MAKE IN INDIA- NEEDS STRONG IPR POLICY

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ABSTRACT

That day, Indian Prime Minister Narendra Modi addressed an audience of 500 domestic and international entrepreneurs in New Delhi, in an atmosphere charged with euphoria following the success of India's first mission to Mars the previous day. Modi inaugurated a campaign aimed at transforming India into a global manufacturing hub and at easing its business climate for both domestic and foreign investors. A logo, a portal and brochures detailing 25 priority sectors were introduced that day. The logo shows a striding lion made of cogs with the campaign name across its body. The stock market boom at the clear mandate given to BJP in the 2014 Lok Sabha elections and the current stock market scenario was a clear indicator of investor confidence in the Narendra Modi Government. Further steps by Mr. Modi like the "Make in India" and "Digital India" campaigns, invitation to the leaders of all the SAARC countries, US and Japan visit and various business friendly reforms have significantly created a positive business environment in the country. However, there are certain bottlenecks in the economy which the Government needs to address towards making India a global manufacturing hub. This research paper aims to identify some of the key challenges in the path of development and recommend possible solutions to deal with the same through secondary research and data obtained from various authenticated sources. This paper has been able to identify the following major challenges in the path of making India a global manufacturing hub and accordingly make a few suggestions regarding possible solutions to deal with each of the issues:

1. Improving the ease of doing business in India, improving the employability of general and engineering graduates, infrastructure development of major roads and highways in the country, capacity addition in the power sector to meet industrial energy demand.
2. It is to be noted that the above list is not exhaustive and there are lot of other ample challenges towards making India a global manufacturing hub. However, focusing on these issues and taking adequate measures to deal with the same will go a long way towards turning the "Make in India" vision into a dream come true.

KEYWORDS

Swadeshi Movement, Adverse Balance of Payment, Make in India, IPR Draft in India, IPR Policy in India.


INTRODUCTION

Make in India-Needs Strong IPR Policy

Make in India is an initiative of the Government of India to encourage multinationals, as well as domestic, companies to manufacture their products in India. It was launched by Prime Minister Narendra Modi on 25 September 2014. India would emerge, after initiation of the program in 2015, as the top destination globally for foreign direct investment, would surpass China as well as the United States.

But actually this theme is an old one. Older than a century but India is still struggling to achieve Swadeshi.

The Swadeshi movement, part of the Indian independence movement and the developing Indian nationalism, was an economic strategy aimed at removing the British Empire from power and improving economic conditions in India by following the principles of Swadeshi (Self-sufficiency; svadēśī), which had some success. Strategies of the Swadeshi movement involved boycotting British products and the revival of domestic products and production processes. L. M. Bhole identifies five phases of the Swadeshi movement.

1850 to 1904: Developed by leaders like Dadabhai Naoroji, Gokhale, Ranade, Tilak, G.V. Joshi.

1905 to 1917: Began with and because of the partition of Bengal in 1905 by Lord Curzon.

1918 to 1947: Swadeshi thought shaped by Mahatma Gandhi, accompanied by the rise of Indian industrialists.

1948 to 1991: Widespread curbs on international and inter-state trade. India became a bastion of obsolete technology during the licence-permitraj.

1991 Onwards: Liberalisation and globalisation. Foreign capital, foreign technology, and many foreign goods are not excluded and doctrine of export-led growth resulted in modern industrialism.

The second Swadeshi movement started with the partition of Bengal by the Viceroy of India, Lord Curzon in 1905 and continued up to 1911. It was the most successful of the pre-Gandhian movement. Its chief architects were Aurobindo Ghosh, Lokmanya Bal Gangadhar Tilak, Bipin Chandra Pal and Lala Lajpat Rai, V. O. Chidambaram Pillai, Babu Genu. Swadeshi, as a strategy, was a key focus of Mahatma Gandhi, who described it as the soul of Swaraj (Self-rule). It was strongest in Bengal and was also called Vande Mataram Movement. Gandhi, at the time of the actual movement, remained loyal to the British Crown.

The Post-Independence "Swadeshi Movement" has developed forth differently than its pre-independence counterpart. While the pre-independence movement was essentially a response to colonial policies, the post-independence Swadeshi movement sprung forth as an answer to increasingly oppressive imperialistic policies in the post-Second World War climate. For a nation emerging from two centuries of colonial oppression, India was required to compete with the industrialised economies of the west. While rapid industrialisation under the umbrella of "Five year
Plans" were aimed at enabling a self-sufficient India, the need to balance it with a predominantly agrarian setup was the need of the hour. This need to preserve the old fabric of an agrarian country while simultaneously modernising, necessitated a resurgence of a slightly recast "Swadeshi Movement". Forerunners of this resurgent movement were noted journalist, writer and critic S. R. Ramaswamy. Others of late in the movement include the likes of Rajiv Dixit, Swami Ramdev and Pawan Pandit.

But post-Independence, Swadeshi vanished which resulted into adverse balance of payment. Hereunder is a table which shows adverse balance of payment post-independence.

<table>
<thead>
<tr>
<th>Sixth Plan Projections</th>
<th>Estimated</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exports</td>
<td>41.1</td>
<td>33</td>
</tr>
<tr>
<td>Imports</td>
<td>-58.9</td>
<td>-54</td>
</tr>
<tr>
<td>Trade Balances</td>
<td>-17.8</td>
<td>-21</td>
</tr>
<tr>
<td>Invisible</td>
<td>8.7</td>
<td>14.6</td>
</tr>
<tr>
<td>Current a/c Deficit</td>
<td>-9.1</td>
<td>-6.4</td>
</tr>
<tr>
<td>Financing</td>
<td>9.1</td>
<td>6.4</td>
</tr>
<tr>
<td>Net Aid</td>
<td>5.9</td>
<td>3.8</td>
</tr>
<tr>
<td>Other Borrowing</td>
<td>5.1</td>
<td>5.3</td>
</tr>
<tr>
<td>Use of Foreign Exchange Reserves</td>
<td>1</td>
<td>-0.6</td>
</tr>
<tr>
<td>Loss from Decline in the Import</td>
<td>-2.9</td>
<td>-2.1</td>
</tr>
</tbody>
</table>

Balance of payments performance 1980-85 (Rs. thousand crores at 1979-80 prices)

Reasons for Adverse Balance of Payment

i. **Imbalance between exports and imports**
   (a) It is the main cause of disequilibrium in BOR. (b) Large scale development expenditure which causes large imports. (c) High domestic prices which lead to imports. (d) Cyclical fluctuations (like recession or depression) in general business activity. (e) New sources of supply and new substitutes.

ii. **Political Factors**
   Experience shows that political instability and disturbances cause large capital outflows and hinder inflows of foreign capital.

iii. **Social Factors**
   (a) Changes in fashions, tastes and preferences of the people bring disequilibrium in BOP by influencing imports and exports. (b) High population growth in poor countries adversely affects their BOP because it increases the needs of the countries for imports and decreases their capacity to export.

Measures to Correct Disequilibrium in BOP

Sustained or prolonged deficit has to be settled by short term loans or depletion of capital reserve of foreign exchange and gold.

**Following Remedial Measures are recommended**

i. **Export Promotion**
   Exports should be encouraged by granting various bounties to manufacturers and exporters. At the same time, imports should be discouraged by undertaking import substitution and imposing reasonable tariffs.

ii. **Import**
   Restrictions and Import Substitution are other measures of correcting disequilibrium.

iii. **Reducing Inflation**
   Inflation (continuous rise in prices) discourages exports and encourages imports. Therefore, government should check inflation and lower the prices in the country.

iv. **Exchange Control**
   Government should control foreign exchange by ordering all exporters to surrender their foreign exchange to the central bank and then ration out among licensed importers.

v. **Devaluation of Domestic Currency**
   It means fall in the external (exchange) value of domestic currency in terms of a unit of foreign exchange which makes domestic goods cheaper for the foreigners. Devaluation is done by a government order when a country has adopted a fixed exchange rate system. Care should be taken that devaluation should not cause rise in internal price level.

vi. **Depreciation**
   Like devaluation, depreciation leads to fall in external purchasing power of home currency. Depreciation occurs in a free market system wherein demand for foreign exchange far exceeds the supply of foreign exchange in foreign exchange market of a country (Mind, devaluation is done in fixed exchange rate system).

Out of above measures, Make in India is also a measure viewed by our present PM Modi. It is seen as a dream. What does this dream "make in India" is a new push on manufacturing by the new Indian Prime Minister, Narendra Modi. It is a sales pitch the Prime Minister is making on 25 key industries to attract foreign businesses into India. It is partly a conference and partly a portal that will list the things Indian government will help foreign investors.

Make in India (Political program): How does "Make in India" affect the Indian Economy? China & India over time:

In 1985, India & China were both equally bad in manufacturing.

By 2008, China has grown insanely high to be a world leader in manufacturing. India grew too too at look at the change in scales but nothing closer to China.

In just 20 years, China has caused all that change. If China can make all that change in the previous 20 years, why can’t India too in the next 20?

It is possible. If we can put all our weight in manufacturing. But India is facing problems to achieve Make in India due to weak IPR Policy.

National IPR Policy

Creativity and Innovation are the forces which drive growth, development and progress in the knowledge economy.

India’s range of intellectual creations is as diverse as its people, from patents to plant varieties, trademarks to traditional knowledge, copyright to designs and geographical indications. It has robust intellectual property (IP) laws and a strong IP jurisprudence. The legal framework does reflect the underlying policy orientation and national priorities, which have evolved over time, taking into account development needs and international commitments. An all-encompassing IP Policy will promote a
holistic and conducive ecosystem to catalyse the full potential of intellectual property for India’s economic growth and sociocultural development. Such a policy will nurture the IP culture and address all facets of the IP system including legal, administrative and enforcement infrastructure, human resources, institutional support system and international dimensions. The policy will guide and enable all creators and inventors to realise their potential for generating, protecting and utilising IP which would contribute to wealth creation, employment opportunities and business development.

The idea of being a creator and innovator must capture the imagination of our people to maximise the generation of all genres of IP rights. The policy intends to harness the full benefits of creation and innovation in the larger interest of society and citizens. It shall weave in the strengths of the Government, research and development organisations, educational institutions, corporate entities including MSMEs and other stakeholders in the creation of an innovation-conducive environment. Government shall take a pro-active role in leveraging the strengths of the IPR regime for effective development and transfer of technology, promoting creative industries, stimulating the small innovations, empowering communities in securing benefits from their knowledge base including traditional knowledge, encouraging institutions which focus on IPRs like plant breeding and farming, and protecting our biodiversity from inequitable bio-prospecting.

India is a party to a number of international treaties and conventions including the TRIPS Agreement. India is fully conscious of its international obligations and has always abided by them. At the same time, it has protected the national interest and balanced the rights of IP owners with their obligations to society. In future negotiations in international forums and with other countries, India shall continue to give precedence to its national development priorities whilst adhering to its international commitments and avoiding TRIPS plus provisions. The policy space and flexibilities available under the international instruments will continue to be used judiciously to keep IP laws updated. India will strengthen its negotiating profile and engage constructively and proactively in international negotiations with a view to evolving fair and balanced consensus based solutions.

The policy intends to reinforce the strengths of our substantive laws with equally strong administrative and procedural mechanisms and improved judicial infrastructure. Piracy and counterfeiting discourage creativity and innovation apart from having a deleterious effect on the economy and consumers, and the same shall be sternly dealt with. The policy will aim to foster predictability, clarity and transparency in the entire IP regime in order to provide a secure and stable climate for stimulating inventions and creations, and augmenting research, trade, technology transfer and investment.

The National IPR Policy envisages IP as an integral part of India’s overall development policy. It will integrate and create synergies with IP related aspects of various sector specific policies. It will provide a roadmap for holistic, effective and balanced development of the IP system in India.

An Overview of the IP System in India

India has made definite strides in the protection, administration, management and enforcement of IP. The growth of the IP system has acquired a palpable vibrancy during the last two decades.

The statutes governing different kinds of IP in India are Trade Marks Act, 1999; Patents Act, 1970 (as amended in 2005); Copyright Act, 1957 (as amended in 2012); Designs Act, 2000; Geographical Indications of Goods Registration and Protection Act, 1999; Protection of Plant Varieties and Farmers’ Rights Act, 2001; Semiconductor Integrated Circuits Layout-Design Act, 2000 and Biological Diversity Act, 2002.

The nodal department for trademarks, patents, designs and geographical indications is the DIPP which functions under the Ministry of Commerce and Industry; copyright is administered by the Ministry of Human Resource Development; semiconductor integrated circuits layout-designs by Department of Information Technology; plant varieties and farmers’ rights by the Ministry of Agriculture; and biodiversity by the Ministry of Environment and Forests.

India’s statutory framework is robust, effective and balanced. It is in consonance with national development priorities while being in conformity with international treaties, conventions and agreements to which India is a party. India’s laws are notable for their far-sightedness and have also anticipated international developments.

IP offices have been modernised and there is a perceptible change for the better. The accession to the Madrid Protocol in 2013 is a step towards global alignment for proprietors of marks. The Indian IPO has become an International Search Authority and an International Preliminary Examination Authority under the PCT. This should lead to a further increase in IP filings. The increase in manpower for the IP offices has already been sanctioned and so backlogs should reduce considerably over the next 2-3 years. The strengthening and modernisation of IP offices is a continuous process to which the Government is committed.

Indian laws provide for both civil and criminal remedies for IP enforcement. The Government has taken effective steps at all levels to enforce IP rights. The legal, administrative and enforcement machinery has been strengthened. The customs and police enforcement machinery has been streamlined and the measures for curbing piracy and counterfeiting related activities have become progressively more effective.

The IP regime in India has adequate safeguards in the form of judicial review and appellate provisions. The Indian judiciary is a strong and independent pillar of the government and has made immense contribution in enforcing IP rights. Judgments of Indian courts relating to IP disputes have clearly expressed the intent and purpose of our laws.

India has a very large copyright-based creative industry. The Copyright Act is comprehensive and with the recent amendments, the rights of creators have been strengthened. India was the first country to ratify the Marrakesh Treaty 2013 for Access to copyright works for visually impaired persons. Enforcement in copyright has been significant and will be further reinforced. Judgments of Indian courts have
adequately balanced the rights of copyright owners with the rights of public. Moral rights are fully recognised. The challenge in the future is the enforcement of copyright in digital platforms for which the statute has adequate provisions. Indian copyright owners are also victims of copyright violations and piracy. India will continue to engage with the international community in efforts to protect copyright owners in general and Indian copyright owners in particular.

India is one of the few countries that recognised concepts like well-known marks, protection for colour combinations and shapes in its trademark jurisprudence even before statutory enactment. One of the positive features of trademark protection in India is that trademarks are being registered and enforced by small and big entrepreneurs alike.

India has adopted a balanced approach towards patent law. It is committed to protect innovation while promoting the larger goal of welfare of its citizens. Courts and tribunals have upheld key provisions of India’s patent law by their authoritative pronouncements. The system of pre-grant and post-grant oppositions introduced in 2005 ensures that only deserving patents are granted. Many of the procedural issues that arose from these amendments have been resolved. It is expected that there would be a steady evolution of patent jurisprudence in India. Patent filings too have gone up by 10.56% from 2008-2009 to 2013-2014. Over 75% of patent filings are by foreign entities and so there is a need for concerted action to be taken to increase filings by Indians.

Industrial designs law was amended in the year 2000. Courts have recognised passing off rights and copyright in designs. Overall, the law of industrial designs and enforcement thereof has been quite positive. At present, approximately 8000 applications are filed annually. This is much below India’s potential and there is a scope for considerable improvement. Concerted steps shall be taken particularly to increase sensitisation to this law especially in the MSMEs and the informal sector.

Geographical indications have seen a recent spurt in filings and over 200 registrations have been granted. The Government is committed to ensure greater and effective protection of GIs nationally and internationally. The creation of the Traditional Knowledge Digital Library (TKDL) has been a major achievement for India which has a vast pool of traditional knowledge. India has been able to thwart attempts to misappropriate its traditional knowledge. The next challenge is to use India’s strength in traditional knowledge for its effective promotion, development and utilisation.

The Protection of Plant Varieties and Farmers’ Rights Act, 2001, is a sui-generis legislation in India providing protection for plant varieties as well as rights of farmers. The trends in registration under this Act are very encouraging. Since 2007, over 8000 applications have been filed for plant varieties. Benefit sharing and commercialisation are two areas which need attention.

The first registration under the Semiconductor Integrated Circuits Layout-Design Act, 2000 was granted in October 2014. It is expected that the industry will make increased use of this right to protect integrated circuit layout designs.

The present status of IP systems in India is quite positive. IP consciousness is on the increase amongst the creators and innovators leading to the development of a strong IP culture. India shall continue to strike the right balance between protection of innovation and the larger goal of betterment of society.

The National IPR Policy has been formulated with the following Vision, Mission and Objectives. Each objective has been elaborated with a set of strategies or measures which are proposed to be taken for the achievement of that objective.

**Vision**
An India where Intellectual Property led growth in creativity and innovation is encouraged for the benefit of all; an India where intellectual property rights promote advancement in science and technology, arts and culture, traditional knowledge and biodiversity resources; an India where knowledge is the main driver of development, and knowledge owned is transformed into knowledge shared.

**Mission**
Establish a dynamic, vibrant and balanced intellectual property system in India to
- Foster innovation and creativity in a knowledge economy.
- Accelerate economic growth, employment and entrepreneurship.
- Enhance sociocultural development.
- Protect public health, food security and environment, among other areas of socioeconomic importance.

**India: First Draft of India’s National IPR Policy**

Encouraging Indigenous Innovation Faced with the constant scrutiny of its Patent laws, Indian Government decided that it was time to move beyond the rhetoric surrounding the patentability thresholds for pharmaceutical innovations and have a comprehensive IP Policy in consonance with India’s national priorities and development needs. Accordingly, an IPR think tank under the leadership of erstwhile IPAB Chairman, Justice Prabha Sridevan was constituted with the mandate of drafting National Intellectual Property Rights Policy. Interestingly, the constitution of the think tank coincided with the formation of joint Indo-US Working Group on IPR and was mostly seen as the by-product of the US pressure. Also, the surreptitious manner in which the members of the think tank were chosen, with almost no information in the public domain regarding the basis of selection, did not go down too well with the stakeholders. While the criticism and concerns poured in, the six member think tank submitted the first draft of National IPR Policy in December last year and invited comments and suggestions from the stakeholders.

**Policy Formulations in the First Draft**

Commencing with the motto of Creative India; Innovative India, the draft policy’s introduction effectively articulates the important thrusts of India’s IP policy and stresses emphatically that India shall continue to give precedence to its national development priorities while adhering to its international commitments and will keep avoiding TRIPS plus provisions signalling quite clearly that think tank has steered...
clear of any foreign pressure while drafting the policy. Focusing on the utilitarian dimension of IP, the draft envisions an India where knowledge owned is transformed into knowledge shared and innovation is encouraged for the benefit of all and proclaims to establish a dynamic, vibrant and balanced intellectual property system in India. In pursuance of this, the draft identifies seven core objectives that the policy framework needs to achieve and lists down measures essential to actualise them. In its concluding sections, the 30 page draft recognises the need to implement the legal provisions pertaining to IP harmoniously so as to avoid conflict, overlap or inconsistencies in their administration. To this end, the draft policy calls for establishment of a high level body in the Government to coordinate, guide and oversee implementation and future development of IP in India and to bring cohesion among various ministries.

**Key Themes in the Policy**

While the think-tank has identified seven primary objectives for Indian IPR policy ranging from augmentation of IP awareness, creation, administration, commercialisation, enforcement to fine-tuning of legislative framework and strengthening of human resources, institutions and capacities for skill building in IP, one of the underlying themes that seasons each of these objectives is the emphasis on India’s special strengths in IP and the measures that need to be undertaken to bolster IPs where India has future potential. Thus, the policy recommends recognition to petty patents or utility models as a form of IP and enactment of a new law on utility models so as to facilitate protection of small inventions. The measure will facilitate protection of "makeshift inventions" popularly known as "Jugaad" in India. In the same vein, the policy proposes creation of a sui-generis system for protection of traditional knowledge to promote further research in products and services based on traditional research. To encourage Indians to register innovations, the policy supports "patent fee waiver" and "statutory incentives" from "creation to commercialisation" of an invention, in particular, for MSMEs, individual inventors and innovators and also calls for an IP audit or a baseline survey to identify sectors that need assistance. The policy also recognises the practice of many research institutions, of registering patents only as a R & D formality, who never venture to commercialise or market the innovation and calls for Government support to commercialisation by forging linkages between IP creators and investors, designing suitable strategies for IP valuation, promoting going to market activities and facilitating patent pooling and cross licensing to create IP based goods and services. For sustained institutional support, the Policy also recommends creation of IP Facilitation centres, establishment of IP Promotion and Development Units (IPPDU) in various regions supervised by an IP Promotion and Development Council (IPPDC) which would act as the nodal agency for IP promotion, creation and commercialisation. While the policy suggests numerous novel mechanisms for spreading IP awareness and facilitating collaboration between different categories of stakeholders, it also takes stock of the current regulatory and administrative IP regime and acknowledges that laws need revisiting to keep up with digital progress, socio-economic needs of India and international commitments and acknowledges that there is a need to update and improve existing laws and to streamline IP related rules, procedures, practices and guidelines as also the need to sensitise and acquaint IP officers at all levels with the rationale behind IP laws, international obligations and linkages between different IP laws. To this end, it mandates more autonomy for intellectual property offices, adoption of standardised procedures for examination of IP applications, coordination between different IP offices and identification of important areas of study and research for future policy development such as IP interface with competition law and policy, protection of undisclosed information not extending to data exclusivity, exhaustion of IP rights, etc. Considering that IP enforcement has always been the weakest link in India’s IP regime with piracy and counterfeiting being its two biggest nemesis, the draft encourages both application of technology based solutions in enforcement of IP rights and Alternate Dispute Mechanisms in arriving at solutions in cases of IP disputes.

At this stage, it may be said that the draft policy has covered in detail about areas of interest for indigenous innovators and if the policy crystallises into practice, it would indeed give a major fillip to innovation in India. The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about specific circumstances.

However, more efforts could be done to do away with the blame of weak enforcement of IP. With the new government now in action and their focus on encouraging R&D and IP Protection - things can begin to look up for India. Notable in this regard are the new draft of National IPR Policy released by IPR think tank as well as the government’s ‘Make in India’ initiative.

The new government is under pressure.

The NDA government approach to the IPR issues has been a subject of intense discussion, especially in the context of repeated attempts by the US Trade Representative (USTR) to put India and some other countries on the mat over the alleged weaknesses in their IPR regime. The Office of the USTR is part of the executive office of the American President and apart from being the chief trade negotiator of the U.S. government has enormous clout over the conduct of trade across the world.

On April 30, the office of the USTR named India and China among 13 countries, which were placed on a priority list, requiring close scrutiny for their alleged IPR weaknesses in diverse areas including pharma, IT and publishing.

The reports called upon these governments to plug what it thinks are the lacunae in their IPR.

The report called upon these governments to plug what it thinks is the lacunae in their IPR regimes so as to align them with global standards. For India the USTR action has been a persistent thorn. As soon as the NDA government took office it had to face a similar report. In fact out of last year inclusion in the priority list, India faced a mid-term.

There has been one saving grace on both occasions: India while being on the priority list was not designated a priority watch country, which might have led to penal action against India. In practical terms that means being able to stand up to influential lobby groups such as seen spectacularly in Pharma. The consolation prize of avoiding punitive action by the developed countries is simply not enough.
CONCLUSION
Draft of a New Policy
India needs to fashion a policy that will be in tune with global standards and at the same time protect special Indian strengths. Prime Minister Narendra Modi has said as much: India should align its IPR laws with global standards. Commerce Minister Nirmala Sitharaman remarked earlier that we need an integrated policy, while nothing significant can be inferred from these statements the government has done well to release a draft IPR policy in the public domain. Taking a balanced approach, it says that existing laws â€” that seek to protect the rights and incentives of innovators on the one hand and public interest on the other â€” would remain. However, it also calls for legislative changes to keep pace with economic and technological developments.

A Challenging Task
It is going to be an extremely challenging task to stick to that position. Special concerns have been the developments in the pharma industry where India is facing maximum pressures from extremely well-funded lobbies set up by big pharma from the U.S. and other developed countries (Although it must be reiterated that pharma is not the only area).

IPR challenges have to be met increasingly through political action and diplomacy. The government needs to strengthen its decision-making process and boost the skills of its negotiators. In this connection, an important initiative of the NDA government has been the setting up of an IPR think tank which among other tasks, will help in the formulation of a National Intellectual Property Rights policy for the first. The draft paper is the first step. The government has called for feedbacks before it finalises a new IPR policy.

The domestic constituency of the NDA government also cannot obviously be ignored. Already there have been rumblings over the composition of the technical committee that will advise the government.

To reiterate, the main challenge is to eradicate even the faintest of suspicions that the government is acting under external pressure. India does not have an IPR policy but it has a strong legal foundation. Important precedents have been set especially in pharma related matters. Besides, there is a well-functioning Patents office with sufficient experience to grant patents and uphold consumer interests. From here, a new, well-balanced policy should not be too difficult. Resisting the big lobbies which have the support of the political establishments of developed countries is an entirely different matter.

REFERENCES