protection there. We have got an industry which is developing fast and we want protection there.

SHRI RAM NAIK (Bombay North): We are convinced of your arguments.

PROF. P.J. KURIEN: Please bear with me. The area where there is a problem is that of Patents. That is the area where there is a real problem.

Sir, I do not deny that signing of the Dunkel proposal as it means that we will have to change the Patent Law of 1970. I

admit this fact. This is the difficult portion and that is the point which concerns all of us. If we sign, we will have to change our Patent Laws. Today we allow process patent only. But signing of the Dunkel draft means that we have to allow product patent. Once we agree to product patent, I would very frankly admit that, it is true that the prices of all the patented medicines will go up. But then, I would also like the hon. Members to know that in our country, out of the total medicine turn over which comes to about Rs. 3500 crores... (*Interruptions*) Please listen. (*Interruptions*)

SHRI RAM NAIK (Bombay North): Sir, others have made short speeches. Why does the hon. Minister also not do the same thing? Let us have the same courtesy, Sir. (*Interruptions*)

SHRI NIRMAL KANTICATTERJEE: If the hon. Minister agrees to the setting up of the JPC, all these pros and cons of the proposals can be looked into by them. So, instead of enlightening us here, that can be done there; and they can come as a product of the JPC. (*Interruptions*)

PROF. P.J. KURIEN: I am very happy. (*Interruptions*)

SHRI A. CHARLES (Trivandrum): The facts are being explained here; but they are unable to hear them. (*Interruptions*)

PROF. P.J. KURIEN: Only one point I want to say. So many points have been made; but since Shri Nirmal Kanti Chatterjee has said like that, I would very frankly say that some of the apprehensions are due to the lack of understanding and incorrect understanding. I have to put the records straight. That is what I want to say. After saying something about patents, I will complete. That is a very important point which I cannot ignore because that is an area which is very important; and if we accept the Dunkel proposal as it is, then, we will be forced to change our Laws and we will be forced to accept the product patents. That means, every medicine that is patented, its price will go up.

Another point which I would like to say is, in our country, out of the total medicines under circulation, only ten per cent are patented today. 90 per cent are not patented or are out of patent. Whatever medicines are under circulation, those medicines will not be affected by this proposal. What is going to be affected is only the future inventions. I repeat whatever is already under circulation will not be affected. However, I am not saying that that we should concede to the proposal; with regard to patent. Government's efforts is to bargain hard and to improve upon this to our benefit. We are not satisfied with this with the part on patents. We want to improve upon this. (*Interruptions*)

[*Translation*]

SHRI NITISH KUMAR: Mr. Speaker, Sir, there is no new point in it. Shri Chidambaram Saheb had already spoken when he was the Minister of Commerce. The Government is going to sign it on the 15th instant. Save the country and set up J.P.C. This should be done at the earliest. (*Interruptions*)

[*English*]

SHRI BHOGENDRA JHA: The Government has started implementing the proposals. They have withdrawn the subsidy on fertiliser, in accordance with the Dunkel demands. They have already begun implementing it. (*Interruptions*) You are more loyal than the King. (*Interruptions*)

[*Translation*]

SHRI RABI RAY (Kendrapada): Mr. Speaker, Sir, I am speaking with a heavy heart. I have no doubt in my mind about the knowledge Shri Kurienji has I am submitting this only. Atalji, we and the entire House have made a request for the constitution of J.P.C. otherwise there is no way out. But the hon. Minister, as you might have heard earlier, has only agreed to meet the leaders. Is the meeting with leaders a substitute for J.P.C.? Therefore, I would like to request that the J.P.C. must be constituted. But it appears from the speech of the hon. Minister that the

[Sh. Rabi Ray]

Government has already made up its mind to sign it on, GATT line. (Interruptions)

[English]

SHRI RAM NAIK: Sir, there is one more important point. Shri Chidambaram has already assured in the Rajya Sabha that on the first day of the next session, the Government will come with all the proposals. That assurance has been given in the Rajya Sabha.

So, the Minister can also wind up the debate with the same assurance. (Interruptions) The assurance has been given in the Rajya Sabha. (Interruptions)

PROF. P.J. KURIEN: Sir, it is very unkind. I specially hear every Member. So, they should bear with me. I will complete in five minutes. I was saying a point that I was agreeing with them on patent laws.

All efforts of the Government will be to bargain hard and to see that maximum improvement will be made with regard to TRIPS, especially patents Property Rights.

Then, I would like to touch one more point. Time and again, a number of hon. Members have said: Why has the Government not formulated a policy? And why did they not come to Parliament? This is exactly what I wanted to say. This discussion was as a result of the request made by the hon. Members in this House.

(Interruptions)

MR. SPEAKER: Please take your seat.

[Translation]

He is coming to each and every point

[English]

SHRI NIRMAL KANTI CHATTERJEE: There is no point in this. (Interruptions) Let him answer whether he is agreeable to have the JPC. (Interruptions) Are you agreeable?

PROF. P.J. KURIEN: No, no.... (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE: Are you not agreeable?

(Interruptions)

SHRI BHOGENDRA JHA: Then, there is no question of wasting the time.

PROF. P.J. KURIEN: Have some patience. (Interruptions) It was a demand of the hon. Members that Government should take into account the views of the Members and there should be a discussion. And only after the discussion, the Government should formulate the views. That is why the discussion is being held. Many of the hon. Members have given valuable suggestions. If they think that anything more is to be said, Government has no objection. We have no objection in listen to them. We can have the opportunity. We can call the leaders for further discussion (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE: In that case, we have to walk out. (Interruptions)

[Translation]

SHRI NITISH KUMAR: I would like to know whether the Government is going to set up a J.P.C. or not. The proposal to set up a Joint Parliamentary Committee with a view to hold a comprehensive investigation has been made from the Members of the opposition benches. You have observed that the hon. Members of all the political parties have put their views in clear terms. Now the Government should make its intention clear whether it is favour of setting up a J.P.C. or not or whether it has decided to mortgage the country just by appending its signatures on the document. The reply should be made in

[Sh. Nitish Kumar]

clear terms. His present reply is quite unsatisfactory. (*Interruptions*)

SHRI BHOGENDRA JHA: The Government should seek the opinion of the House on this issue. (*Interruptions*)

SHRI SANTOSH KUMAR GANGWAR: Mr. Speaker, Sir, the sum and substance of the whole discussion is that a J.P.C. will be set up and the same will decide the issue.

SHRI NITISH KUMAR (Barh): You get it confirmed by him and save the country.

SHRI SANTOSH KUMAR GANGWAR: Mr. Speaker, Sir, the main objective of the present discussion which has been held today was that there should be a separate discussion for reviewing this issue. (*Interruptions*)

[*English*]

MR. SPEAKER: Mr. Kumaramangalam, I hope you will say something.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Speaker Sir, my colleague Mr. Kurien has already responded to the question of JPC demand made earlier. He said that we cannot agree with the JPC demand because we feel quite consciously that the various constraints. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE: Then we walk out in protest. (*Interruptions*)

20.21 hrs.

SHRI NIRMAL KANTI CHATTERJEE :and some other hon. members then left the house

SHRI RANGARAJAN KUMARAMANGALAM: Let me finish. Why don't you hear the rest of it which was discussed with your leaders? (*Interruptions*)

SHRI SOBHANADREESWARA RAO VADDE: We will not be a party to a proposal which is against the interest of the country. So, in protest, we walk out.

20.21 hrs.

SHRI SOBHANADREESWARA RAO VADDE AND SOME OTHER HON MEMBERS. THEN LEFT THE HOUSE. (*Interruptions*)

SHRI RANGARAJAN KUMARAMANGALAM: Sir, they are not willing to hear what was discussed with their leaders and that is the problem now. I can say that it was discussed categorically with leaders of all parties, including the parties which have walked out that we would discuss with them and take their assistance in the matter of Dunkel draft. That was what was discussed with them and we stand by that and that was what Mr. Kurien was saying in his own words. The exact formulation was this and they are aware of it. I am a little surprised that all leaders had agreed to this draft.

[*Translation*]

SHRI SANTOSH KUMAR GANGWAR (Bareilly): It was not discussed with the leaders. (*Interruptions*)

MR. SPEAKER: Okay.

[*English*]

SHRI RAM NAIK: Some assurance had been given by the hon. Minister in the Rajya Sabha. So, at least, that assurance should be given here also. Same assurance can be made both in the Rajya Sabha and Lok Sabha. (*Interruptions*)

MR. SPEAKER: Shall we go to the next item now?

SHRI RANGARAJAN KUMARAMANGALAM: Yes, Sir.

[*Translation*]

SHRI JASWANT SINGH(Chittorgarh):
Mr. Speaker, Sir, I would like to submit with
all humbleness. I would not go into the
technical points. Much has already been
done. A large number of Members are absent
from the House.

SOME HON. MEMBERS: They are
coming back.

SHRI JASWANT SINGH: In the present
situation the House is also not in a mood to
sit more. It should not be taken on technical
ground that a proposal for Dental Hospital or
some other Bills which have been received
from the Rajya Sabha would have to be
taken up. I would therefore like to submit that
it should not be considered on technical
ground; rather the mood and interest of the
House should also be taken into account. A
lot of work has already been done and we
should be permitted now.

THE MINISTER OF HEALTH AND
FAMILY WELFARE(SHRIM.L. FOTEDAR):
Not only for the Dental Hospital but also for
the pollution free atmosphere.

THE MINISTER OF PARLIAMENTARY
AFFAIRS (SHRI GULAM NABI AZAD): Mr.
Speaker, Sir, five of the nine ordinances
have to be sent to the other House and three
ordinances have been received from there.
I think even if we pass five ordinances here,
they cannot be passed in that House. But I
would certainly say that it would be very good
if the three ordinances that have come to us
from that House are passed today..
(*Interruptions*) These are very small..
(*Interruptions*)

[*English*]

MR. SPEAKER: I think we had a good
discussion on Dunkel draft and it appears

that every Member wants that there should
be negotiation carried on for protecting the
interest of the country. I think it is the view of
the Government also that if necessary the
views of the parties also may be collected
and there was proposal for JPC. But, I think,
if we have a JPC, we shall have to discuss
with other countries also. Then it becomes
an international forum in which we have to
discuss this. Decisions taken in the JPC are
a little too rigid and probably it may not leave
any leeway for the Government also to do it.
But I am sure that the Government would
discuss with the leaders of the parties by
inviting them and not that they would just
come and discuss with them.

PROF. P.J. KURIEN: I agree with the
Speaker.

MR. SPEAKER: As far as the ordinances
are concerned, it was the Presiding Officers
who were insisting that the Ordinances be
passed. The Members did realise that there
was no time. But now it seems that even if we
insist and get something done, something is
going to be undone also.

[*Translation*]

SHRI NITISH KUMAR (Barh): All the
statutory resolutions have been put forward
by me. I am ready. However, keeping in view
the opinion of the House, I am prepared to
agree with you.

THE MINISTER OF STATE OF THE
MINISTRY OF SURFACE TRANSPORT
(SHRI JAGDISH TYTLER): My Bill is very
small and it has already been passed by both
Rajya Sabha and Lok Sabha. There is just
one small amendment passed by the Rajya
Sabha, which we also have to adopt.

[*Translation*]

SHRI GULAM NABI AZAD: Just the
Members are to be changed.

[English]

you moving your Statutory Resolution?

SEVERAL HON. MEMBERS: All right.
We may take it up. We agree.

PROF. RASA SINGH RAWAT (Ajmer):
No Sir. I am not moving it.

SHRI M.L. FOTEDAR. I would like to
make a personal request to Shri Vajpayeeji.
Two Ordinances were issued in August this
year and Rajya Sabha has passed the Bills
also. There is nothing important except to
regulate certain procedures in the Medical
Council. I would suggest very humbly to Shri
Vajpayee that if he agrees, we should sit upto
10. p.m. and clear these two Bills.

MR. SPEAKER: Now Shri Tytler.

20.27 hrs

NATIONAL HIGHWAYS (AMENDMENT)
BILL

Amendments made by Rajya Sabha

[English]

SEVERAL HON. MEMBERS: No please.

THE MINISTER OF STATE OF THE
MINISTRY OF SURFACE TRANSPORT
(SHRI JAGDISH TYALER: I beg to move:

SHRI M.L. FOTEDAR: I think it will be in
the interest of the health of the nation that we
should sit and finalise these two Bills.

"That the following amendments made
by Rajya Sabha in the Bill further to amend
the National Highways Act, 1956, be taken
into consideration:-

MR. SPEAKER: We are now on items
36 and 37 of the Agenda. Prof. Rawatji, are

Clauses I

1. That at page 1, for lines 3 and 4 the following be substituted, namely:-

Short
commencement
title and

" (1). This Act may be called the National
Highways (Amendment) Act, 1992.

(2) it shall be deemed to have come into force on the 23rd day of
October, 1992."

New Clause 4

2. That at page 1, ilalies line 11, the following be inserted namely:-

Ord. 19 of
1992

"4. (1) The National Highways (Amendment) Ordinance,
1992 is hereby repealed.

Repeal
and
savings

(2) Notwithstanding such repeal, anything done
or any action taken under the principal
Act, as amended by the said Ordinance,
shall be deemed to have been done or taken
under the principal Act, as amended by this Act."