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Title: Motion for consideration of the Competition (Amendment) Bill, 2007 (Motion Adopted and Bill Passed).

MR. SPEAKER: Item No. 20 – Shri Prem Chand Gupta.

THE MINISTER OF CORPORATE AFFAIRS (SHRI PREM CHAND GUPTA): I beg to move \*:

"That the Bill to amend the Competition Act, 2002, be taken into consideration."

MR. SPEAKER: Mr. Minister, would you like to explain briefly about the Bill?

...(Interruptions)

SHRI PREM CHAND GUPTA: The Government had enacted the Competition Act in 2002 so that the Indian market may be geared to face competition from within the country and outside. The Act provided for the establishment of a Commission to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets.

However, the Competition Commission of India (CCI) could not be made fully functional till date due to filing of a writ petition before the hon. Supreme Court against certain provisions of the Act, the Rules framed thereunder and the selection of the Chairperson and Member. The hon. Supreme Court, delivering its judgment in January, 2005, closed the writ petition leaving it to the Government to make amendments to the Act as appropriate to address the legal issues as had been brought up during the proceedings on the Writ Petition. Therefore, now keeping in view the developments and the new ideas that have come to the notice of the Government, these amendments are proposed so that the Competition Act can be implemented in the country.

\* Moved with the recommendation of the President.

Keeping in view the judgment of the hon. Supreme Court, the Competition (Amendment) Bill, 2006 was introduced in Lok Sabha on the 9<sup>th</sup> March, 2006 and the same was referred for examination and report to the Parliament Standing Committee on Finance. The Committee presented its report to both the Houses of Parliament on 12.12.2006. Taking into account the recommendations of the Committee and the legal challenges and to make the CCI fully operational on a sustainable basis, the Competition (Amendment) Bill, 2007 has been introduced. I now request this august House to consider the Bill. ...(Interruptions)

MR. SPEAKER: The question is:

"That the Bill to amend the Competition Act, 2002, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER: Now the House will take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

#### **Clause 4 Amendment of Section 5**

*Amendments made:*

Page 2, for line 14, *substitute,-*

"4. In section 5 of the principal Act,-

(i) in clause (a),-" (1)

Page 2, *after* line 25, *insert*,-

`(ii) in clause (b),-

(a) in sub-clause (i), for item (B), the following item shall be substituted, namely:-

"(B) in India or outside India, in aggregate, the assets of the value of more than five hundred million US dollars, including at least rupees five hundred crores in India, or turnover more than fifteen hundred million US dollars, including at least rupees fifteen hundred crores in India; or";

(b) in sub-clause (ii), for item (B), the following item shall be substituted, namely: -

"(B) in India or outside India, in aggregate, the assets of the value of more than two billion US dollars, including at least rupees five hundred crores in India, or turnover more than six billion US dollars, including at least rupees fifteen hundred crores in India; or";

(iii) in clause (c),-

(a) in sub-clause (i), for item (B), the following item shall be substituted, namely:-

"(B) in India or outside India, in aggregate, the assets of the value of more than five hundred million US dollars, including at least rupees five hundred crores in India, or turnover more than fifteen hundred million US dollars, including at least fifteen hundred crores in India; or";

(b) in sub-clause (ii), for item (B), the following item shall be substituted

namely:-

"(B) in India or outside India, in aggregate, the assets of the value of more than two billion US dollars, including at least rupees five hundred crores in India, or turnover more than six billion US dollars, including at least rupees fifteen hundred crores in India.".' (2)

(Shri Prem Chand Gupta)

MR. SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

*Clauses 5 to 50 were added to the Bill.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

*...(Interruptions)*

SHRI PREM CHAND GUPTA: I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

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...(Interruptions)

MR. SPEAKER: Now matters of urgent public importance. If any hon. Members wishes to submit their speeches, they can submit.

...(Interruptions)

MR. SPEAKER: The House stands adjourned to meet again at 2.00 p.m.

**12. 14 hrs.**

*The Lok Sabha then adjourned till Fourteen of the Clock.*

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**14.00 hrs.**

*The Lok Sabha re-assembled at Fourteen of the Clock.*

(Mr. Deputy-Speaker *in the Chair*)

उपाध्यक्ष महोदय : एक मिनट के लिए आप सब बैठ जाइए।

...(व्यवधान)

उपाध्यक्ष महोदय : पहले मेरी बात सुन लीजिए। अगर मैं आपको बोलने के लिए एक-एक, दो-दो मिनट का समय दे दूं, क्या आप फिर हाउस को चलने देंगे?

...(व्यवधान)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Sir, if you permit me, with respect of Prof. Malhotra ji and Shri Prabhunath Singh ji, who are very senior and respect to leaders, I would say this.

सर, मैं सिर्फ इतना ही निवेदन करूंगा कि इस सदन को चलाने की एक परम्परा है कि माननीय स्पीकर महोदय या डिप्टी स्पीकर महोदय जब किसी गंभीर मामले पर कोई निर्णय ले लेते हैं, उस निर्णय को जब सब मान लेते हैं तो फिर उसे मना नहीं करते हैं। ह (व्यवधान) स्पीकर महोदय ने यह रूलिंग दी कि ह (व्यवधान) मैं पढ़कर सुना रहा हूं। ह (व्यवधान) स्पीकर महोदय की यह रूलिंग थी कि:

"By asking the Government to re-negotiate the Agreement for the purposes mentioned in the Motions, the Motions in effect seek to disapprove the Agreement entered into and to require the Government not to give effect to the Agreement in its present form and contents, which the House has no competence to do and it will clearly amount to the House rejecting the Agreement in its present form."

इस मामले में हाउस की कम्पीटेंस नहीं है, ह (व्यवधान) इसलिए कमेटी कैसे बनेगी? I am not quoting my speech....(Interruptions)

I quote further:

"This will amount to, in effect, disapproval of the Agreement already entered into by the Agreement, which is in my opinion not within the competence of the House."

This is the ruling of the Hon. Speaker. आडवाणी जी ने सर झुकाते हुए रुलिंग को स्वीकार करके कहा कि "I accept the ruling." ह(व्यवधान) फिर आप किस बेंत पर जेपीसी,जेपीसी कर रहे हैं? ह(व्यवधान) आप हमें जो कुछ मर्जी हो, कहिए, लेकिन स्पीकर महोदय की दी हुई रुलिंग जिसे पूरा सदन मानेगा, उस पर हमला मत कीजिए। ह(व्यवधान)

**उपाध्यक्ष महोदय :** प्रभुनाथ सिंह जी, आप एक मिनट में अपनी बेंत कहिए।

ह(व्यवधान)

**श्री प्रभुनाथ सिंह (महाराजगंज, बिहार) :** उपाध्यक्ष महोदय, जेपीसी की मांग के सिलसिले में कल से सदन में विवाद चल रहा है और इसलिए विवाद चल रहा है कि तीन-तीन बार प्रधान मंत्री जी ने सदन में न्यूविलअर के संबंध में वक्तव्य दिया है और जब सदन में प्रधान मंत्री जी का वक्तव्य हो गया तो सदन की प्रोपर्टी हो गई और सदन की प्रोपर्टी होने के बाद फिर कहीं प्रोजेक्ट में बैठकर और कम्युनिस्टों के साथ गुप्तगू करके इस देश के मामले को प्रोजेक्ट कंपनी के रूप में कभी भी स्वीकार नहीं किया जा सकता। ह(व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down. Let me hear him.

...(Interruptions)

MR. DEPUTY-SPEAKER: I will now take up Item No.21 – Discussion under Rule 193 on Sachar Committee Report. Shri Rajiv Ranjan Singh 'Lalan'

**श्री राजीव रंजन सिंह 'ललन' (बेगूसराय) :** उपाध्यक्ष महोदय, आप पहले हाउस को ऑर्डर में लाइए तभी नियम 193 के तहत चर्चा शुरू होगी। ह(व्यवधान) आप पहले सदन को ऑर्डर में लाइए। यह डिबेट है, यह कोई बिल नहीं है। ह(व्यवधान)

SHRI PRIYA RANJAN DASMUNSI: They do not want to discuss the Sachar Committee Report....(Interruptions) They are afraid of it.

**14.04 hrs.**

(At this stage, Shri Bhanu Pratap Singh Verma and some other Hon'ble Members came and stood on the floor near the Table)

MR. DEPUTY-SPEAKER: The House stands adjourned to meet on 7<sup>th</sup> September, 2007 at 11 a.m.

**14. 04 Â¼ hrs.**

The Lok Sabha then adjourned till Eleven of the Clock  
on Friday, September 7, 2007/Bhadrapada 16, 1929 (Saka).

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