

Emergence of India in WTO: Voice of Developing Nations

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ABSTRACT

India has played a vital and dominant role in the WTO; thus becoming one of the most influential voice representing developing and least-developed countries. The WTO has created a triangle that is batting in India's favour because of its fair, inclusive, and development-oriented multilateral trading system. India reiterates its position that the dispute resolution system completely restored and that all members' countries receive equal treatment as per the rules. India has brought up fairness, the right to pursue national policies and the necessities of developing nations in respect of topics like fisheries subsidies, e-commerce taxes and intellectual property, which are current discussions. Through active negotiation, coalition building and principled advocacy, India has succeeded in becoming the strongest voice for the Global South and has thus been able to push for the transformation of the global trading system into one that is fairer, more development-oriented and more inclusive. India has not only been a strong and clear negotiator in the global trade talks during this period but has also been the voice for justice, development-oriented reforms and the necessary power for change in the emerging economies.

Keywords: WTO, Reforms, Trade Policy, Global, Liberalization, Transparency, Agreements.

INTRODUCTION

The World Trade Organisation (WTO) is the successor of GATT and came into existence on January 1, 1995 with the objective to enforce an open, equitable, non-discriminatory and rule based multilateral trading system. The primary purpose of WTO is to decrease market distortion in international trade. This was to be achieved by slowly reducing the level of tariff and non-tariff barriers. They imply the principles of liberalization and exceptions. They involve different sectors to convert the trade rules and regulations policies adopted by presenting the WTO in strength and methods adopted and also by normal reports through the secretariat of different nations trade regulations. The eighth round of negotiation the Uruguay (began in 1986), it involved the main growth of the negotiating permission of the GATT. The Uruguay round negotiations ended in 1994 with sixteen multilateral agreements, besides an umbrella agreement that recognized the successor organization to the GATT. The WTO represents the most influential of the multilateral institutions that are accountable for global economic management. The World Trade Organization is considered as a global international organization concerning with the mechanism of foreign trade among countries. The various governments of other countries solve and settle the trade disputes with each other in the WTO domain.

More than 2/3rd of the WTO members are the developing countries. These countries consider trade as an important factor in their economic development and so have started playing active role in the WTO. The creation of WTO aimed at promotion of the world trade and to achieve it, one of the objectives was to have greater integration of developing countries into global trading system. These developing countries face various domestic structural constraints like poor infrastructure, low-level industrialization, limited access to advanced technology and low capital etc. This led to the incorporation of special and differential provisions for developing countries in almost all the WTO agreements. These provisions require developed countries to treat developing countries more favourably and adhere to the concept of non-reciprocity in trade negotiations between developed and developing countries i.e. when developed countries grant trade concessions to developing countries they should not expect the same or other return from them. This stipulation in the WTO agreements would provide to developing countries extra time to fulfill their commitments and greater opportunity in market access.

The WTO agreement covers various trade issues that have tended to create a conducive trade environment for developing countries like India. The Uruguay Round of trade negotiations, provided numerous opportunities for developing countries to gain in trade. These negotiations included: fundamental reforms in agricultural trade, phasing out of quotas on developing countries' exports of textiles and clothing, reduction in customs duties on industrial products, expanding the number of products whose customs duty rates are bound under the WTO, making the rates difficult to raise etc.

In 1991, India adopted economic reforms, which aimed at greater market orientation and greater liberalisation of the country's economy through deregulation of government controls. With this objective, India's external sector has

undergone significant changes and since 1991 India's foreign trade policy has focussed more on export expansion. Prior to the reforms, India's trade policy was very complex and adopted import substitution policies and imposed quantitative restrictions on imports and exports of commodities but as it was realised that exports were vital for the country's growth, initiatives were undertaken to promote and enhance exports. Since then several provisions have been made in India's foreign trade policies to promote exports such as the removal of quantitative restrictions on exports, establishment of SEZs, EXIM banks, ECGC, STC, IIFT etc. and the introduction of incentive schemes like DEPB, advance licensing of EPCG etc. Apart from the above measures, India has entered into various regional, bilateral and multilateral trade agreements with other countries. India, a founder member of the WTO, underwent various trade negotiations with other member countries of the WTO conducive to its export growth. The WTO has provided an export friendly environment to all its members and has simplified procedures for trade facilitation.

India and WTO

The birth of the WTO on the first day of the year 1995 was certainly a new beginning for the world in terms of trade, tariffs and territorial expansion of commerce. India's joining the WTO family was also motivated by its desire to strengthen trade through a strengthened multilateral trading system. The country initiated an economic reform programme in July 1991. Liberalisation of foreign trade was an important aspect of this programme. Measures were taken to create an environment for rapid increases in exports, raise the country's share in world exports and make exports an engine for achieving faster economic growth. India's membership of the WTO was expected to accelerate this drive for expansion of exports and bring higher growth leading to better earnings and living standards for the 'average citizen of India'.

WTO is accounted for more than 90% of World Trade. India along with 75 other countries has the honour of being the first ever founder member. India's trade links with all regions of the world have improved over the years. In view of the current wave of worldwide globalisation, India has taken major initiatives to diversify its export base and its destinations. Exports cover over 7500 commodities from about 190 countries while imports from 140 countries account for over 6000 commodities.

India being a developing country and one of the active members of the WTO is expected to gain a lot through its membership in international trade. The WTO directs its activities towards liberalisation of trade through the reduction and removal of tariff and non-tariff barriers among member countries. This will help India in expanding its share in international trade and will help in accessing the markets of most of the WTO member countries. Accelerated export growth results in more production, employment and income, which will lead to faster economic growth in the country. WTO follows the principle of non-discrimination i.e. not to discriminate between trading partners and has adopted a Most Favoured National (MFN) treatment. India will benefit from WTO membership, as it will automatically avail of the MFN and National Treatise for trade with other countries. Various WTO agreements on sectors like: agriculture, textiles, services, etc. opens greater trade opportunities for India by making its products more competitive in the world market and by providing better market accessibility. Liberalised trade in services is an integral part of WTO agreements, which assist member countries in expanding their trade in services. This is definite evidence that India will capture the largest share of developed countries in this area. India enjoys comparative advantage in many services so this factor along with the lowering of tariffs will make it harder for many developed countries to do business with India. Being a member of the WTO, India is protected by its multilateral dispute settlement system. Despite the above benefits, many more advantages are expected to bestow upon India as a result of WTO membership, thereby making it more prosperous.

Some studies have shown India has benefited from the new trade regime under the WTO, especially in absolute terms: while others exhibit there has been little benefit to India. The creation of WTO had a significant impact on India's foreign trade policy and apart from a reduction in tariff barriers, all quantitative restrictions imposed by India on its imports and exports have been removed. The high export growth and improved share of India in world merchandise and service exports was made possible due to a greater orientation in international markets brought about by the WTO and of course due to the export promotion measures adopted by the Government of India.

In the post-WTO period there have been substantial structural changes in India's exports with a steep fall in the share of primary exports and a relative increase in the importation of manufactured products with a considerable improvement in the share of the exports of engineering goods, gems and jewellery, readymade garments and chemical products. India's exports have shown a steady trend towards higher technology content. India's specialization in exports lies in manufacturing based on labour and natural resources primarily involving raw materials. Given the export structure of India, the potential for further growth of manufactured goods, especially those in developed markets, remains high. Apart from manufactured goods, petroleum products exports have shown a drastic rise in the past decade. The share of traditional agricultural items like tea, coffee, cotton etc. in total exports have declined whereas as rice, spices, sugarcane, vegetables and fruits and marine products are the key production items for India with a significant share in India's total agricultural exports.

India's Stance at the WTO

India, unlike many other developing countries, adopted an inward-looking development strategy during the sixties and seventies and hence adopted a restrictive import policy, both to protect its notions of self-reliance and to protect the interests of domestic industry. On the export front, no special measure was directed by the government to promote it, as the Soviet bloc countries were the major export market, which weakened the incentive to search for new markets. It was only in the late 1980s that policy makers realised the growing significance of liberalised trade in global growth and development. Initially the government adopted various restrictive measures to control imports but as we all know that none of the countries in the world is fully content with all the resources and so can't be the producers of all the goods and for developing countries like India the advancement of technology along with capital is imperative in the growth process. This realisation ultimately led the country to depart from its protectionist policy regime and move on the path of liberalisation. In 1991, India adopted a massive economic reforms package that included a complete shift in policy making that emphasised the liberalisation of government controls, freer operation of markets and competitive forces, in order to boost efficiency and greater integration of the world economy through free and unrestricted trade flows.

Initially, India represented only its mere presence in the negotiation rounds but the outcome of the dispute settlement cases involving her led to her playing an active role in the WTO negotiations. During the period between the First and the Second Ministerial Conference, there was an increase in the number of cases against her in the WTO's dispute settlement mechanism. Many of the developed countries were among those who went to the dispute settlement bodies complaining about the WTO compatibility of India's policies, which ultimately made India vocal during the WTO negotiations.

India, as a developing country and a major global economy, plays a highly active and often assertive role in the World Trade Organization (WTO). Its stance is largely guided by the principle of safeguarding its domestic interests--particularly food security and farmers' livelihoods--while advocating for a fairer, development-oriented global trading system for all developing nations.

Key Pillars of India's Position on Major WTO Issues

Here are the key pillars of India's position on major WTO issues

1. Agriculture and Food Security (The "Permanent Solution")

➤ Public Stockholding for Food Security

This is India's most critical demand. It gets a "permanent solution" to allow developing nations to procure, stockpile and distribute food crops (like rice and wheat for its Minimum Support Price (MSP) schemes) for food security without being challenged under WTO rules that cap domestic agricultural subsidies.

The current arrangement is a "Peace Clause" that offers a temporary reprieve but is not a permanent solution.

➤ Subsidies for Developed Nations

India constantly advocates for developed nations to cut their farm subsidies to a large extent, claiming this would make the global trade fairer and not harm farmers in the developing countries.

2. Special and Differential Treatment (SDT)

➤ Policy Space for Development

India strongly supports for meaningful and specific development of Differential Treatment (SDT) for emerging countries.

➤ Need for Flexibility

This entails providing developing countries with longer transition periods to implement WTO agreements, offering flexibility in commitments and confirming suitable technical and capacity-building assistance to back their development objectives.

3. WTO Reforms and Functioning

➤ Rebuilding of the Dispute Settlement Mechanism

India decisively supports the early re-establishment of a functioning operative system for dispute settlement, especially the Appellate Body that is currently inactive.

➤ Against Non-Trade Issues

Usually India has gone beside the idea of integrating non-trade issues (like labor standards, environmental regulations, or social clauses) into the primary WTO negotiation agenda, being afraid that such issues might be used as a form of hidden protectionism by the developing countries.

➤ **Preserving Multilateralism**

It strongly holds that the WTO has to be a multilateral institution that relies on consensus and turns down suggestions for plurilateral agreements which would split the trading system.

4. Other Key Issues

➤ **Fisheries Subsidies**

India positions itself in a way that brings together developed countries alongside major distant-water fishing nations in taking substantial cuts in subsidies as a means of not only eliminating but also protecting the fishing rights of the country's artisanal and small-scale fishermen within its Exclusive Economic Zone (EEZ).

➤ **E-commerce/Electronic Transmissions**

India has opposed the current suspension of Customs duties on electronic transmissions (e-commerce) which, according to them, causes a significant loss of revenue, especially for the developing countries.

➤ **Intellectual Property Rights (IPR)**

India promotes the utilization of IPR flexibility (such as compulsory licensing) as a means to secure access to affordable medicines and has consistently been a vigorous protector of traditional knowledge, besides advocating for the reinforcement of Geographical Indications (GIs) protection.

India's Roles and Contributions in WTO

India is a significant player in the WTO by being a foremost proponent for underdeveloped countries and fighting for their needs on such matters as agriculture, public stockholding and innovation rights. Also, as a major trading nation, India takes part in talks aimed at bettering market access, fostering fair trade, and making its economy part of the global supply chains.

Following are some Key roles and contributions of India's in WTO

➤ **Advocate for Developing Countries**

In the WTO, India has been a very vocal advocate of the interests of developing countries, more so during the era of Doha Development Agenda.

➤ **Pushing for Agricultural Reform**

India advocates for reforms to subsidy rules to allow for public food stockholding to ensure food security for its large population.

➤ **Championing Food Security**

India consistently prioritizes food and livelihood security as critical for developing economies in its negotiations.

➤ **Negotiating Special and Differential Treatment**

India escorted the negotiation for safeguarding distinct and differential treatment provisions for developing nations to help them fulfil with the trade regulations.

➤ **Promoting Trade Facilitation**

India supported the Trade Facilitation Agreement to streamline and modernize customs procedures.

➤ **Opposing Unfair Trade Practices**

India is opposing such measures as environmental standards, which according to the country, are protective and have adverse effects on the agriculture and industries of India.

➤ **Leveraging the TRIPS Agreement**

India has made use of its privilege as per the Trade-Related Aspects of Intellectual Property Rights (TRIPS) treaties and has advocated for more efficient protection for its geographical indications.

➤ **Promoting a Fair and Inclusive System**

India seeks a linear and efficient multilateral trading system that caters to the needs of all the members at the same time.

India's Commitment to WTO

In 1995, the General Agreement on Tariffs and Trade (GATT) was replaced by the World Trade Organization (WTO). It is generally through the institutional framework that the WTO has surpassed GATT in power and also through its dispute resolution system. Those nations that do not follow its trade regulations are put to court and can even end up suffering the consequences.

The GATT preamble (1947) states that 'trade and economic endeavors should be conducted with a view to raising standards of living,' ensuring full employment and a large and steadily growing volume of real income. The primary aims were furthered from the GATT 1947 to the WTO itself through the Marrakesh Agreement. Historically, GATT has been enforced and phased in through tariff reductions world-wide. Until the Uruguay Round, which ended in 1994, trade negotiations focused mostly on non-agricultural goods, mainly because the U.S. wanted to protect its farm sector. Over the years, as the corporate interests of developing countries have expanded, these countries have also lobbied for more issues to be incorporated into the GATT / WTO. Its agenda now includes agriculture, services, intellectual property rights, electronic commerce and possibly a new round of investment, government procurement and competition policy.

Changes in rules come about mainly through multilateral negotiations called rounds. Each round offers a packaged approach to trade negotiations in which many issues are negotiated together and trade-offs between different issues are made. Between these rounds, negotiations on individual issues take place.

The basic principle underlying the agreements at the WTO is to have an open trading system based on multi-laterally agreed rules. The WTO Agreement incorporates some 29 individual texts covering subjects ranging from agriculture to textiles and clothing; services, rules of origin and intellectual property rights. There are more than 25 ministerial declarations, decisions and understandings which spell out various obligations and commitments. WTO - related issues of current importance for India relate mainly to the rights and obligations emanating from these Agreements.

The Government of India has made a number of commitments to the WTO. The main commitments are in the following fields:

1. India's Commitment to WTO under Tariff Restrictions

India's participation in the World Trade Organization (WTO) under the agreement of ratification, implies that she would have to impose a certain percentage (binding) tariff on specific commodities, keep the applied tariffs basically below the level of maximum(ceiling) and also follow the WTO's fixed schedule of replacing non-tariff barriers with tariffs and lowering the tariff rates. India at first had the problem of the zero tariff ceiling on the agricultural commodities like rice, coarse grains, and dairies; afterwards it went to the WTO and got the bindings revised + introduced a system of tariff rate quota for these products. Indian tariffs within the WTO framework serve the purposes of trade regulation, domestic industry protection, revenue generation, and the like, at the same time being in compliance with the WTO's maximum tariff limits.

India has been adhering to its commitment not to cross the maximum ceiling rates set by the WTO as the country's applied tariffs are generally below the latter. One significant aspect of the recent tariff reforms in India has been the reduction of the tariffs and making the trade process easier, coupled with the signing of Preferential and Free Trade Agreements (PTAs/FTAs) which aim at lowering or removing customs tariffs and non-tariff barriers among the trade partners.

According to provisions of the WTO, India has the right to apply retaliatory tariff adjustments, for example, in the recent case of India's suggestion to raise the retaliatory tariffs on U.S. goods as a reaction to the U.S. tariffs on Indian exports. India is also subject to WTO decisions, like in the case of export subsidies, which determine the extent to which it can align its tariff and subsidy policies with the WTO standards.

Over all, India undertakes a dual strategy; that is, on one hand, it meets the commitments of the WTO in the tariff area, and on the other hand, it purveys the needs of domestic trade protection and growth while gradually adapting to the global trade liberalization through the WTO rules.

2. India's Commitment to WTO under Quantitative Restrictions (QRs)

India had prior commitment to the WTO to incrementally do away with the quantitative restrictions (QRs) by April 2001. Initially, India subjected QRs on the importation of agricultural products, textiles, and industrial goods, citing WTO rules as a BOP measure. After the U.S. instigated a dispute and held consultations, India consented to the gradual removal of these restrictions along with a timetable in 1997, initially suggesting a divide of nine years' phase-out into three equal phases from April 1997 to March 2006. The U.S. and the European Community, among other WTO members, however, were not satisfied with the proposed timing and encouraged India to speed up the process.

Afterward, India changed its method, and by the early 2000s, there was a realize of major improvements, one of which was the removal of quantitative restrictions on thousands of tariff lines by 1998. The gradual elimination is meant to replace QRs with tariffs and other trade facilitation measures in accordance with WTO commitments, thereby facilitating India's gradual integration into the global trading system. Although there was initially resistance to a shorter phase-out period, India managed to balance the removal of QRs with concerns about economic stability. By April 2001, the majority of QRs had been eliminated, which was a decisive moment in India's trade liberalization and WTO compliance.

3. India's Commitment to WTO under Trade Related Intellectual Property Rights (TRIPS)

The most notable change was India agreeing to the Trade Related Intellectual Property Rights (TRIPS) agreement with the World Trade Organization (WTO). It succeeded in harmonizing its laws with the TRIPS agreement. India became a member of the WTO on January 1, 1995, and therefore TRIPS provisions apply while entering that agreement. Originally, developing countries such as India were given until 2000 to straighten out their affairs. Yet they received an additional five years (to 2005) just for the section on pharmaceutical patents.

These revisions to India's Patents Act were one of the most significant steps it took to be in compliance with this treaty. As part of the TRIPS requirements, under Patents (Amendment) Act 1999 a "mailbox" system was introduced

to obtain drug and agrochemical patent applications. The 2002 amendment also extended the term of patent protection to 20 years from the filing date.

India initially faced a WTO dispute about its failure to provide certain patent protections, but subsequently aligned its laws to meet TRIPS standards. India's reforms included improving patent application processing times and modernizing enforcement mechanisms. India has also engaged in technical cooperation with developed countries to support implementation of TRIPS obligations.

4. India's Commitment to WTO under Trade Related Investment Measures (TRIMS)

As per TRIMS obligations, India shall remove those investment measures which are inconsistent with WTO rules, especially those inconsistent with Articles III (National Treatment) and XI (Quantitative Restrictions) of GATT 1994. Being a developing country, India was allowed a transition period for the elimination or modification of TRIMs which were not in line with the WTO agreement with the main focus being on the gradual elimination of local content requirements, trade balancing obligations and export restrictions which impinged on foreign investors.

India notified its TRIMs to the WTO and has worked on eliminating them progressively within the agreed timeframe. However, India requested and obtained some extended transition flexibilities to manage its balance of payments (BOP) and economic development concerns. Exceptions have been allowed for BOP reasons but India's use of TRIMs has been scrutinized and challenged under the WTO dispute settlement system including over automotive sector policies.

India's pledge comprises various steps such as matching the treatment of foreign investors with that of domestic ones, eliminating some performance requirements, and guaranteeing the free import of raw materials, parts, and intermediates. Furthermore, India endeavoured to harmonize its developmental objectives with the requirements of the WTO, looking for implementation flexibility in TRIMs and being active in the WTO committees that oversee these commitments.

5. India's Commitment to WTO under General Agreement on Trade in Services (GATS)

India's engagement with the WTO under the GATS agreement indicates a well-thought-out strategy for opening up the trade in services, yet maintaining the freedom of regulation and the developmental aspects. India has committed itself in various sectors like financial services, telecommunications, professional and transport services, concentrating on market access and national treatment since it became a member of the WTO in 1995.

India has been very vocal in multilateral talks and negotiations to make sure that implementation of domestic regulations in services trade does not impede the service regulations of developing countries.

India also stresses the significance of development-oriented WTO agendas, such as provision of special and differential treatment to developing countries, public stockholding for food security and bringing back the efficient WTO dispute settlement. India advocates the use of trade in services among which are the mobility of skilled professionals and services related to the digital economy, to be a source of inclusive economic growth.

Thus, India's GATS commitments demonstrate a strategic engagement with the WTO aimed at progressively opening its services markets, strengthening multilateral disciplines on domestic regulations and protecting its developmental interests in a fair and transparent international trade system.

6. India's commitment to WTO under Customs Valuation

India is part of the WTO's Customs Valuation system because it agreed to the WTO Agreement on Customs Valuation (ACV). India said yes to this back in July 1980 and started using it in August 1988. The agreement is all about having one clear and fair way to figure out the value of things brought into the country. It mainly looks at the price that was actually paid for goods. This makes sure the customs value lines up with what things really cost and gets rid of any made-up values.

India's put the ACV rules into its Customs Valuation rules for imported stuff, tweaking them over time to fix problems and get closer to WTO standards. For example, Indian Customs officers can now trash declared values if they think someone's undervaluing goods but there's a process to follow. India's also been working to ditch older ways of valuing things like the 'deemed value' idea and get better at using the ACV's transaction-value approach. They're also improving their admin stuff and infrastructure to make sure everything works well with the agreement.

The plan includes updates like easier processes, computer systems, risk management, audits after things clear customs and more openness. This fits with the WTO's trade agreement. India lets the WTO Customs Valuation Committee about its customs rules, which it has to do. This helps the committee keep an eye on things regularly, so everyone knows what to expect when it comes to how stuff is valued.

India is committed to the transparent and equitable valuation of imports under WTO rules despite challenges that developing countries often face, which include high administrative costs and the need for capacity building. This practice helps in the facilitation of trade and reduction of clearance delays.

CONCLUSION

India's relationship with the World Trade Organization (WTO) has evolved from a cautious, inward-looking stance to that of a dominant and assertive leader representing the emerging and least-emerging members' countries. Since joining the WTO, India has strategically used its WTO membership to integrate into the global economy, advocating for a multilateral trading system that is fair, inclusive and development-oriented.

India's commitment to WTO agreements—including those related to tariffs, quantitative restrictions, TRIPS, TRIMS, GATS and customs values—demonstrates its willingness to integrate with the global trading system while safeguarding domestic economic and social objectives. Simultaneously, India has consistently advocated reforms in key areas such as agricultural subsidies, public stockholding for food security and the restoration of an effective dispute settlement mechanism to ensure fairness and transparency in global trade governance. Furthermore, India has emerged as a strong and credible voice for developing and least-developed countries within the WTO framework. Its firm stance on special and differential treatment, food security, intellectual property rights, fisheries subsidies and e-commerce reflects its commitment to protecting the interests of vulnerable economies in a global marketplace. Through coalition building and principled negotiations, India has played a leading role in defending the concerns of small farmers, workers and emerging economies around the world.

Overall, India's experience with the WTO demonstrates a dual strategy: fulfilling international commitments while pursuing national development goals. As global trade faces new challenges, India's continued constructive and principled engagement with the WTO will remain crucial in shaping a more equitable global trading order that addresses the concerns of developing and emerging economies.

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