

ROLE OF WTO PROTECTING AGRICULTURE IN INDIA

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ABSTRACT:-

Understandings change exchange offs that effect intensity With vividly costumed dissenters taking media features at the last World Trade Organization talks in Seattle, the horticultural exchange issues being tended to by administering bodies the world over have tended to become mixed up in the rearrange. Creating nations are dynamic in horticulture arrangements and a few gatherings have put their names to arranging recommendations. When all is said in done, they mirror a differing scope of interests in the verbal confrontation, and the refinements are not generally clear. For instance, the Cairns Group which supports significantly more noteworthy advancement in rural exchange is an organization together that cuts over the created creating nation limits. Fourteen of its 17 individuals are creating nations. Like most WTO individuals, the Cairns Group might likewise want to see creating nations given some sort of "unique and differential" treatment to assess their requirements. A few creating nations have submitted recommendations that would prompt plainly isolate rules for created and creating nations. A few proposition are mutually supported, the one with the most backers originating from the African Group. Three proposition originate from a gathering of 11 or 12 creating nations.

KEY WORDS:-World trade organisation, cairns group, horticulture, rural exchange in organisation, unique and differential

INTRODUCTION:-

Agriculture has traditionally benefited from special arrangements which sheltered it from the full impact of GATT disciplines. Even today, in the WTO agricultural policies are covered by a separate agreement that, to a degree, still shelters it from generally applicable rules. A variety of political, social, economic and cultural arguments are used to justify this special treatment. The main justification is the need to guarantee, over time, stable food supplies in a world of fluctuating harvests and potential famines. The scope of the traditional agricultural "exception" was to some extent limited by the Uruguay Round agreements; WTO Members agreed upon a set of principles and disciplines that were designed to help liberalise international trade in agricultural products. The Agreement on Agriculture is genuinely short, with just 21 Articles and 5 Annexes. The 21 Articles are somewhat shockingly separated into 13 Chapters. This type of the Agreement on Agriculture most likely mirrors the affect ability of the area and the trouble in accomplishing understanding among WTO Members. The particular farming duties made by WTO Members are not found in the Agreement on Agriculture, but rather in Article II "Nation Schedules" of the GATT 1994. Both the Agreement on Agriculture and the Country Schedules must be analysed together to comprehend a WTO Member's responsibilities on horticulture. Numerous trading creating nations, which did not, or were not ready to embrace point by point examinations of the drafts, got themselves looked with restrictively high taxes on the items which they planned to send out. In view of the utilisation of a reference period when the contrast between the world market cost and the residential cost was wide, tariffication, much of the time, brought about high taxes at any rate. Furthermore, some WTO Members set lower levies on crude materials and higher duties on handled horticultural items to ensure household preparing enterprises. These three "reactions" of tariffication are known as "messy tariffication", "duty pinnacles" and "tax heightening". The World Trade Organization came into being in 1995. One of the youngest of the international organizations, the WTO is the successor to the General Agreement on Tariffs and Trade (GATT) established in the wake of the Second World War. So, while the WTO is still young, the multilateral trading system that was originally setup under GATT is well over 50 years old. The past 50 years have seen an exceptional growth in world trade. Merchandise exports grew on average by 6% annually. Total trade in 2000 was 22- times the level of 1950. GATT and the WTO have helped to create a strong and prosperous trading system contributing to unprecedented growth.

OBJECTIVES:-

- To study on WTO in protecting agriculture goods in developing country.
- To analysis the existing law are available for protecting agriculture.

HYPOTHESIS:-

- There is no significant impact of WTO on protecting agriculture in India.
- There is a significant impact of WTO on protecting agriculture in India.

RESEARCH METHODOLOGY:-

The researchers has used a descriptive method to collect data from the respondents. The data given by the respondents were useful to analyse the study. The data was collected from secondary sources. The secondary data was obtained through books, articles.

MINIMUM MARKET ACCESS:-

WTO Members were therefore obliged to ensure that a certain amount of domestic consumption would continue to be supplied by imports. All WTO Members agreed to open up their markets to imports for at least 3 per cent of the domestic consumption in 1995, and for 5 per cent by 2000. The maintenance of existing trade levels was ensured by means of current access quotas. In addition, minimum access commitments were created to allow new import opportunities for products previously covered by a non- tariff barrier. The estimation of a quantity volume, and the in-portion and over-standard levies are characterized in every WTO Member's duty plans. In a given period, a lower in-quantity duty is connected to the main number of units of imports and a higher over-portion levy is connected to all resulting imports.

Tax amounts are not viewed as quantitative confinements on the grounds that, from a certain perspective, they don't restrict import amounts. One may dependably import by paying the over-amount duty. TRQs typically create an "amount lease". Truth be told, the privilege to import inside the standard outcomes in a benefit well beyond the benefit accessible in typical exchange. This "additional" benefit comes about because of the way that the secured showcase cost is generally higher than the world market cost. The need to regulate the TRQs is a result of the way that the request to exchange inside the standard is frequently more noteworthy than the supply. The assignment of the TRQs among supply

nations and the appropriation of licenses to the amount to merchants figure out who gets the advantage of this portion lease or super benefit.

TRQ ADMINISTRATION:-

There are two major sources of rules: the rules governing the administration of import restrictions and the possible country allocation of the TRQ (external administration); and the rules governing the import licensing procedures used to administer the TRQs and to allocate them to traders (internal administration). The first set of rules on the external administration of TRQs are contained in Article XIII of the GATT 1994. The second set of rules on internal administration are dictated by the Agreement on Import Licensing Procedures. The two provisions are described in the relevant parts of this module.

SPECIAL SAFEGUARDS MEASURES:-

Notwithstanding the market get to commitments contained in the Agreement on Agriculture, exceptional defend measures might be presented in regard of those items for which non-levy measures have been changed over into conventional traditions obligations and have been "named" with the image "SSG" in WTO Members' Country Schedules. Other defend measures are accessible under the WTO Agreements, to be specific the arrangements of Article XIX on the "Crisis Action on Imports of Particular Products" of the GATT 1994, and the principles of the Agreement on Safeguards. These instruments are depicted in the pertinent parts of this module.(Mattoo 2015) Regarding exceptional protect measures, the pertinent arrangement is Article 5 of the Agreement on Agriculture. Article 5 permits the burden of an extra traditions obligation, well beyond the bound traditions obligation (or tariffied obligation), when the foreign made item does not achieve a foreordained "trigger" cost, or where the volume of imports passes a "trigger" volume. This implies WTO Members may raise their obligations on farming items notwithstanding when the more stringent necessities of Article XIX and the Agreement on Safeguards are not met. This arrangement is extremely point by point and should be deciphered entirely to guarantee that WTO Members don't manhandle their entitlement to conjure special cases. There are therefore two alternative grounds for invoking the special safeguard provision: surges in the volume of imports and falling import prices. However, not every rise in the volume or every fall in the price of imports entitles countries to resort.

IMPORT PRICE:-

To fulfill the particular conditions, it is important to decide the cost at which the item enters the traditions domain. The content of Article 5.1(b) gives no correct measure of the market section cost. It just gives that it is to be "resolved based on the c.i.f. import cost". Article 5.1(b) characterizes the cost of the item on which value shields are activated as "equivalent to the normal 1986 to 1988 reference cost for the item concerned". The amount of permissible additional duty in price-triggered cases depends on the degree to which the actual import price falls below the trigger price. Article 5.5 provides a formula which enables the importing country to progressively increase its additional duties in proportion to the extent of price decline. In broad terms, the higher the share of imports in domestic production, the lower the trigger level. For example, where the shares of imports is less than 10 per cent of domestic consumption for the three preceding years, the base trigger amount is set at 125 per cent. In contrast, where the shares are greater than 30 per cent, the base trigger level is 105 per cent.

REDUCTION COMMITMENT:-

Household bolster diminishment concerns add up to agribusiness spending and not item by-product decreases. At the end of the day, WTO Members have not embraced to diminish the help conceded to every item or item classification by 20 for each penny. In this way, under the Agreement on Agriculture, (Johnston and Mellor 1961) WTO Members which save money on sponsorships in one rural division can expand household endowments in another area inasmuch as the aggregate appropriation does not surpass the general roof on appropriation to which a WTO Member has submitted itself in the nation plan. The maximum levels of domestic support are bound in the WTO, and 30 WTO Members have made commitments to reduce their trade-distorting domestic supports. On account of WTO Members with no booked lessening duties, the level of local help not secured by some of the exemption classifications must not surpass the predetermined de minimis levels (5 for every penny of the estimation of creation for created nations and 10 for each penny of the estimation of generation for creating nations). Minimum created nations are not required to make any decreases. Part IV of a WTO Member's Schedule of Commitments records its Annual Bound Commitment Levels for every one of the times of the usage time frame (which finished in 2000), and the Final Bound Commitment Level for every ensuing year. The Commitments appear as decreases in the Total Aggregate Measurement of Support (AMS). A

WTO Member is in consistence with its local help lessening responsibilities in any year if its Current Total AMS does not surpass the comparing Commitment Level.

EQUIVALENT MEASUREMENT OF SUPPORT:-

Rules for calculating the “Equivalent Measurement of Support” (EMS) are set out in Annex 4 of the Agreement on Agriculture. For example, this can be the case for market price support measures which cannot be calculated by applying the AMS method, because no external reference price can be determined. In that case, an equivalent measurement of support will be calculated.

EXEMPTED MEASURES:-

Domestic support measures which are exempted from reduction commitments are defined in Article 6 and in Annex 2 of the Agreement on Agriculture. Exempted measures are excluded from the AMS calculation. WTO Members must claim and legitimize the advantage of the exception. Without such a claim, all local help programs are consequently considered as "Golden Box" measures and checked in the figuring of the WTO Member's aggregate AMS. At the end of the day, whatever help isn't particularly barred from lessening duties is attempted to be included. Any measure not appeared to fulfill the conditions for exception under Annex 2 or Article 6 of the Agreement on Agriculture is required to be incorporated into the estimation of the present aggregate AMS for the year being referred to.

EXISTING LAW ARE AVAILABLE FOR PROTECTING AGRICULTURE:-

The most recent national horticultural strategy of India was reported on 28 July 2000, with its center objective being fair comprehensive development and maintainability regarding effective utilization of assets (Mittal 2001). The strategy consolidates logical and mechanical progression in its goals with a specific end goal to contend all around. The strategy energizes the utilization of biotechnology for advancing plants that expend less water, are draft safe, bug safe, containing more sustenance, give higher yields and are naturally sheltered. The arrangement additionally underscores the protection of bioresources through their ex-situ safeguarding in Gene Banks and in-situ conservation in their normal natural surroundings through biodiversity stops et cetera. Biomass, natural and inorganic manures, pesticides and nuisance administration are likewise advanced. The approach stipulates that the utilization of wilderness sciences ought to be empowered, for instance:

Biotechnology.

Remote detecting innovation.

Pre-reap and post-collect innovation.

Vitality sparing innovation.

The arrangement likewise advances innovation for ecological insurance through research embraced by the administration and research that is exclusive in nature.

CROP SEED PRODUCTION:-

Crop seed production remains unregulated provided the seeds are not intended for certification. If the seeds are intended to be certified, the growing and harvesting of the same must be as per the procedure set out by the Seed Certification Agency. without acquiring a permit. Each individual who means to offer or circulate seeds must make an application to the permitting specialist selected under Order 1983. A deal permit won't be issued if:

- The individual's prior permit is under suspension and an application for permit has been made amid the time of suspension.
- The individual's prior permit has been wiped out, and the application for permit is made inside one year of such cancelation.
- The individual has been already sentenced under the Essential Commodities Act 1955, and the application for permit has been made inside three years of such conviction or request.

SUGGESTIONS:-

- India must have more noteworthy cooperation at the arranging table and should have its own unequivocal motivation about duty decreases, showcase get to and significant diminishment of residential and fare endowments by major created nations.
- India should utilize progress periods consulted in WTO to build interests in human capital, arrive residency, water get to, innovation, foundation, non-horticultural rustic endeavors, associations of little agriculturists and different types of social capital and political support for poor people and powerless
- A worldwide development is requiring a restriction on licenses on life and recuperating of the non specific premise of life as "lodge" which can't be possessed and privatized.
- India needs to gain from the experience of other creating nations like Thailand and Malaysia with respect to consistence to nourishment security measures.

- India, dissimilar to other creating nations, has all the qualified work force, and it ought to go in for fortifying and presentation of SPS and TBT provisions to farming business sector.
- Green-Box incorporates measures of help that causes no or at most insignificant exchange twisting consequences for generation. Support be given through an openly subsidized government program not including exchanges from buyers, and should not have the impact of giving value support to makers. E.g. General administrations including vermin control, infra-basic administrations and so forth.; guide installments to makers (not identified with creation/costs); sustenance security stocks, residential nourishment help.
- There is a need to completely change local market as has been finished by China. The requirements of assortment of laws in farming advertising, handling, stockpiling, transport ought to be quickly routed to confer effortlessness, lessen exchange costs and pull in private interests in post reap administration.
- Researchers should assume a critical part in the transactions where science is included. Issues, for example, detail of phytosanitary measures, sex strengthening, manageability and so on., ought to be removed from the exchange and ought to be left to the choices of the researcher experts

CONCLUSION:-

Indian farming has developments. The green upheaval changed India frame a sustenance lacking stage to a surplus nourishment showcase. In a traverse of 3 decades, India turned into a net exporter of sustenance grains. Surprising outcomes were accomplished in these fields of dairying and oil seeds through white and yellow upheavals. Farming exchange has kept on developing since the Uruguay Round assention, yet more gradually than in prior years, and more gradually than non-rural exchange. Regardless of these major auxiliary changes, the horticulture segment keeps on pleasing the significant offer of the workforce. India is yet to rise as huge exchange accomplice on the planet farming business sector. India holds around 1% of the worldwide exchange rural products. With the progressing exchange arrangements under the WTO, Indian Agriculture needs to reorient its viewpoint and upgrade intensity to support development from a request The normal yearly development of GDP in horticulture and unified parts backed off in the post-WTO period when contrasted with the former decade, while the development of yield, particularly nourishment grains yield, decelerated [Government of India 2001]. The experience of the 1990s plainly exhibits that a

long way from exchange advancement hosing the execution of farming, the disappointment of open venture and exertion is in charge of the failure to profit in terms of professional career progression by step-ping up and enhancing horticultural out-put in a practical manner. On the exchange front, there is a requirement for extraordinary cautiousness to have the capacity to take convenient measures, inside the current tax ties, to capture substantial import of specific items. Likewise, since the theory behind exchange advancement is the expansion of worldwide welfare through effectiveness picks up, mapping out similar favorable circumstances crosswise over nations for various items in a dynamic setting is vital as a reason for important transactions in the WTO. The created nations are exceptionally all around outfitted with specialized and lawful ability, despite the fact that these capacities are utilized for propelling their case towards propagation of household support to farming and limitation of market get to, that are very untenable. Then again, the abilities of creating nations, including India, are poor in this regard. Regardless of their approach and line of activity on issues identifying with horticultural exchange being legitimate on hypothetical and in addition reasonable grounds. Thusly, there is a need to give a high need to the improvement of these abilities in the nation. The private area ought to be permitted a free play for whatever remains of tasks in order to make nourishment grains moderate to the customers and focused in the fare showcase. In any case, the real exertion on the local front for guaranteeing the reasonability of Indian farming must be centered around raising efficiency by venturing up open speculation, by quickening the advancement and selection of cost-diminishing advances, and by evacuating confinements on agrarian exchange, advertising and handling inside the nation

REVIEW OF LITERATURE:-

1. India and world trade organisation- Robert M Stern - 2003

India's multilateral position, however, is one of defensiveness seeking the freedom to protect rather than exploiting actual and potential comparative advantage by seeking an open regime internationally. India's average applied tariffs in agriculture are 33 percent whereas bound rates in the WTO are 94 percent, a wedge of 61 percentage

2. WTO India and emerging areas challenges and strategies – p. Rameshan – 2008

There are several instances in the book where Indian achievements are benchmarked against China's. Besides, the book explores the direction of India's trade future with respect to the ASEAN.

3. India shadow wto agricultural domestic support notification- Munusamy Gopinath – 2008

Agriculture's importance, for both self-sufficiency and employment objectives, has made India less enthusiastic in its approach to trade reform in the WTO context (Hoda and Gulati 2007). At the time of the Uruguay Round ... In the case of market access, India had maintained a two-tier strategy of protection from imports leading up to the Uruguay Round (Pursell, Gulati, and Gupta 2007).

4. Agricultural trade and wto - Merlinda D. I gel – 2003

Developing countries have long emphasized the importance of the agricultural sector, and yet it is evident that their policies are often biased against the sector. ... Protection can be measured by using aggregate measurement of support (AMS), nominal protection (NP) and effective protection (EP) rates, decomposing prices to account for changes in the international prices, changes in the NP rate, and changes in real

5. WTO and India – Anil Kumar Thakur – 2007

Our country must give due importance to quality standards acceptable to the global market and to crop diversified programme for each agro- climatic region. WTO should also treat all kinds of support to agriculture under category and our government must take special case to protect agriculture from any adverse influence of the WTO and should be cautions in respect of WTO threats of both agro-exports and imports.

6. The wto dispute settlement system – Federico Ortino – 2004

Indian patent protection for pharmaceutical and agriculture chemical production the first case brought under the trips agreement was a claim by the united status alleging India had failed to implement its obligations to provide an adequate.

7. Indian rich agriculture poor farmer – R. L. Ditale – 2007

WTO Regime The rules of the game of international trade followed individually and collectively have been bone of contention amongst the trading nations. Three factors are at ... Another important development in Europe in late 50's to expand the markets was free trade within Europe but protection from outside with high tariffs and quota. The economic basis ... Union (EU) with all its concomitant policies of protected agriculture trade.

8. TRIPS Regime of trade mark and design- Nuno Pires decarvalho – 2006

we find that the lack of legal security in the operation of the mailbox system in India is such that the system cannot adequately achieve the object and purpose of Article 70.8 and protect legitimate expectations contained therein for inventors of pharmaceutical and agricultural chemical products.” India – Patent Protection for Pharmaceutical and Agricultural and Chemical Products, Panel report, WTO document

9. Intellectual property rights in agriculture- Uma J Lele- 1999

This system has been providing technical inputs to government agencies on protection of intellectual properties being developed in the wake of the TRIPs Agreement, of which India is a signatory. The measures relate to legislation on plant variety protection, amendments to the existing Indian Patents Act (1970), and control over and protection of biodiversity. Until recently, there was not much appreciation of the importance

10. Tamil Nadu economy- A.G. Leonard – 2006

In agriculture, it is feared that the new patent regime will affect India's agricultural policy, since India's patent policy allows very little scope for patents in agriculture. India is also ... Also, several multinational firms file patent application in areas related to agriculture and agricultural biotechnology in India. ... An announcement in the 2001 WTO facilitates an opening for protecting some of the geographical indications of interest to India, in products such as Basmati rice, Darjeeling tea, etc.

11. Agriculture and world trade organisation opportunities for India- Jayanta Bagchi – 2003
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The Due Restraint Clause should be a special and differential treatment provision that will protect only developing countries in the 'General Supports Box' and the 'Development Box'. The purpose of the Due Restraint Clause should be to protect developing countries in their efforts to increase food security (food accessibility and availability to all), ensure rural employment and to increase domestic production capacity.* 10.16 Indian proposals comprehensively cover many areas.

12. World trade organisation – Annual report- 2012

Incentives: Members pointed out that India had a series of incentive schemes to attract investment, promote exports and protect agriculture and other less advantaged sectors, such as micro and small enterprises. Some members asked whether India had assessed the impact of these programmes and determined whether they were WTO consistent, while others urged India to notify the programmes to the WTO. Intellectual property: Noting the actions undertaken to strengthen

13. WTO Agreement and Agricultural sector- Biswajit – 1999

The Committee on Sanitary and Phytosanitary Measures, to be established to ensure effective implementation of the Agreement, has been enabled to grant developing countries, upon request, specified time-limited exceptions, in whole or in part, from obligations under the Agreement, keeping in view their financial trade and development needs. (v)

Strengthening of Intellectual Property Protection Agriculture in developing countries like India is on the threshold of major changes

14. WTO negotiations on agriculture and developing countries- Annual Reports- 2008

India and the Uruguay Round Negotiations on Agriculture: Deep Misgivings Agriculture dominates the Indian economic and political scene today as it did at the time the Uruguay Round was launched in 1986. ... Both the central and state governments allocated large amounts of funds for general services such as extension, plant protection, animal health services, research in publicly funded institutions, production of seeds on

15. Distortion's to agriculture incentive- Anderson – 2009

Clearly, the legal commitments even China made on acceding to the WTO are a long way from current levels of support for its farmers, and so are unlikely to constrain the government very much in the next decade or so. The legal constraints on developing countries that joined the WTO earlier are even less constraining. For India, Pakistan, and Bangladesh, for example, estimated NRAs for agriculturalimportables in 2000–04

16. Evidence, proof and fact- finding in wto dispute settlements- Michelle T. Grando – 2009

In other words, the main issue discussed in this chapter regards the functioning of the burden of proof in WTO dispute settlement. This chapter also discusses the ... 1 Panel Report, India—Patent Protection for Pharmaceutical and Agricultural Chemical Products.

17. Agriculture trade – David Laborde- 2013

THE POSITIONS OF WTO MEMBERS The positions taken by individual WTO members toward the negotiations reflect a number of factors, including their net trade position in agriculture, the importance of ... countries should make smaller, or no, cuts in their own protection—many developing countries are reluctant to make substantial cuts in their own agricultural protection,

18. Indian agriculture in the new millennium – Uma Kapila – 2006

Sceptics may still argue that the proposed reallocation of resources from subsidies to investment is not sufficiently pro-agriculture because it only redistributes resources within the agricultural sector, whereas what is ... sector (agriculture) to the protected sector (industry) and to that extent New Economic Policy and Agriculture •

19. Export potential of Indian agriculture- Jagdish Prasad – 2002

The main objective of this paper is to identify the possible sources of export oriented agriculturalgrowth in Bihar In the wake of WTO induced trade liberalisation and reduction in aggregate measure of agricultural protection in various countries, it is often

hoped that India would gain substantially in terms of increased agricultural export earnings and its consequent positive impact on diversified agricultural growth.

20. Special research publication on agriculture in India- Maharashtra economic development council- 2002

In its proposals submitted to WTO under the Agreement on Agriculture, India has sought flexibility in the implementation of its domestic policies so as to take care of its food security, livelihood, rural development and poverty alleviation concerns ... reduction in tariffs including elimination/of tariff peaks and tariff escalation so as to get meaningful market access for its agricultural products in the developed country markets arrangements for protecting the grower from the adverse impact .

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