

SHRI A. B. A. GHANI KHAN CHAUDHURI: So far as I am concerned, I get from the record that the project report has not come to us. If there is any political foundation in this, then it should be done by the Janata Party Government, that I do not know. So far as I can see from the records, the project report has not come to us.

श्री शिवकुमार सिंह ठाकुर: मैं मंत्री महोदय से यह भी जानकारी लेना चाहता हूँ कि जनता गवर्नमेंट ने तो अपना पोलिटिकल स्टैंड वहाँ पर कर दिया, लेकिन क्या हमारी कांग्रेस (आई) गवर्नमेंट इस संबंध में प्रोजेक्ट को शुरु करवाने के लिये कोई कार्यवाही करने जा रही है ?

SHRI A. B. A. GHANI KHAN CHAUDHURI: As soon as the project report reaches me, we will try to do the needful in this regard.

श्री दिलीप सिंह भूरिया: मैं माननीय मंत्री जी से यह पूछना चाहता हूँ कि यह प्रोजेक्ट रिपोर्ट कब तक बन जायेगी और इसकी लागत क्या होगी ?

अध्यक्ष महोदय: यह तो रिपोर्ट आयेगी तभी पता लगेगा।

श्री मूल चन्द डागा: इसका सब हो जाये, तभी प्रोजेक्ट रिपोर्ट बन सकती है।

Review of Working of M.R.T.P. Commission

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*105 **SHRI P. K. KODIYAN:**
SHRI MANORANJAN:
BHAKTA:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have reviewed the working of the Monopoly and Restrictive Trade Practices Commission;

(b) if so, the results thereof;

(c) whether Government intend to introduce any change in the working of the Commission; and

(d) if so, the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKER): (a) No, Sir.

(b) Details not arise.

(c) and (d). Having regard to the fact that certain suggestions had been made by various quarters including the M.R.T.P. Commission that several provisions of the M.R.T.P. Act need modification; and that various difficulties were encountered in the implementation of the Act, like the obscurities and the lacunae resulting in the objectives underlying the enactment not having been effectively achieved, the Government are considering the various changes to be made in the working of the Commission. The Government are also keeping in view the report of the Expert Committee appointed in June, 1977.

SHRI P. K. KODIYAN: In the reply it has been stated that "various difficulties have been encountered in the implementation of the Act, like obscurities and lacunae resulting in the objectives underlying the enactment not having been effectively achieved". What is this. It is a jugglery of words. It is a gross mis-statement of facts. Everybody knows the reality. MRTP Act came into force in 1970 and the commission started functioning since then. Then there has been phenomenal growth the big monopoly houses. I have the figure here of twenty Houses which come under the M.R.T.P.A., their assets have increased from Rs 3701.98 crores in 1972 to Rs 5401.70 crores in 1977. Out of these 20, the top two Tatas and Birlas also have registered unprecedented high rate of growth. My submission is that the functioning of the Commission has been totally ineffective. (Interruptions). There has been a failure on the part of the Government to appoint the Chairman of the Commission.

MR. SPEAKER: What is the question?

SHRI P. K. KODIYAN: I want to ask, in view of all these facts whether Government will show the necessary political will to actually curb the growth of monopoly houses? If so, how long will we have to wait for the Government to consider these proposed amendments to bring forward necessary amending legislation?

MR. SPEAKER: It is a question of will.

SHRI P. SHIV SHANKER: I may submit that the answer neither suffers from jugglery of words nor mis-statement as it has been sought to be made out by the learned Member. The position as obtains is that the ineffective functioning which my friend is conceiving was because of the policy of the previous Government to which they were a party. It is not on our part... (*Interruptions*).... Yes, you were a party. (*Interruptions*)

MR. SPEAKER: Order, order.

SHRI P. SHIV SHANKER: On our part we did quite a lot prior to 1977 and even now too to achieve the objectives contained in Part IV of the Constitution, particularly Article 39(c) of the Constitution to which we are strongly wedded.

MR. SPEAKER: It was such a long question that there is no option now for the second supplementary. (*Interruptions*). We have got a second Member. (*Interruptions*). I cannot allow second supplementary on that. You have already taken a long time. (*Interruptions*). Please sit down. (*Interruptions*).....All right, I am allowing supplementary question on one condition that you put a pointed question and you do not make it an elaborate one as you did before.

PROF. MADHU DANAVATE: Provided there is a pointed answer.

MR. SPEAKER: That is what it come. Every action has, of course, its reaction.

PROF. MADHU DANAVATE: Newton's Third Law.

SHRI P. K. KODIYAN: The hon. Minister has said that the non-functioning of the Commission was due to the wrong policy pursued specially by the Janata Government. I do not hold any brief for the Janata Government. (*Interruptions*). I am refuting this statement.

MR. SPEAKER: There is no question of refuting. I want a specific question. I am going to disallow if you persist like that.

SHRI P. K. KODIYAN: I want to know about the suggestions made by the Expert Committee which was appointed by the previous Government. I understand the Committee submitted its report. What are the suggestions, recommendations made by this Committee and what are the other suggestions and proposals the Government are considering and when will he come forward with the proposals for amending this Act?

SHRI P. SHIV SHANKER: I have already submitted that the Monopolies Commission as also the Expert Committee have made certain suggestions. I would invite the attention of my hon. friend to Chapter 23 of the Expert Committee's report, which has been laid on the Table of the House. Various amendments have been suggested which are under consideration and I can take the House into confidence that at the earliest opportunity, we will come forward with the amendments.

SHRI MANORANJAN BHAKTA: Since it is a very serious issue and the entire House is concerned about it, I would like to know whether the Government would like to consider appointing a committee to go into the details and also consider the report of the Expert Committee for taking a final decision in the matter.

SHRI P. SHIV SHANKAR: So far as constituting a fresh committee is concerned, it would be an exercise in futility because the Expert Committee's report is there and certain suggestions from the Commission are also there. I think we will rather proceed on this basis, instead of having an exercise of constituting another committee.

SHRI SANJAY GANDHI: Would the hon. Minister confirm whether it is a fact that under the CPM rule, the Birlas, which were the second largest

house in India have now moved to the position of the largest house in India? (Interruptions).

SHRI P. SHIV SHANKER: Though much to the unhappiness of the members on the other side, I have to necessarily agree with the question. (Interruptions).

SHRI SOMNATH CHATTERJEE: After all, you are the Law Minister of India and you have to take a responsible attitude. (Interruptions). Don't go on like this.

SHRI BHAGWAT JHA AZAD: In view of the fact that international multinationals are now ready with their fangs, in conspiracy with the many monopoly houses in this country to bite the Indian economy, the socialist part specially, may I know with reference to part (c) of the question whether Government have got proposals to amend the Act suitably and to find out this conspiracy and thwart it?

SHRI P. SHIV SHANKER: So far as the MRTP Act is concerned, certain proposals have been made by the Expert Committee for amending the Act to arrest the growth of multinationals in this country and we will certainly take steps in this regard.

SHRI JYOTIRMOY BOSU: Prior to 20th March, 1977, an occasion arose—is it not a fact, Mr. Minister, show your knowledge here—that the Chairman of the MRTP Commission had openly said in the press that this Commission has become a sort of postmaster and they have no say in the final decision and Government have been overruling their decisions quite a number of times? If so, what steps do you propose to take in this regard? Secondly, is it not a fact that the Commission had produced three volumes of report in which it had clearly mentioned all the multinational companies, mainly those which are producing upto 900 per cent above their licensed registered installed capacity and the Law Minister had promised legal action against those companies

before 1977, but no action was taken because they have subscribed to your funds heavily? Is it a fact or not?

SHRI P. SHIV SHANKER: The question vaguely refers to the statement of the Chairman of the MRTP Commission prior to 30th March, 1977.

SHRI JYOTIRMOY BOSU: I said, 20th March, 1977.

SHRI P. SHIV SHANKER: All right. Unless specifically the statement is brought to my notice, I would not like to go into its answer.

SHRI JYOTIRMOY BOSU: The Commission's report mentioned companies which had produced to the extent of 900 per cent above the licensed installed capacity, against which the Law Minister had assured that legal action would be taken.

SHRI P. SHIV SHANKER: I have answered the question of my friend, Mr. Bhagwat Jha Azad, when he suggested about the growth of the multi-nationals in this country and I stand by that answer.

PROF. MADHU DANDAVATE: In the Fifth Lok Sabha when I moved a privilege motion against the then Minister for Law and Company Affairs that Section 62 of the MRTP Act requires that in every case that is referred to the MRTP Commission and when they have made the recommendation, the report must be placed before both the Houses of Parliament and the Government had failed, he tendered unqualified apology for the failure with the assurance that in future, all these reports would be placed before both the Houses of Parliament. In the light of this assurance given in the Fifth Lok Sabha I want to know from the hon. Minister how many cases were referred to the MRTP Commission on which they have completed their recommendations, submitted the administrative and individual reports to the Government and the Government has still to place these reports before both the Houses of Parliament?

SHRI P. SHIV SHANKER: It is not at the moment, possible for me to say anything about the assurance and what my friend had raised in the Fifth Lok Sabha. But if he looks to Item No. 4 of today's business he will find that we are placing the reports upto the end of 31st December 1978. About the question of details with reference to the various cases whether they have been laid on the Table of the House or not, is a matter which requires a separate question.

PROF. MADHU DANDAVATE: It is a serious matter. He will again attract another privilege motion. He has only replied that upto a particular date in 1978 the reports have already been submitted.

SHRI P. SHIV SHANKER: I have already informed the House that if he wants the details of the cases, that is a matter which does not arise out of this question as a supplementary. He will have to put a separate question for that.

PROF. MADHU DANDAVATE: The question is regarding the functioning of the MRTP Commission. It functions on the basis of the MRTP Act. Section 62 is a section of that Act. On the basis of that Act they have to function and, therefore, since it is concerned with the working and the review of the functioning, my question is perfectly in order. That is why, you in your wisdom permitted me to put a supplementary. Therefore, I want to have a categorical answer whether there are some reports which are pending.....

MR. SPEAKER: He has not refused to answer that question. He wants separate notice for that.

SHRI JYOTIRMOY BOSU: Will he accept a short notice question for that?

SHRI P. SHIV SHANKER: The hon. Member, Mr. Dandavate, would appreciate that within about two months time of our taking over we

have immediately come forth submitting the report upto the end of 1978. And about the rest of it, I can assure my friend that at the earliest opportunity, after the scrutiny of the report, we will place it on the Table of the House.

(Interruptions).

SHRI JYOTIRMOY BOSU: Will the hon. Minister accept a short notice question on that?

MR. SPEAKER: You ask him in writing.

PROF. MADHU DANDAVATE: You yourself has suggested that I put a fresh question and then he will be able to reply.

MR. SPEAKER: No, I said a fresh notice.

बगुसराय-बरोनी औद्योगिक क्षेत्र से पानी
की निकासी की योजना

*106. श्रीमती कृष्णा साहू: क्या ऊर्जा और सिंचाई तथा कोयला मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बिहार में बगुसराय-बरोनी औद्योगिक क्षेत्र में पानी की निकासी की 3 करोड़ रुपये की लागत वाली योजना कार्यान्वयन के लिए केन्द्रीय बाढ़ नियंत्रण आयोग के विचाराधीन पड़ी हुई है ; और

(ख) यदि हां, तो उसका क्रियान्वित न किये जाने के क्या कारण हैं ।

THE MINISTER OF ENERGY AND IRRIGATION AND COAL (SHRI A. B. A GHANI KHAN CHAUDHURY): (a) and (b). Following heavy rainfall in September 1976, a scheme for Begu-Sarai-Barauni Industrial Area at a cost of Rs. 2.5 crores was recommended in 1977 by a committee set up by Bihar Government to study this problem.

Before the site for the Begu-Sarai-Barauni area was fixed in Bihar, the