

[Dr. K.V.R. Chowdary]

I request that the benefits we are giving to some on caste basis should be deleted from the Criminal Procedure Code.

SHRI YAIMA SINGH YUMNAM (Inner Manipur): Sir, I want to make a submission.

MR. DEPUTY SPEAKER: There is a standard procedure. The hon. Minister has replied. Since Dr. Chowdary is the mover of the Resolution he spoke now. We have to follow the procedure. There is no scope now to make suggestions. You had the opportunity when it was initiated. I do not know whether you have availed the opportunity at that time or not. You make your suggestion in private to Dr. Chowdary.

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): Sir, in the light of the debate and the Minister's reply, I would - on behalf of the Government - request the hon. Member to withdraw the Resolution.

DR. K.V.R. CHOWDARY: I seek leave of the House to withdraw my Resolution.

MR. DEPUTY SPEAKER: Has the hon. Member leave of the House to withdraw his resolution.

SEVERAL HON. MEMBERS: Yes.

The Resolution was by leave withdrawn

15.41 hrs.

RESOLUTION RE: REJECTION OF PROPOSALS PERTAINING TO TRIPS, ETC.

SHRIBUPCHAND PAL (Hooghly): Sir, I beg to move :

"This House calls upon the Government to categorically reject all proposals received by Government pertaining

to Trade Related Intellectual Property Rights (TRIPS), Trade Related Investment Measures (TRIMS) and General Agreement on Trade in Services (GATS) which will infringe the Patent Laws and the economic sovereignty of our country".

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): Mr. Deputy Speaker, Sir, if the hon. Members yields for a minute I want to make a submission. You will recall that last Friday, answering a question in Parliament - put by Shri Shahabuddin and another Member - I made a statement that Government has heard the views of all informed sections, all intellectuals, jurists, economists, political parties etc. and Government is now in the stage of finalising its responses, but before it finalises the responses, Government will initiate a full-scale debate in both Houses of Parliament and we will take into account every view expressed by hon. Members of Parliament. I also gave a commitment that we will not go back to Geneva to resume the Uruguay round of talks until we have had an opportunity to hear the views of all hon. Members of Parliament.

You will also recall that when several Members wanted to field supplementaries, hon. Speaker said - and most leaders of political parties agreed - that since I intend to circulate a note or make a statement on the basis of which we could have a full-scale debate, there is no need for further supplementaries. I have already written to the Speaker to move the Business Advisory Committee to fix a suitable date for the debate. I am told that a date is being fixed some time in the 3rd or 4th week of this month. By that time our note should be ready. We will circulate the note. We could have a full-scale debate. At this stage, even before the Government has prepared the note and even before the full-scale debate, I would humbly submit to the hon. Member that it may not be necessary - at this stage - to debate this Resolution which deals only three aspects of the Dunkel proposal - TRIPS,

TRIMS and GATS. If hon. Member agree - as I believe his party leader agreed on that day - since the debate is being fixed for the 3rd or 4th week of this month, may be this Resolution need not be discussed at this stage.

MR. DEPUTY SPEAKER: Shri Rupchand Pal, what do you feel about it?

SHRI RUPCHAND PAL: Sir, I am fully aware of the commitment made by the hon. Minister to this House in reply to the question. But various serious statements involving the future of this country and serious moves are being made by this Government. When the full-fledged debate takes place - if it takes place at all - and even before that I have something to tell to this House and through this House to the Government.

Naturally, what has been said by the hon. Minister does not fulfil the demand that has been made in this Resolution. So, I am not withdrawing and I am just placing my viewpoints here.

Now, I am coming to the point is made by the hon. Minister. The Government is speaking in two voices and confusing the situation, as a result of which, our image in many trade matters in the international arena is jeopardised. When the negotiations were taking place, the hon. Minister had made a statement that these Dunkel proposals were discriminatory. Later on, the hon. Minister had said that there were two aspects of the proposal. One is negative and the other is positive. It is a total package and they are all inter-related. It is a very complex document and the American lawyers have prepared it intelligently to befool the Indian intelligentsia.

Now, I shall explain as to how the hon. Minister has confused the situation. On the 3rd of March, in reply to a question in the other House, the hon. Minister has said:

"However, the proposals made on textiles and agriculture have the potential

to enable India to expand its exports in these products."

Nothing can be more confusing and nothing can be more detrimental as it is coming from the reply given by the hon. Minister. How can we reconcile? The hon. Minister is saying that it is discriminatory against our own interests and the same Minister, at one point of time, is saying that there are two aspects of the proposal, negative and positive.

As I told you, it is a very complex document and to fully unravel the document prepared by the American experts, we need the services of the jurists; we require the services of the scientists and we require the services of the experts in the economic field. Now, I come to what has been said by the hon. Minister regarding textiles. He has the intelligence to understand all these things. There are attempts by some people, even by some people serving in the Secretariat of his own Ministry, to divert the attention of the people against our own interests and it has come out in the Press. I will not refer the names here. As you know, in each part there is a preamble, in each part there are so many clauses and in each part there are annexures. I will come to them one by one. First, I will come to the textile part of it.

He has enough intelligence to understand some of the implications, if not all. It is such a complicated and complex document that we require full-fledged discussion here. Before that there should be a national commission of experts consisting of jurists, economists and scientists so that they can go in depth and unravel things and they can submit the report.

SHRI ANBARASU ERA (Madras Central) I only wish that you should not complicate it more.

SHRI RUPCHAND PAL: After you hear me, you shall also be convinced and you shall also speak against the Minister. Who is

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trying to discover some positive aspects of the proposal.

If you look at clause No. 03, 04 and 05 of the documents, it has been said: In the first year, 12 per cent will be given as concession areas. After what, it is 17 per cent; after that, it is 18 per cent. But everywhere it is mentioned one thing. I believe that the Minister's notice has been drawn to that. On the first day of the entry, each party shall integrate into GATT product. Then comes important part. In 1990, it would be accounted for not less than 12 per cent of the total volumes of import, not the demand. It is the year 1990 and the 'volume of import' which is repeated everywhere. If you cross refer to several clauses, you find as they will leave some area apparently they will impose more and more restrictions and go on imposing more and more restrictions. In textiles, the hon. Minister has stated in his reply on 3rd March, we are going to be benefited. But it is never so.

15.53 hrs.

(SHRI P.M. SAYEED *in the Chair*)

On the first year, we are having four per cent concession. There is a remaining 96 per cent on which we find the restrictions go on increasing. In the second year, it is only 85 per cent. In the third year, it is 67 per cent year. In the fourth year, it will be 49 per cent. Very steep restrictions are being imposed. The cut off year is 1990. That too is in relation to the volume. Again the restrictions are going on to increase subsequently as the new area concessions are given. We are not going to be benefited.

There are so many loopholes here and there in the entire proposal. Even in textiles, ultimately you gain nothing after the fifth year. The restrictions will be such that your area of operation will be very very limited.

You are one of the founder-members of

GATT. We are one of the founder-member of IMF and the World Bank. They ask, what is the difficulty in our contracting loans with steep conditionalities. As you remember, even the other day, what these Ministers, how some of these people had described GATT. They had described GATT as rich man's club, which was very much biased against the interest of the South. We have got a very well-known economist as our Finance Minister today. As you know, he happened to be the secretary-general of the South Commission. I have got a book-not the Commission report-but a book where the introduction was written by no less a person than Julius Nyerere.

The great economist Shri Manmohan Singh was the Secretary-General. He had stated that

"That bias is not against the South. Now we have to save the South unilaterally."

We can do it. We can give the leadership in building up the opinion in the Third World countries, in GATT three new things are going to be incorporated now, the TRIPS and TRIMS and Services. They teach the design of the US.

The Dunkel proposals are nothing short of implementation of the US designs in the Third World countries to fulfil their cause because, as you know, the United States are in great distress in spite of the *hallelujah* they are making that after the Gulf War they have become the only superpower in the world. That is not so if we see the reaction of the American people to the coming election. Unemployment, inflation, recession and beggars are increasing in number in America. That is the truth. Today they have to face a new trade world.

The Asian countries are coming forward under the leadership of Japan.

The European community is coming unitedly to take their share in world trade.

We talk with so much pride that we are one of the founders of GATT. But our share in world trade is only 0.05 and that is also declining. Our country's Government's share in world trade is only a small fraction and that too, it is mostly in diamond and Jewellery. But we are saying very great things and we find they are trying to discover positive and negative aspects in the Dunkel proposals!

We should have given the leadership as this is our tradition from the days of freedom struggle! We have been giving leadership to the Third World countries, to the independence and liberation struggles and we have contributed so much in the NAM. Have we forgotten all that?

When there is a threat "Don't supply rice to Cuba. Otherwise, I don't give you wheat", our representative is speaking in a very different voice with bended knees. That is not our tradition. We can take the leadership.

Why this package? We shall have right to pick and choose according to our interest and according to the interest of the Third World countries.

If you give the leadership right now, then many others also are waiting to come forward and speak out that these Dunkel proposals are far more designed to build up a new world order, to serve the interests of Americans and to serve the interests of the imperialists.

Someone, perhaps the former Prime Minister, was saying the other day that our press is captive. It is very easy to plant stories and feed the captive press.

Immediately after the Budget, what happened? The statements of the Finance Ministry came in the name of some economists, stories have been planted in national dailies and they were forced to publish in favour of the Budget. That is going on. This show is taking place in the case of Dunkel proposals and very eminent people and public men including Ministers are writing

nonsense, really writing nonsense.

SHRI ANBARASU ERA: It is unparliamentary.

SHRI RUPCHAND PAL: I have not taken any name. I have said 'public men'. Now I come to TRIMS.

SHRI P. CHIDAMBARAM: Sir, the hon. Member has said that eminent people are writing non-sense. I think it should be on record'. (*Interruptions*)

SHRI RUPCHAND PAL: In the matter of TRIMS, there is so much of euphoria about liberalisation. This liberalisation, this euphoria will ultimately evaporate. It has just started evaporating rather. Have you noticed the statements made by some exporters who had been elating that there was nothing like this; nothing like this has ever happened; it is a path-breaking measure; a new messiah has come etc. Now, they have come out saying that they had been getting something earlier and they are being deprived in other ways. This is a budget which will ultimately hurt the small traders, the businessmen, the exporters who have been sweating their labour, who have been working very hard to bring some foreign exchange. I am coming to the TRIMS. The Minister and the Government should come out clearly on this. What do they say about the foreign investment measures? The investors say: "We shall invest according to our sweet will. We will have no export obligation. We shall import whatever we like. We shall manufacture things without using domestic material, without using domestic skill." Do you agree to this? Will any of our indigenous industries outlive this onslaught?

Sir, I would like to say that this TRIMS part is a dangerous part if we agree to that. This is a package. The TRIMS part is related to the TRIPS part; the TRIPS part is related to the GATS part. Of course, we have not agreed to the GATS part. We will leave it aside now. We will not discuss it right now. that has been kept aside. I am not coming to that part. But this TRIPS part is something

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which I want to mention. There is a new incorporation that is going to be made in the new GATT Agreement. They are saying that there is some transitional arrangement. I think the Minister has also said that we are not going to lose anything and in the mean time certain developments will take place and ultimately we shall gain. In my view that is not going to happen. I shall come to the text of Dunkel proposals. I think the Minister might have gone through all the relations between the clauses. I am mentioning certain clauses only. You shall find that there is nothing like the transitional period. It will come into operation right from 1992 as soon as you sign the agreement. I am coming to that. If you look at Article 65, part 6 - about the transitional arrangement - they say that you shall first get one year, then four years and after that an additional period of five years. So, the total comes to 10 years. If you relate this to the other clause, Article 70.8 in page 89, what do you find? I am reading it from page 89 - Article 70.2 which says:

"Where a party does not make available as of the date of entry into force of this agreement patent protection for pharmaceutical, agricultural and chemical products commensurate with its obligations under Article 27, that party shall:

- (i) provide as from the date of entry into force of the agreement a means by which application for patents for such inventions can be filed..."

You relate this to this product patent application and upto the next clause that is Article 33 which is about the patent right from the date of application. In page 73, you will find that the time of protection..(Interruptions) Mr. Minister, you may please note it. You must have read it but you might have missed this point. (Interruptions)

SHRI P. CHIDAMBARAM: Sir, this is not fair. I am listening to him and I will respond to what he says. But then, why

should he say all this. He should not speak like this.

SHRI RUPCHAND PAL: Sir, I am only just drawing the attention of the Minister.

MR. CHAIRMAN: The hon. Member may kindly address the Chair instead of talking directly with others.

SHRI RUPCHAND PAL: Sir Article 33 says:

"The time of protection available shall not end before the expiration of a period of 20 years counted from the date of filing of application. It will be valid from the date of filing of the application."

Sir, as I mentioned in the very beginning, it is a very complex document. It is not very easy for a layman to unravel the implications and the relation between the different clauses. It requires the services of the jurists; it requires the services of the scientists; it requires the services of the economists. So, I suggested that before we come to the House with a report, the Government should set up a National Commission - a high - powered National Commission of exports - who should go deep into all aspects of this Dunkel draft proposals and present the report. On the basis of that report, we can just have a Joint Select Committee of both Houses of Parliament, to go into the detailed suggestions made in the report. And after that only, we can discuss it and on the basis of the recommendations made by this House, the Government should act. But they are not doing that. They are speaking in two voices; they are trying to discover the positive aspects of Dunkel's proposals. Sometimes, the Minister is saying that it is discriminatory and sometimes he is speaking in a different voice and he is saying that we are going to be benefitted in textile, agriculture and so on.

Sir, if you look at the other clauses and I am referring to Market Permission Provision and this marketing Permission Provision, Clause 70.9 is more dangerous. Ac-

cording to it, where a product is the subject of a patent application in a period, in accordance with paragraph 8.1, that is valid from the date of filing of the application and exclusive marketing rights shall be granted for a period of five years after obtaining market approval in that period or only a product patent is granted or rejected in that period whichever period is shorter.

Sir, that is a monopoly of marketing and you are speaking about democracy. We are speaking about market economy. Sir, this Dunkel proposals are suggesting for monopolisation of the Indian market - market of the developing countries - by multinational pharmaceuticals companies. It is very much there and if you look at one clause you do not discover it. If you relate the clauses we shall find it. If you look at the priority date, it is very much related to clause 29. I am just giving some introduction only to tell the dangerous provisions in the different clauses, and to find the relation between them.

I don't think that the Government, with all the expertise available with them, have gone into the implications of these provisions. It is dangerous. We are going to mortgage our future, our economic sovereignty, our indigenous industry, our trade, everything.

So I would like to suggest to the Government that some expert opinion should be taken immediately. A National Commission is the only way left before us. In the mean time we can go on making attempts to just build up a climate of opinion in the international arena that the Dunkel proposals are a part of bigger dangerous game, Uncle Sam's game; that the three international agencies are co-ordinating with each other to further the interests of US imperialism.

Then I come to the clause in Page 70 of article 29. There it is suggested about conditions on Patent's applications.

"Parties shall require that an applicant for a Patent shall disclose the invention in a manner sufficiently clear and com-

plete for the invention to be carried out by a person skilled in the art and may require the applicant to indicate the best mode for carrying out the invention known to the inventor at the filing date or where priority is claimed at the priority date of the application."

What is left? Nothing is left. For our scientists, our people inventing new things on the basis of our process of production, no opportunity is left today.

The Government would be helpless because in the bilateral agreement you can at a point of time just withdraw yourself. But this is going to be a legal document. The US and some others are institutionalising their own interests. The other measures they have already taken through IMF and the World Bank.

Sometimes a Minister was saying, perhaps not this particular Minister, someone else, that when China is doing all these things, why can't we. What China has done? China has a trade surplus of more than 11000 million dollars with US. What will they do with the trade surplus? So they have gone to a bilateral agreement. Is it going to affect their interests? No.

But in our country in the health sector more than 70% is dominated by private sector and less than 30% is under the Government. As you know, the international clause is, if you use it in public service, you are exempted. More than 95% of medicines, services, health, etc. in China are under the Government. So they are not going to lose. They are very shrewd negotiators. They know where their interest lies; they are not fools.

PROF. K.V. THOMAS (Muvattupuzha):
So we need a Tiananman Square here.

SHRIRUPCHAND PAL: That is a different thing. If they want a full-fledged discussion on that, that will also be done for their benefit. China is going to be benefited as a result of this bilateral agreement and we are

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going to lose our indigenous industry. (*Interruptions*)

More than eleven thousand million dollars of trade surplus is China's position. But that is not so with us. Their health is more than 95 per cent in public use. They are having the exemptions. But, we are not having them. But, they do not understand this and they about liberalisation, they speak about democracy. What is democracy? The multi-nationals will decide and they will have their own Budget. They will decide as to where to give tax exemption, where to spend more and where to spend less. They will be the new rulers of the world. If you permit me to say, this Government will be helpless before these multi-national companies. they run Governments. Do you know the story of Chile? You do not know it. (*Interruptions*) The multi-national companies even decide the fate of your 'Bushes' also. If they do not decide so, in the coming election, you will have to say goodbye, because there are many things coming up within the multi-national companies. You have the euphoria of the so-called success in Punjab - that is 3/4th majority which is less than 9 per cent of the votes. It is because of your new friendship in Maharashtra, new love for Shiv Sena, you won the Bombay Municipal Corporation elections.

Do the multi-national companies have their products with them? No. what will they do with them? No. What will they do with them? If our scientists invent something new, in the process, will they allow that? They do not allow. Our scientists will be helpless. Our Government will be helpless. They will say, "This is a legal document and you cannot come out of its. So, our stand should be that we can go for bilateral agreement; we can select these areas which are going to benefit us. That should be the stand of the Third World Countries.

This is where the Government is failing and failing miserably. Do you know the old story of how it came in? A group of Cabinet

Ministers and even Congressmen do not agree to the Dunkel proposals. So, when there was an action to pass it through, there was some objection and ultimately the group of Ministers under the leadership of Shri Arjun Singh, tried to seek the opinion of political parties, public men and scientists. Is the Minister prepared to submit it on the Table of the House the evidences submitted by very eminent jurists, diplomats, scientists, economists and others? To my knowledge, except FICCI, no one who has got an iota of patriotism left, has supported the Dunkel proposals. I will give you the list of names. Only FICCI has supported it. Now is the Government prepared? What is the position of the people who had been negotiating on behalf of the Government of India for all these years trying to protect the interests of the Government and the interests of our country? What have they said? Is the Government prepared to come out with this?

Even before that, who has authorised the Government or a portion of the Government, or someone speaking on behalf of the Government or bureaucrat to try to find out certain positive aspects of the Dunkel proposals? It is a total package. Accept or reject. What our stand should be? We are passing through various difficulties. The Hon. Minister of Finance was saying that we are ushering in a new industrial liberalisation which is leading to more unemployment, which is leading to more price rise and more inflation. But we have forgotten the slogan of freedom struggle days. We have forgotten totally the national consensus which had been achieved in the matter of our foreign policy direction. We have forgotten what the national leaders had all along been trying. (*Interruptions*) You have forgotten your own leaders. You have forgotten your own heritage - the people who had been speaking on behalf of our own country.

SHRI SOMNATH CHATTERJEE
(Bolpur): It is a partisan issue?

SHRI RUPCHAND PAL: It is not a partisan issue.

SHRI SOMNATH CHATTERJEE: You are making it a partisan issue.

SHRI RUPCHAND PAL: He should refer to the submissions made by the people who are directly involved in our trade negotiations in the international arena even at the GATT. My plan with the Government will be: do not be in a hurry. Take the help of experts.

No one is an expert. I do not claim that I understand all the implications. But certainly I have understood certain implications that you are not going to be benefited in the export of textiles. You are not going to be benefited in agriculture. You are not going to be benefited in any other area. If you do not understand, then we shall fail to understand why these Dunkel proposals.

SHRI SAIFUDDIN CHOUDHURY (Katwa): Who is the Dunkel?

SHRI RUPCHAND PAL: Someone was telling me that it is a German name. It is pronounced as Dunkel. It means 'darkness'. (Interruptions)

SHRI SOMNATH CHATTERJEE: Someone was saying **

MR. CHAIRMAN (SHRI P. M. SAYEED): Expunge that word from the record.

SHRI RUPCHAND PAL: Why I am making this point is that the Government should come out with all the details of the submissions made to the group of Ministers because a note was circulated by this group of Ministers. In that very note, there were attempts to cover up certain aspects of the proposals. Is the Government prepared to come out in clean voice why it was so? Did they not understand the implications of this note? The note they had circulated had not been containing very important aspects and relations between clauses.

If we are not already too late, if we take the leadership today, you remember that we

had all along been trying - the Third World countries under the leadership of NAM - to bring about a new economic world order.

And to be a fair and equal partner in the game of trade, we have been deprived all along. There was no equity and justice; there was only imposition. GATT was set up to gradually reduce the failures in international trade. But what they have done is more and more protectionism. They are telling people not to grant any subsidy to agriculturists, to fertilisers and others, even for those small people who are just producing for their food. But what are they themselves doing? They are giving subsidy of millions of dollars to the farmers for export of grains. What they can do for themselves, the third world countries are doing for their own interest and for their own food. Then, what will happen if patent is taken in animal life and plant life, Sir? Some day, they will say that we shall have patent even in human life and only the whites will stay in the world and all the blacks will have to be removed. That will be the philosophy. And nothing can be more horrifying than this, Sir. That is what they are claiming, that is, the multinational companies will rule the roost and will dominate the world of seed. Who have invented all these things? The high yielding variety is the result of the sweat of the poor peasant farmers. They have done it with their labour in the fields and farms and now, the multinational companies will dominate. What is happening to our agriculture and our poor people who do not even have one square meal a day, not to speak of two square meals a day? Even today, I was happy to learn from Dr. Swaminathan, one of the experts in agricultural science, who has come out openly that nothing can be more dangerous if we agree to what has been suggested in the Dunkel proposals with regard to agriculture, patents and intellectual property rights. Sir, as I told you earlier we are living in a world where the deprived South has to organise themselves, where the third world countries have to unite once more and India has to give the leadership in

** Expunged as ordered by the Chair.

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this regard. We can start herein and see to it that Dunkel proposals are never projected as a package deal. Some people say what will happen to international trade if it is announced in Uruguay? What has France said? What was the outcome of the last Tokyo round? If we look back to all rounds, then what do we find? We are having trade of 0.05 per cent and that too, only in certain areas like diamond jewellery and all that. Nothing will come out by this. So, we have to go the other way and give the leadership. We shall have to set up a national commission consisting of experts or a very high-powered committee consisting of jurists, economists and scientists who will be asked to submit a time-bound report within two to three months and after we get the report, the Parliament can apply its wisdom and set up a joint select committee or something like that. Then, that committee will submit their report.

On the basis of that report, the Government may act. Otherwise, we the representatives of the people will come to know nothing. Something is cooking up in the Ministry. How dare a petty bureaucrat speaks out and prepares a note to the effect that if we do not sign it right now, it will harm us a lot. All this has come out in the papers.

Sir, our economic sovereignty is at stake. If economic sovereignty is at stake, political sovereignty too will be at stake. When winter comes, spring cannot be far behind. And here it is the other way round. If our economic sovereignty is in danger, we shall be enslaved and lose our freedom. Government should think it over. Government should agree to my resolution and set up a commission as early as possible and have the benefit of the wisdom and services of eminent experts, so that we can have a national consensus to protect our interests, to protect the interests of the South, to protect the interests of the Third World countries in the face of the severe onslaught engineered by USA and its allies. They have started engulfing us with this neo-colonialism.

As we fought for our freedom, a stage has come now to start another long struggle to protect our precious freedom which we have won at the cost of precious lives and sufferings of the people of this country. With this, I commend this resolution and call upon the Government to accept my Resolution.

MR. CHAIRMAN: Resolution moved:

"That this House calls upon the Government to categorically reject all proposals received by Government pertaining to Trade Related Intellectual Property Rights (TRIPS), Trade Related Investment Measures (TRIMS) and General Agreement on Trade in Services (GATS) which will infringe the patent laws and the economic sovereignty of our country".

[Translation]

SHRI BHAGWAN SHANKAR RAWAT (Agra): Mr. Chairman, Sir, I do not disapprove the so called Dunkel's proposal... (Interruptions)

[English]

SHRI P. CHIDAMBARAM: Sir, I have no objection to this debate being continued. But I got the impression that the hon. Member wanted to take this opportunity to make a statement so that his resolution is on record. But the general agreement was that a full-scale debate would take place when the BAC fixes a date. Once the BAC fixes a date, I will circulate a note or make a statement on the basis of which, we can have a full-scale debate. I mentioned this when the hon. Member moved his resolution. He said that he should have an opportunity to make a statement now. I got an impression that after he made the statement he would close this debate now and resume it when a new date is fixed.

I am only appealing to the House that we can have a full-scale debate after I circulate a note. Today, we are discussing in a situation where the Government's note is not yet ready. So, we will not be able to respond on what we intend to state. Let the

Government's note be circulated first. I have written to the Speaker to fix a date. I am told that the date will be fixed in the third or fourth week of this month, say after the 15th.

SHRI SOMNATH CHATTERJEE: Our only concern is that this motion should not lapse. We have no objection to discuss it later if this Resolution remains part-discussed.

SHRI P. CHIDAMBARAM: Nobody is saying that this will lapse. After 15th March, we can have a full debate.

SHRI RUPCHAND PAL: When the hon. Speaker is fixing a date, I think it can be discussed at that time. In the meantime, we may agree that this Resolution shall not lapse.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Chairman, Sir, when one viewpoint has been presented, then the other should also be presented so as to facilitate the hon. Minister to answer the question.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Shall the debate continue?

PROF. RASA SINGH RAWAT: Allright the debate will continue. Since he has spoken and only one viewpoint has come, then the other should also be presented... (Interruptions)

SHRI SOMNATH CHATTERJEE: Let this discussion remain inconclusive and after the suitable date is fixed, it can be resumed.

MR. CHAIRMAN: Those who want to participate in this discussion, let them participate. There are still five speakers who want to speak. The mover of the Resolution has to move again a Resolution for adjournment.

SHRI SAIFUDDIN CHOUDHURY: I think, let the debate continue. This will help the Minister to really re-write the note. Let him bring the note next time. So, let the discussion continue.

MR. CHAIRMAN: Mr. Choudhury, Rule 29 says:

"Private Members' business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day:

Provided that notwithstanding anything contained in rules 27 and 28 any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day."

[Translation]

SHRI BHAGWAN SHANKAR RAWAT: Mr. Chairman Sir, I have said earlier that the proposals are such which can neither be accepted completely nor can be rejected at all. A detailed discussion is required on it. This question should be discussed on a national level because the Government of India has introduced some new proposals in the budget and new industrial policy but these also seems to be influenced by Dunke's proposal. I think that such proposals are accepted in toto then the economy and economic sovereignty of this country will be endangered. Therefore, I would like to submit that this is a matter of international importance and it needs to be considered sincerely and people from all walks of life should be consulted.

I have objections regarding commercial sector mentioned in it. As I have said the economic sovereignty of the country would be endangered. We will have to behave equally with the indigenous and foreign in-

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dustries in the country. It will not be necessary for the foreign industrialists to purchase raw material and semi-finished goods from the indigenous market and it is clear from this that the foreign industrialists, multi-nationals would bring raw-material and manpower from their own countries and will start production in our country. This will also not be obligatory for them to export the finished goods under this treaty. Upto now there is a provision in our laws that it is essential for the foreign companies who establish any industry in our country that they will have to provide a fixed percentage of their production for exports and those will export it for earning foreign exchange. Although I know that in the new provisions of the industrial policy we proposes to open all avenues. But it poses certain dangers to the indigenous production, factories, quality and local labour. In a way it would be the starting point of an attack of the industrially developed nations. Consequently our economic sovereignty would be endangered and the whole infrastructure would be shattered.

I would like to submit that we will have to face the same situation in the case of medicines also. According to Dunkel proposals the patent laws would be applicable for a period of twenty years and one can well imagine the pace of progress a country can attain in such a time interval. If only the patent law is enforced, then the country would be lagging behind twenty years and the pace of progress would get disrupted in the name of earning proficiency. Either the country would have to spend a heavy amount for getting patent rights for import of material or would have to make repeated requests to them so as to get it manufactured and then to pay heavy royalty for it. The main shortcoming in these proposals is that the treaty proposes to ban both the product and the process of production. It means a ban on both the changed process and the product which an Indian scientist may produce by a different procedure. Indirectly it would be banning the development of our intellectuals even.

They would not have any right or opportunity to invent or test something. The figures reveal that advanced medicines are used only in cases of five to ten per cent people. Rest of the people use ordinary medicines. Thirty per cent of the people are covered under the medical umbrella circuit. But I do not agree with the system. Because if the country is dragged twenty years back in development process due to lack of advanced technology in medicine then it can endanger the lives of crores of poor people. Only for the sake of Dunkel proposals if we are restrained from importing still more advanced technology from some other sector and interrupt the development process of the youth of this country and then after the lives of the people are endangered then we must be ready to reject many such Dunkel proposals. We would have to save lives of lakhs of poor people.

I would like to submit that the industrial policy is defective in a manner. It proposes to review the whole situation in consultation with Multi-national organisation, IMF and World Bank. We wanted to save this country from the dangers posed by such companies as East India Company and the combination of these three organisations would endanger the industrial self-reliance and sovereignty. That is why these provisions seem to me dangerous.

I would like to say something about the agriculture and food programme. This is a poor country. It is a country with diverse conditions as climate, land and situations. There is fertile land and also hilly areas. Natural calamities are common here. In time of famine, the need to grant big subsidies may arise. But the treaty checks this tendency, proposes to interrupt industrial production in the name of subsidies. We plan to develop this country by bringing green revolution while these Dunkel proposals obstructs the pace of progress.

I am saying this for the reason that in spite of the grant of heavy subsidies, there has been a fall in the food production of wheat and bajra. According to the figures

presented in the Lok Sabha, the agricultural production of the country has gone down in the Kharif crop of the current year and no one knows what will be the condition of Rabi crop. According to the preliminary estimates, there is an apprehension of decrease in production due to the drought. The nation is certainly going to become a slave in economic field if no co-operation was extended to the agriculturists through subsidy, if their products were not made viable and if no nexus could be created between cost of production and sale prices keeping in view the price-rise. This will result in ending the green revolution and people will begin to starve. Wheat from India is sent to foreign countries at lower rates and then foreigners and big farmers from America and other wheat producing countries will sell costlier wheat and mint money from Indian market in the event of fall in agricultural production in the country. The poor people of this country shall have to starve. At that time we will be helpless to feed the poor masses. It will affect the public distribution system as well. Through Public Distribution System (P.D.S.) we are trying to fulfil the needs of the poor people who don't have the capacity to meet their own requirements. So through P.D.S. we make things available to them at subsidised rates. I have observed that the purchasing power is lowered in the absence of resources. Commodities are available in the market and people are starving. May God save this country from such a distress. Therefore, there is a need to continue to grant subsidy. I foresee some danger in the Dunkel proposal in the matter of agriculture and food production. They will be having their patent rights in case of seeds as well. The seed can be taken and sown here and the crop can be had. After buying it, it can... (Interruptions)...not be used again as seed...because for doing so they shall have to seek permission. In this way our economic sovereignty is affected in the use of good quality seed in agriculture. Attempts are being made to create a new feudal system whereas feudal system is coming to an end in the whole world, whether it is dictatorship under communism or dictatorship or feudalism. Russia disintegrated and

the dictatorship of the party also came to an end. This system is adversely affecting the people of the entire world in the shape of economic dictatorship and economic feudalism and the economic imperialism is affecting the poor people and attempts are being made to oppress them. I would say that international treaty is necessary, there are no two opinions about it. There would be a bilateral treaty. It is good if the entire world can be regulated in any way so that there can be some treaty and the trade in the entire world may go on and the problem can be solved. But if there is talk of international brotherhood, if there is talk of international community and if there is talk of the welfare of the entire world, we can understand that and then think that we should not ignore international interests. Priority should be given to the national interests. Such proposals are known as Dunkel proposals. A net is being woven and there is a bait to entangle the intellectuals for which efforts are being made. So there is a need of alertness and it deserves re-consideration.

I would conclude my speech after making one more point. That point is about making use of intellectuals as man-power. As far as I know, in Dunkel proposals there is mention of export of only technocrats, medicos and such other experts. Emphasis has been laid on that only. In a country like India where there is dearth of foreign exchange, and we are so much embarrassed by such a situation that 23 per cent of the nation's budget is utilised in paying the interest on loans. Therefore we should consider earning of foreign exchange and increasing exports. At the same time, we should think of exporting man-power as well. Such restrictions given in the Dunkel proposal are not proper. If we could earn foreign exchange after exporting our man-power, we shall have to ensure the ways of earning it.

Mr. Chairman, Sir, the four issues that I have put before the Government through you may be seriously considered by the Government. A public debate is needed for doing so. I share the feelings of the hon.

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Minister while he says at that people should present this case before the Parliament and along with that there should also be national debate on it because there is every chance that we may be bound by this proposal. We cannot withdraw our membership from "GATT" of which we have got the membership, unless the Dunkel proposal comes. If Dunkel proposal is accepted, India would be bound for ever. Therefore it requires a thorough consideration. The economic situation in the country is fluid and the indigenous production is also decreasing. The present situation is such that whatever we export now-a-days has got the maximum ratio of raw material or semi finished goods. We are able to export only 10 per cent out of the total industrial finished goods. Once there is a foreign invasion in the sense that foreign companies and capital arrive here, our country will suffer heavy loss. I would make the Government cautious of the fact that it should not succumb to international pressure which would prove to be a barrier for our economic sovereignty and economic development.

Along with the points that I have made here, I would also make it clear that we should make international treaties in such a way that the economic sovereignty of the country is maintained and our industrial production also increased and there is welfare of the whole mankind.

With these words I would thank you for giving me some time to speak.

[English]

SHRI VIJAY NAVAL PATIL (Eradol):
Mr. Chairman, Sir, we are discussing an issue at a very preliminary stage. Before the baby is born, we are thinking of its higher education, marriage, housing and other things.

My friends, on the right side, on the middle, always think in terms of multinationalism and multinationals. They

do not understand the term 'international'. The world is becoming so small. We have to interact with each other, with different countries, for trade, communication, transport and many other things. Some laws, some rules, have to be evolved for that. We all know that even the international law regarding law of seas, regarding space and other laws are still in the initial stages and the law regarding space is yet to develop in its full form. Of course, when we are interacting, there are two category of countries, one is developed countries and the other is developing countries. We come in the category of developing countries. That is why my friends on the side are expressing their apprehensions regarding the Patent Laws. To some extent, they may be true. But, unless we enter into a dialogue and we show our willingness to accept proposals in amended forms which are suitable to us, how we can have development of export and industry in our country.

We do agree that the country, specially developing country provides subsidy for exports. There is a term which will be binding on us that the subsidy may be stopped after seven-eight years or if the products are fully developed, it may be stopped after three years. There are some points which are not suitable to us. But, that does not mean that the entire agreement should not be considered or we should not enter into these agreements.

When the European countries found that they could not increase their trade and industry in an isolated manner, the European Economic Community was born. Thereafter several conventions have been adopted. There is a Bern Convention of 1971, there is a Paris Convention. Similarly, GATT Agreement was there earlier. Now, many countries have participated in the Uruguay conference. This Resolution has said that even the China is adopting it. But, fear is expressed that their trade and industry about 95 per cent is in the Government's hand while in India 75 per cent industries are in private hands, while in India 75 per cent industries are in private hands, which will be

affected by the Patent Laws. We are having trade with other countries. Some rules have to be followed rules regarding customs, rules regarding quarantine, or measures like anti-dumping measures, adoption of international standards etc. which will be set and all other countries including India will have to accept that.

Hence, I feel that this is a very premature discussion and we should not at the beginning oppose these proposals. Of course, fears expressed by my friends that there will be a restriction on manpower export are not based on a good foundation. India is always rich in manpower. We have got intelligentsia, we have got intellectuals and we have seen that whatever may be Patent Laws, our manpower and personnel will be in great demand in different countries.

17.00 hrs.

Take the example of pilots. There was a time when the pilots wanted age relaxation for employment within India itself because they could not get employment. But now good pilots are being given employment in other countries and they are in great demand.

If you see the figure of applicants for passports, we have seen that about 24 lakhs of people had applied year beforelast and the number has increased to 35 lakhs last year. So, the demand for Indian intellectuals will be growing. Therefore, that fear is unfounded.

In the patent laws, there is one very important thing to be considered and that is that the developed countries, the people there, the industrialists there can say that this and this product was invented two days earlier than it was invented in India. There is a technological development going on. There is a horizontal development and a vertical development. When similar research and development is going on in different countries, there is likelihood that developed countries and the industrialists or factory owners there may take undue advantage of these

patent laws. The same product, the same kind of process might have developed earlier in India but in the name of earlier development or because of money power in their hands, because of media in their hands, they can say that this product was developed in their country and they can take the advantage of patent laws which may be adopted by us.

So, these are some of the loopholes in the proposed legislation and we do understand that whenever there is a new thing coming up, at the outset, we express all our fear against that. Hence I will advise my friend on the other side who has moved this resolution, to have some patience.

We in India, in a democratic country, can have a full debate. We can get the opinions of experts and the Government will take a right decision before entering into any such kind of agreement. I will like to assure that Member on the other side regarding this and hence I oppose the Resolution and thank you for giving me time.

SHRIMATI MALINI BHATTACHARYA: (Jadavpur): Sir, I rise to support the Resolution. Perhaps at the very outset since there have already been two voices, one supporting the Resolution and one opposing, I should start with making some points about the arguments that have been made opposing the Resolution.

First of all, it has been said that we are discussing the Dunkel Draft at a preliminary stage. I would like to say that this is completely wrong. It has been brought to us at the very last stage. We have to submit our final opinions by mid April. Time is very short. The baby, let us say, is very much developed. It is about to be born and we are afraid that it is going to be a monstrous baby. So, I am glad that at least at this stage the Government is confronting a very strong protest and a very strong wave of opinion from scientists, from intellectuals, from technologists all over India who are protesting against the contents of this Dunkel Draft. I

think that we should take this opportunity of making the contents of the Dunkel draft a matter for debate. We know that within the ruling party itself there are different opinions on this. Shri Chidambaram initially had started by saying that the Dunkel draft is discriminatory against India. We still find the Environment Minister putting up a brave front. In an interview to the press - I think last week - he has said that India will not compromise her bio-diversity as a result of any trade negotiating that we may go into. But I wonder, once if the Dunkel draft is agreed to by India, these people who are still putting up brave fronts will have to make a come down. So, while there is still time for us to reject the Dunkel draft, we should do it.

Secondly, it has been said that the world is becoming smaller and that we are so worried about multi-nationals on this side that we do not think sufficiently about internationalism and international interests. This is very much true. The world, indeed, is becoming small. The world is becoming a kind of an oyster for certain very powerful interests to prise open. The redoubtable Carla Hills has said that these GATT negotiations are to be used as a crowbar for prising open the economies of developed countries. So it is in the international interest, it is in the interests not only of the developing countries, not only of the powerful vested interests, powerful owners of capital in the developed countries, but in the interests of the developing countries as well who are part of the international fraternity that the Dunkel draft should be rejected.

What we find is that the United States is seeking to universalise certain trade laws merely for the protection of their profits. This is not what we call internationalism. This internationalism is prompted by motives of gain and is prompted by how much can be extorted from the developing countries through these negotiations. As such it is in the international interest that the Dunkel draft had to be rejected.

Thirdly, it has been said that some points of the Dunkel drafts may be detrimental to our national interest particularly the proposal to amend the Indian Patents Act which has been mentioned. I am glad that the Member on that side has agreed that it is a very dangerous proposal to amend the Indian Patents Act and thus lead to the destruction of various industries in our own country. But the point that I want to make is that the case is not that the Dunkel draft is something good and there are some small points in it with which we disagree. One point links up very much with the other. Not only that - there are now actually three or four separate agreements which are being sought to be incorporated together and there is a very close link among these three or four different agreements. The United States of America and other developed countries want to exploit these links to as to enable them to bring certain cross retaliatory measures against developing countries like India.

Sir, there seems to be an intellectual fear about the discussion of the Dunkel Draft. When we raise this issue, people who are literate and people who are very intelligent ask: what is TRIPS, TRIMS, GATT and GATS and what is the difference between GATT and GATS? Of course, the number of speakers today being so small also suggests this intellectual fear. I would say that this intellectual fear is deliberately generated among us as a process of mystification because we are being forced to swallow something without understanding what is being forced down our throats and it is precisely because of this element of mystification about the Dunkel Draft, a halo of ignorance surrounding the Dunkel Draft, that it should not be accepted without understanding.

SHRI A. CHARLES (Trivandrum): He pictures the monster.

SHRIMATI MALINI BHATTACHARYA: He is not the monster; his proposals are monstrous. There is no doubt about that so far as I can see. So, it is necessary for us to understand what the

Dunkel Draft stands for and it is precisely this mystification which is a kind of weapon which is used by the developed countries to make us swallow the Dunkel Draft. It is said, for instance: 'what is all these intellectual property rights, may be it concerns intellectuals alone'. No, I would say that intellectual property rights ultimately involves all the people of our country. It involves, in fact, particularly those people who are disadvantaged, who are backward and who are poor and it is precisely because of this that there should be a national discussion on the Dunkel Draft; people should be allowed to understand what it is all about, before any agreement is reached on this. This is why we are saying that at this stage, the way in which the Dunkel Draft is forced down our throat should be prevented.

The other thing that is very interesting is the gradually changing stance of the Government. In 1989, the same ruling party as now had been in power and they had been participating at the GATT negotiations. There was no Dunkel Draft at that time. The negotiations were going on and certain new elements had been introduced in these negotiations and then the Government had said:

" We have entered into negotiations into the area of Trade related Intellectual Property rights with a clear reservation on the question of ledgerment of the outcome. There is no place in GATT for these aspects. They raise issues of policies spanning over diverse areas of technology, ethics, culture and economic development. GATT is concerned with trade policies and should remain as such."

Our Government in 1989 had opposed the introduction of the issue of Intellectual Property Rights into GATT negotiation. But now we are silent on that. No longer there is any objection on that. That is very strange.

Even in 1991, in the President's Address, it had been mentioned: "In the GATT negotiation, it is necessary to protect the interests of the developing countries". Of course, this had a background.

In the first half of 1990, 11 Latin American countries and Caribbean countries and seven Asian countries including India had submitted alternative proposals in respect of General Agreement on Trade in Services (GATS). This alternative proposals were being considered and the final draft of December 1990 showed sharp differences between the outlook of the countries of the North and that of the South in respect of trade in services.

17.16 hrs

(MR. DEPUTY-SPEAKER *in the Chair*)

These talks, however, failed. Subsequently M. Dunkel has presented his draft which is supposed to incorporate some of the proposals, but I would contest this. In fact, it takes these alternative proposals into consideration only in name. After the presentation of the Dunkel draft, as the previous speaker said, there was initial response of the Commerce Minister. But subsequently there was a note from the Commerce Ministry and while issuing it, the Minister referred to a number of positive features in the Dunkel draft. What were these positive features? One was, India would have to give product patent for food, chemicals and pharmaceuticals until January 1, 2003.

Secondly, the Commerce Ministry now thought that the provisions of the compulsory licensing was sufficiently broadened and made it flexible to allow India to accommodate its concerns through national laws. The Commerce Ministry also felt, no exclusive marketing right was being given in the Dunkel draft for products covered by the existing patents given in other countries. These were the three positive points that

were mentioned by the Commerce Ministry.

I will take them one by one. However, after this we also noticed something happening in the international scenario. The threat of Super 301 had been hanging over us for sometime. That threat was withdrawn temporarily. It was postponed. Do you know why? It is because we had gone one step forward in seeing certain positive features in the Dunkel draft, it was perhaps expected that as time went by and the zero hour came on, more and more positive features would be seen in the Dunkel proposal. In this hope, perhaps the threat of Super 301 was withdrawn temporarily. This change in the attitude of the Government and the disturbing signals that we receive on the over-all economic policy, the over-all industrial policy and the over-all commercial policy of the Government, make us feel that the reason why the Government seems to be gradually changing its stance over the Dunkel draft is that it is being pressurised into doing so.

We will say very strongly that if the Government feels that it is being pressurised, then we are willing to help the Government in withstanding this pressure. But if the Government succumbs to this pressure, I think eventually the people of this country will not forgive us.

This is why we want the Dunkel draft to be discussed threadbare before any decision is taken by the Government on this.

I have talked about some disturbing signals. The Government has not yet signed the Dunkel proposal. But don't you observe a certain surreptitious process of Dunkelisation in certain aspects of Government policy? Look at how the List of Drugs which are supplied in our country at controlled prices since 1953 upto 1991 has been gradually reduced. It has been shrinking. This list of Drugs, the prices of which are controlled by the Government, is gradually shrinking. In fact, this will make way for Dunkelisation if it is not already a kind of

surreptitious form of Dunkelisation.

In our present Budget, we find that it has liberalised the import of flowers, fruits, cereals, seeds and plants etc. What the Dunkel draft says on agriculture has very much to do with this liberalisation of imports in so called technologically improved seeds and plants from abroad about which my predecessors have already spoken.

What I would like to point out is that it seems to us that the process of Dunkelisation has already started and these are the disturbing signals which we are receiving and which make us feel that an open discussion is required.

Of course, the discussion on GATTS, as it is called trade services, has been postponed. But we find that the Commerce Minister in a statement made in Rajya Sabha on 10th January, 1992 said that

" The Government has already requested access from all participating countries in the negotiations in professional services relating to installation of computer, hardware business services, investigations and security services, health related and social services, tourism, travel and leisure services, education etc."

so, all these areas are already being opened up for Trade in Services. Of course, the Minister has stated that the opening up of the Indian Services Sector to foreign countries is only to secure access to labour-intensive services as the Uruguay Round of Talks. In other words, our labour will get more employment as a result of this Trade in Services. But this can only happen if various requirements of the Dunkel Draft, for instance, provision of national treatment to foreign Services, to suppliers are met but not otherwise. The term they use is that they rebuke India for her trade restrictive and distorting investment measures and they want that we should extend equal national treatment. There would be opening up in one side. If once our services are opened

up, services in Banking, services in information, services in computer technology, motion pictures and video distribution, hotels and other lodging services, what would happen is that there would be no restriction on the incoming multinational corporations to use even a minimum of local content in production, local labour, local expertise. There would be no restriction on them whatsoever to use these things. Nor would there be any export obligation imposed upon them. So, it seems to us that in various spheres of our social life, the process of Dunkelisation has already started. I do not know whether it is now too late to reverse the process. But by signing the Dunkel Draft we would be putting the seal of death on our industry, on our services whatsoever is available here, on our intellectual properties, on the seeds that have been grown by our farmers, on the biological resources which are developed by our farmers. In fact, we would be putting the seal of death on all of these if we sign the Dunkel Draft. That would be the final submission and after that there would be nothing.

I would just like to say a few words about what the Government has called the positive features of the Dunkel Draft. Firstly, India has been given a respite of 10 years. We are told that India would not have to give product patent for food, chemicals, pharmaceuticals until January 1st, 2003. From 2003 A.D., product patent will have to be given but not until that time. We get 10 years respite. We are behind the developed countries. So, we are being given this kind of a handicap to catch up with them within this 10 year period. But is this respite a real respite? It is not a real respite. In Article 65 of the Dunkel Draft, in Sub-Clauses 4 and 5 this 10 years respite is surreptitiously curtailed by what may be called the system of pipeline production. That is people who are going to ultimately receive their right to patentability in 2003 may apply for such patent from next year. And that of course, would mean that even those subjects which are excluded from our patent laws at the moment, the applications for patent protection on them, can be submitted right now and if this is

done, then think of what will happen. Such a transitional arrangement will mean that in the field of technology, local enterprises will not make any risk investment on the things which are likely to be patented abroad by 2003. The research and development in these areas would be completely devastated; they would be completely stopped from right now and from next year, if we accept the Dunkel draft. So, this ten respite is no respite at all.

The second point that was made was that the provision for compulsory licensing is sufficiently broad and flexible so that India can make her own laws regarding compulsory licenses. Again, there are other articles in the Dunkel draft and by accepting these articles this right of granting compulsory licenses will have to be completely forfeited. There is for instance article two in the Dunkel draft which suggest that Paris Convention should be accepted. Now, if the Paris Convention is accepted in accordance with the article two of the Dunkel draft, if certain new rights as said in article 28 of the Dunkel draft are granted to the patent holders, then Governments like the Government of India would be left with very little space for granting any compulsory licenses at all. There would be no compulsory licenses and particularly for patented drugs which are produced abroad, now they would be imported right here, without there being any system of licensing at all. What disastrous effect this would have on the prices of drugs, one can imagine easily. I have a list here and if I just mention a few, it will become evident as to what we are going in for.

Like certain anti-bacterial drugs for water-borne gastroenteric diseases, these are 13.71 times costlier in the United States than in India. So, if we have to import them and if these patents have to be respected - product patents, not just process patents - then, of course, they will be that much more costlier. They will be priced out of the hands of the poor people; out of the hands of the ordinary people. La six, the popular diuretic is 23 times more costlier at the United States Drug Stores. Again, it is a very essential

[Shrimati Malini Bhattacharya]

[Translation]

drug for people who have heart diseases. Again, it is the poor people and the ordinary people out of whose hands these drugs are going to be priced out. Chemotherapy for cancer may then cost Rs. 5 lakhs a year. These are just a few instances. Of course we are not doctors, we are not technically competent to give any final verdict on these things; but these are the things that are being told to us by doctors, by technologists of this country. As a result of this we will find that this virtual destruction of indigenous research, change in some aspects of the Indian Patents' Act of 1970 will lead to total disaster in the area of medicines, for people who need medical attention.

I will come to a close by saying that so far as our biological, our vegetable resources are concerned, these days a new jargon is being used where by the farmers who produce the seeds are called by the name of primitive 'cultivars' and the modern plant breeders in the international research centers are called advanced or elite. These names are given to seeds which are improved through different technological research centers and in very high-tech laboratories and are sold to the patent countries. In other words the farmers of the country which produces the seed would have no right over these seeds once these so called improved seeds are patented in foreign laboratories. So our farmers, instead of developing their own seeds, will be buying the so called corporate seeds at a very high rate. Again, this will mean complete destruction in the area of agricultural research.

There are good many other points which should have been brought in; but since we are hoping that this will be the opening for a broader discussion and there will be more discussions on this, I will thank you for having me so much time today and I will say that we will support this Resolution wholeheartedly that has been brought here today and we oppose the Dunkel Draft wholeheartedly.

PROF. RASA SINGHRAWAT (Ajmer): Mr. Deputy Speaker, Sir, all the hon. communist colleagues, rising above factional ideologies, have vehemently advocated adoption of the resolution moved by the comrade, Shri Rupchand Pal. We should not blow hot and cold but behave in a sensible manner and predominantly keep in mind the nation's interest. Dunkel's proposals were debated upon in the House. Proposals could be both good and bad. Earlier it was a saying that when it rains in Moscow - our Communist friends hold out their umbrellas in India. Now when the same happening in China, India's reactions is none different. I am submitting all this because nearly all the countries of the world have taken up the membership of GATT, which stands at 107 approximately. Before 1985 the world was divided into groups viz., the developed and the developing countries. GATT came into being with a view to formulate laws governing trade and commerce to encourage competitiveness, and to safeguard each others interests on bilateral issues. After some years it was realised that the developed countries have started imposing their whims and fancies on the developing countries. Many lacunae were evident in the proposals and the hegemony of the developed over the developing countries was also evident. Therefore, in 1986 to re-examine the proposals afresh.....

[English]

MR. DEPUTY-SPEAKER: I just want to seek the consent of the House. The time allotted for discussing this subject is only two hours. It was started at 15.41 hours and now it is 17.41 hours. Moreover, two or three hon. Members want to speak on this Resolution. Is it the desire of the House that the time allotted for this Resolution be extended by one hour?

SOME HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: So, the time allotted for this subject is extended by one hour.

SHRI ANBARASUERA: I want to make one submission. Two other very important Resolutions are listed and if they are not taken up today, they will lapse. We have to come again through ballot, etc. So, I request that they may also be introduced today and they may be discussed later.

MR. DEPUTY-SPEAKER: But, the procedure is, unless it is completed, others may not be taken up. Shri Rawat may continue his speech.

[*Translation*]

PROF. RASA SINGH RAWAT: Sir, through you, I was submitting how the discussion on Dunkel's proposals commenced. In 1986 under the Chairmanship of Mr. Dunkel, the present chief of GATT, a conference was held in which all the member nations took part and India represented the developing countries at the conference. After five years of continuous efforts the Dunkel's proposals are now before us in final shape awaiting ratification.

There is a saying about India that "*Utho, Suno Pracheer Se Ugate Suraj Ki Awaz,*

Apna Desh Banega Sari Duniya Ka Sartaj".

In ancient times India was well known for its economic opulence but the present economic scenario is a matter of concern for all of us. All of us desire that the Government should keep an open mind on the Dunkel's proposals and whether it be in the field of international trade, lendings, self-reliance, self sufficiency special attention should be paid to Dunkel's proposals. National interests must be held supreme. Economic sovereignty must not receive a setback and the country again must not be caught into the shackles of bondage. I am submitting all this as a matter of caution and warning, because of my position is that of once bitten twice shy. East India company came to India as a trading organisation but later on took advantage of the then prevailing conditions and made enslaved India. That's why we

must cautiously examine the Dunkel's proposals. It is also to be noted that which proposals are advantageous to India and which are not. If the Dunkel's proposals endanger the economic sovereignty of India and compel us to withdraw subsidies on agriculture, textiles and other sectors or force us to buy medicines from the countries, which have got patent rights of these medicinal products, at exorbitant prices, then I think all this will be against national interest. If our country is able to encourage small scale and medium industries in the peculiar conditions prevailing in the country, maintain agricultural self-reliance achieved through subsidies to farmers and support prices, sell cloth abroad freely without facing undue pulls and pressures, then I think we must accept the better part of Dunkel's proposals and reject the proposals not beneficial to India. India till date has not approved of the Dunkel's proposals and is pondering over whether to ratify them or not. India must examine ramification of the proposals whether they are disadvantageous to nation's reliance of our country. With Dunkel's proposals Indian markets might get flooded with imported goods and the small and the handicrafts industries might suffer as a result thereof. Indians might have craze for foreign goods. As a result the Indian economy might get totally shattered.

Mr. Deputy Speaker, Sir, Muslim of Dhaka were worked famous and could be passed through the ring. When Britishers came to India they hatched a conspiracy. They exported cotton at cheap rates and imported textiles made at Budhingam, Liverpool and Manchester at high rates thereby completely shattering the Indian economy. Therefore, I would like to urge the Government of India to keep in mind the nation's interests before signing the Dunkel's proposals and secondly it must watch that in no way the self-reliance suffers. Thirdly, the independence and sovereignty should not be compromised at any cost and lastly nothing should be kept away from the masses and they must be informed about the type of proposals accepted by the Government. At present many a nation are bargaining on the

[Prof. Raza Singh Rawat]

Dunkel's proposals that in no way their interests should get jeopardised. India must also take a strong stand on the discussions going on the Dunkel's proposals, among member nations, to regulate trade on multi-lateral basis and to set at rest the apprehensions and misgivings in trade circle and streamline the industry.

Sir, through you, I would like to remind the august House of the day when the slogan of 'Swaraj' was raised for the first time by Maharishi Dayanand Saraswati when he emphasized the need for indigenous cloth. Lokmanya Bal Gangadhar Tilak, echoed the slogan of 'Swaraj is my birthright'. Father of the nation, Mahatma Gandhi launched the 'swadeshi' movement and held the bonfire of foreign cloth. Therefore, I impress that Swadeshi movement should not be thrown to the winds. Anyone who does not hold dear the cause of 'Swadeshi' and mother tongue and national esteem, cannot be called a human being. He is like a dead animal. Therefore, if the atones prestige is to be safeguarded, 'Swadeshi' is to be resurrected. Nation is to be guided towards the path of self-sufficiency and self-reliance. To safeguard the feeling of 'Swadeshi' and to promote cottage industries in India, all possible encouragement will have to be provided to this sector so that they could develop indigenous products. It should not happen that multi-national companies whether it be 'Pepsi' or any other company should be allowed to sell tomato and its by products at exorbitant price. We will not tolerate monopoly of companies like cocacola. I do not demand outright rejection of the Dunkel's proposals as some of them are good and beneficial to India and will also bring with them a number of concessions.

Sir, there is a set of patent rights and out of 107 countries 106 countries have already ratified the proposals. China is one country not to have signed the GATT proposals and at its instigation, the communist friends are openly opposing the Dunkel's proposals and are strongly advocating to reject them.

[Translation]

But China is facing a lot of pressure today. It has signed a bilateral agreement with the U.S. A. According to that agreement, if China does not accept the Dunkel proposals regarding patent Laws and GATT, the concessions it is supposed to get in some areas for a period of 10 years, will be stopped. While taking steps, we should keep this thing in mind.

Some of our hon. friends say that negotiations should be held between two countries and trade terms should be specified. I would like to submit through you that whenever an agreement is made between two countries, generally the developed and the prosperous countries suppress the developing and the poorer countries. Sir, therefore, I would like to request that we should examine the Dunkel Proposals strictly keeping in view our own circumstances. We cannot live in isolation from the rest of the World. The entire world has turned into a single community, a family today. If anything happens in a country, it affects the other countries also. We have to be cautious on 3-4 things. Firstly, we have to take measures for sending our manpower abroad. The U.S.A. experts and their talented people should not come to our country, because we have the largest manpower. While relying on our own manpower, their strength and their entrepreneurship, we have to pressurize these countries through GATT and other legislations to absorb our manpower there. The officials and experts of big corporations in those countries should not come to our country. Instead, the experts and the manpower of our country should be given employment in those countries. Then only, the Dunkel Proposals will prove useful to us. If foreigners are given employment in our country, it will increase the unemployment problem here and situation will prove suicidal for us.

Some countries including the U.S.A. Germany and Japan are opposing Dunkel's Proposals as some of the provisions of the

Proposals are not conducive to them. We have examples of the countries like the U.S.A. the Europe Community, Japan and Germany before us. As such before entering into any agreement, we will have to take all these aspects into account. We have to sign Dunkel proposals, because the leading business newspaper of the U.S.A. "The State Journal" has reported that only India and France would be the largest beneficiaries of these proposals. Now the time will tell us the extent of veracity of this statement. As regards the Dunkel proposals, I would like to submit that all the developed countries like the U.S.A., Germany and Japan are opposing these proposals only for one reason and that is they would have to cut or withdraw their agricultural subsidy. In this proposals there is a provision that we have to reduce our import of textiles. But when the developed countries will reduce their subsidy on agriculture, automatically our small scale industries and agriculture sector will get the benefit. Before availing of its benefit, we have to clear up the earlier dues within a prescribed time limit.

Sir, I will take only a few minutes more, because this is a technical subject and we should have full knowledge of it. In the ancient times, our country was known as the golden sparrow. We should respect the feelings of our great leaders, particularly regarding their concept of 'Swadesh'. There is a maxim that:

"Yawat jiwet sukham jiwet, rinam kritwa ghritam piwet". It should not be so that the Government thinks for the present comfort and creates problems for the coming generations. We have the example of Maharana Pratap before us who ate dried 'chappatis' made of grass, but never accepted bondage. Netaji Subhash Chandra Bose had said - It is better to eat 'chappatis' of grass under freedom than to eat buttered 'chappatis' in bondage.

I am saying it repeatedly that the shortcomings in the Dunkel proposals should be removed and the proposals, which are conducive to us should be accepted. Keeping

the national interest as supreme, we should try to suit the Dunkel proposals to our requirements. Only then Dunkel proposals could prove useful for the country. We may have to face difficulties in future, if we do not keep these things in mind.

Several people ask that if all the other countries of the world accept these proposals and our country does not, what will it mean? Therefore, I would like to submit that we will be the actual losers, because there is a proposal in the Dunkel proposals that a special quota or a special status has been granted to developing countries for a period of 10 years and in view of balance of payment problem, they have been given some concessions. That is why I say that it will not be proper if we reject Dunkel Proposals outright.

Mr. Deputy Speaker, Sir, finally, I would only like to submit that:-

*"Na surat boori hai, na sirat boori hai,
Boora wahi hai jiski niyat boori hai."*

While considering the national interest as supreme, we should accept the good points of the Dunkel Proposals-

"Sar-sarko gahi rahe thotha deya ural."

and

*"Uttam vidya lijiye yadyapi neech par
hol, paro a paawan thour par kanchan
taje na ko."*

There are several good points in the Dunkel Proposals. With a view to get a respectful place in the world, to enhance our trade, to achieve progress and to increase our production in conformity with our laws, we should accept the good points of this proposal and should turn away its demerits. We should uphold our national interest as supreme. With these words, I conclude.

SHRI SANTOSH KUMAR GANGWAR
(Bareilly): Mr. Deputy Speaker, Sir, during the last week, when discussion was being

[Sh. Santosh Kumar Gangwar]

held here during the Question Hour, the hon. Minister had said that this issue would be debated and the hon. Members would be duly informed. I think, this issue has been discussed a lot during the last one month. Before this, except the economists and other experts, the people of our country were not aware of these things. After it was discussed for a month, it has become clear that only one and half months are left for us to decide. We have to take a decision by April in this regard. It has been argued that 107 countries out of the total 108 member countries are of the view that these proposals should be accepted. Several of our fellow Members gave their views in this regard. I will not go into its details today, because I think that in the coming months a debate would be held on this important issue inside as well as outside the House. We have to see that whatever decision is taken, the House is taken into confidence and it is not forced upon the House.

Mr. Deputy Speaker, Sir, ours is an agricultural country. Our economy is based on agriculture. We all know how some of the provisions of the proposals have become controversial in this context. At present, I am not talking about agreeing or disagreeing to the proposals, but I would like to say, as my

previous speaker has also said, that the proposal needs a comprehensive and detailed study. Every line, every clause and every para of the proposal has to be studied thoroughly and we should think over it in view of our national interest. I would express my views on these proposals when these would be taken up for a detailed discussion after 15 days.

MR. DEPUTY-SPEAKER: Please conclude.

[English]

Shri Gangwar and Charles are the only two speakers who are left.

SHRI P.M. SAYEED: There may be some more speakers who may speak. Let him continue next time.

MR. DEPUTY-SPEAKER: All right. The House stands adjourned to re-assemble on Monday, the 9th March, 1992 at 11.00 am.

18.00 hrs.

*The Lok Sabha Then Adjourned till Eleven
of the Clock on Monday, March 9, 1992/
Phalguna 19, 1913 (Saka)*