

Trade Practices (Amend.) Ord. &

officials visited Singapore and Indonesia. The port of the delegation is under examination.

Sir, pre-shipment inspection even as this phrase implies, is an inspection to be carried out in foreign ports before goods intended for being imported into India are actually shipped. Such an inspection is not carried out by our customs department or for that matter, by any Indian authority today. It is in this area that SGS has claimed expertise and experience and offered their services. I would also like to point out that what the company has outlined to our customs authorities, is a package of services that they offer. They have not so far even come to the stage of indicating their charges for the services offered. Thus there is no decision or commitment to use their services.

I also wish to categorically state that the World Bank of IMF or any other international Agency have had nothing to do with the proposal of SGS. What SGS stated was that they were promoted by the measures for industrial liberalisation introduced by the Government.

I wish to reassure the august House that the question of any abdication of customs authority does not arise. Pre-shipment, only strengthens the hands of customs authorities in checking under-invoicing and over-invoicing. I further wish to reassure the august House that any decision in the matter will be taken keeping in view the best interests of the country and sentiments expressed by the Hon'ble Members.

12.15 hrs.

STATUTORY RESOLUTION RE. DISAP-
PROVAL OF MONOPOLIES AND RE-
STRICTIVE TRADE PRACTICES
(AMENDMENT) ORDINANCE
AND
MONOPOLIES AND RESTRICTIVE TRADE
PRACTICES (AMENDMENT) BILL- Contd.

[English]

MR. SPEAKER: We may take up Half-

an-hour discussion after completing the Legislative Business.

Now, we take up item nos. 40 and 41 together. For the information of the hon. Members, I would like to point out that the time allotted for this discussion was four hours and the time taken is 2 hours and 39 minutes. The Congress Party has taken one hour and 14 minutes; the BJP has taken 12 minutes; Janata Dal has taken 28 minutes; CPI has taken 14 minutes and other small parties have taken six minutes, five minutes, and things like that.

As there are other Bills to be passed, I request the hon. Members to be brief, not to repeat the points and upto the point.

Shri. R. Ramaswamy.

SHRI RAJAGOPAL NAIDU
RAMASAMY (Periyakulam): Mr. Speaker,
Sir, on behalf of AIADMK, I wish to say a few words on the MRTTP Amendment Bill.

While I support the measure, I wish to express my reservations. The Government is right when it says that the Act was not to prevent industrial growth. But they must also appreciate that the Act was enacted to serve the common good in special areas. The Act has served the society well. It was one of the few instruments through which the Government ensured that economic power is not concentrated in few hands to the common detriment. But in spite of the Act being on the statute book for 44 years, we were not able to achieve the objectives of the Act to the desired level.

Accordingly, to argue that the Act has stood in the way of liberalisation efforts when it has not actually worked seems to be farcial. The requirement of prior approval of the Central Government for expansion, establishment of new undertakings, merger, amalgamation, take over and appointment of Directors is sought to be done away with. I do not know how prior approval itself will obstruct industrial growth. It is the delay in

giving prior approval that affects industrial growth. Therefore, instead of expeditiously according prior approval to such activities of industry, you want to do away with a healthy practice of giving a prior approvals. This looks absolutely strange. I, therefore, strongly urge upon the Government to retain this salient provision which protects the common good and take necessary action to expedite the grant of prior approval. You must specify a time limit by which the prior approval has to be given in all cases. In cases of delay, the official concerned should be suspended. It is the security of service that is standing in the way of removing corrupt officials and in efficient employees. It is these bunch of officers who are responsible for scuttling Government's noble aims an objectives and hamper industrial development. They should be weeded out. You cannot liberalise the licensing procedure and also keep the same set up of corrupt bureaucracy. I request the hon. Minister to take serious note of my suggestion.

Sir, I welcome the Government's move to widen the definition of 'goods and services' by including shares and chit funds for determining dominance.

Sir, in line with the new industrial policy, the Government wants to remove the restrictions and controls on industry, so that they could participate in international competition. The exemption that is presently available to public sector companies and cooperative societies under section 3 of the MRTP Act is also being removed to bring them at par with private companies.

All these are very vital measures. I welcome them. But what I consider important is the welfare of the society. How would the Government ensure, after removing the restrictions, that economic power is not concentrated in the hands of a few. This can be ensured only if the Government simultaneously tighten the provisions of taxation law as. For this, you will have to blacklist those who have already acquired a certain level of assets and who own certain amount

of corporate capital and promote others so that they also come to that level. Otherwise, with this industrial liberalisation, you would see corporate giants who are today running a parallel economy will be soon running a parallel Government. Therefore the growth of corporate sector should not be allowed to be vertical, it should be horizontal. This would ensure that labour has alternative choices and wages are paid at competitive rates.

There is also another aspect. Today you are for privatisation for more productivity and for more productivity and for more Government earnings. But the taxation laws are full of loopholes. Our customs and excise department is rampant with malpractices. I learn the customs and excise officials in Bombay, Goa and Daman Collude with Economic offenders and make them escape the clutches of law. There are several complaints against the Assistant Excise Commissioner of Daman, but the Government is yet to take any serious action. These wrong signals will not bring revenue to the Government. Unless you effectively plug the loopholes in the taxation laws, this privatisation would only ensure further generation of black money. Liberalisation and crack down on economic offenders should go side by side very strongly. Only two days back the Customs Act was amended. There are several such loopholes which we Members of Parliament and the poor public have brought to the notice of the Government. Government must act on that. The entire taxation machinery including the taxation laws needs revamping.

With these words, I conclude.

[Translation]

SHRI BHOGENDRA JHA (Madhubani):
Mr. Speaker, Sir, I rise to oppose this amendment. Sir, at present the hon. Finance Minister, the Government and the newspapers - which create atmosphere-talk of liberalisation but liberalisation means it is for the millionaires only. When our hon. Finance Minister says that there is open competition.

[Sh. Bhogendra Jha]

it is just like a competition between a tiger and a goat. The practice of monopoly was born in the capitalist world and not in the socialist world. It was born after suppression of the small and middle class capitalists. Therefore, the biggest merit or demerit of the monopoly is that it restricts production. In the developed countries today and in Japan, land-reforms have been implemented strictly and the practice of giving land to the tiller developed. Land was taken from the big land-owners. Not only this, land was also taken from those, who hired agricultural labourers to till their land. Japan is the only country in the capitalist world to have a land ceiling of 5 acres. Only in one island, there is a land ceiling of 7 acres. Japan encouraged its production in a well-planned manner. Only then monopoly could dominate over there. Japan has made advancement with rapid speed in this field. In a country like ours, it is necessary to put a check on monopoly.

Mr. Speaker, Sir, the word 'curb' has been deleted from the Bill brought here. They want to regulate monopoly only but do not want to put a check on it. It has one quality. The more you check it, the speedier it grows. In our society, justice can also be bought against money. I am not talking of bribery. Even if a court becomes 100 percent honest, which is impossible, justice can still be bought against money.

If somebody is injured, his house is looted and he files a case in the court, he will have to spend money for purchasing stamps. If his house is looted, let it happen but he is bound to take loan for the stamps, for purchasing copies of judgement and for the lawyer also who fights his case. If his case is pending in the court for 5-10 years he has to part with his entire property and dispose off all sources of income at his disposal. Is this Socialism? It is a society where justice and education are measured in terms of money. On the one hand a rich man can afford tuitions to his ward who is below average. He can change

his answer sheet and increase the marks he had originally scored. The rich man will manipulate like this and send him from a village to Delhi and from Delhi to London. The child when he returns will be well dressed and our astrologers will predict that he was destined to become a great man. On the other hand poor parents who have an honest means of earning their livelihood will have to sell off their valuables and all properties for imparting education to their very intelligent child. Otherwise their child's name will be struck off. In our society we come across such astrologers who on seeing the palm of a poor child predict that the child has a good education line but it is cut off mid way. In our society rich people put every activity under their control. By their money power, they control education, and justice. They can indulge themselves in all acts of corruption. They can cure the dreaded diseases by requesting services of eminent doctors to their place. If one does not have the means to go for treatment and buy medicines his child will certainly die. Then it will be said that he had this much life span only or the Almighty called him to His abode. So it is such a society in which everything is sold. Here education, justice and treatment can be purchased. I am talking of our Constitution only. I am not talking of any corruption at the moment. While on the one hand there are very big capitalists in our society on the other there are crores of poor people. Then how can we talk of equal opportunities. Can there be any comparison between the two? In the House we talk of equal opportunities. The newspapers also publish similar reports. It is very strange indeed. What type of justice is it? If the monopolists are given more concessions, there is not doubt that their capital will increase. But it does not mean that it will help increase productive capital also. We have no objection if these money holders become further richer by raising country's income. But they should not prosper at the cost of small producers. Small producers cannot compete with these big people. Big producers first lower the prices of their products and push the small producers out of market and then double the prices of their products. As

a matter of fact there is cut throat competition in the capitalistic world. The Government is following the same foot steps by having the same passed in the House and claiming that it is giving equal opportunities to all. It is all right that the Tatas and the Birlas have been given major concessions. In 1970-71 their assets were Rs. 500-600 crores which have now shot up to Rs. 7000-8000 crore. What has been their percentage of profit? No one is there to detect the source from which this money is coming. If their assets have increased, they increase in spite of your laws in this regard and you are giving concessions to them. I have serious doubts that our small scale industries will be able to compete in such a set up. They will be demoralised. The private sector industries will suffer a setback and the number of such industries is not less.

I would like to request you to issue directions to the Government in this regard. Since independence or for the last 10-20 years how much funds of the Governments have been misused in the private sector. We keep accounts of the public sector. It is not a wrong practice. It is all right. a white paper in regard to total amount of funds misused by the private sector should be placed before the House. How much bank money has been looted by the private sector. They have ruined this country. They make money from Government funds and blame the public sector to be inefficient. This sort of economic outlook is very dangerous for our production. The Private sector can make profit solely by producing items of luxury and as such they will restrict themselves to it and never venture to produce essential items. As such they should be put under control.

The hon. Finance Minister and the Government propose to open the doors of the country for foreign investment. One day such an approach had made us slaves in the hands of East India Company. Those who have studied history in detail are aware that Mir Jafar deliberately entered into an agreement with the Britishers and opted for slavery. (Interruptions)

MR. SPEAKER: Bhogendra Jhaji, you are referring to History, Commerce, Economics and everythings. Many Bills are to be passed today. Please help me.

SHRI BHOGENDRA JHA: He knew that it was a trading company involved in business. Finally Mir Jafar and his son Miran were thrown out of power, we lost our freedom for the next two hundred years. Do the Birlas and the Tatas have the power to compete. Through mediocracy one can survive for a couple of days. Our Finance Minister says as to what is happening in the socialist world. People who were getting the benefit behaved like Kalidas who was cutting the same branch on which he was sitting.

It is their sweet-will if they want to become Kalidas. But it creates a double problem for us. There was a time when U.S.A. was pressurising us for security. And we had to approach Soviet Union for Migs. Even we had taken helps from Soviet Union for our plants at Bokaro and Bhilai. But now Soviet Union no longer exists. So it is necessary for us to be self-reliant and put a check on capitalists. And every industry big or small or medium must be encouraged. We can increase our production with the help of our own capital, resources and man-power. I have come to know that monopoly houses have been invited to come in competition with our Public Sector. I do not have time to go into it in detail. It is my experience that if any time is manufactured in both sectors i.e. in Public and the Private, the Private earns benefits even without making and production whereas the public sector shows losses even after making production. A Private manufacturer just by paying Rs. 10 thousands per month to an officer will make crores of rupees. It will manage to grab the production of public sector. It has happened and an enquiry was also ordered into it. During the fourth and fifth Lok Sabha I did get an opportunity to become a members of the Public Undertakings Committee and I saw myself all these things from close quarters. The sons of the officers responsible for look-

[Sh. Bhogendra Jha]

ing after the public sector are generally employed with Tata or Birla and through them the Private Sector tries to reach the public sector. Who can protect the public sector? 85 crores population of our country is going to be affected from the dogmas of their dangerous move. We are happy because we are becoming liberals but later on we will have to face its ill consequences. It has affected the country's production. We have sold ourselves at their hands. We cannot protect our economic condition. We may just get some temporary benefits but not for long.

Mr. Speaker, Sir, as per your orders I am concluding. But I would like to request again that we should not set our own house on fire. We should show the courage to put some more controls and win the confidence of this House as well as the people of the country.

We are using a little of our production capacity.

SHRI SANTOSH KUMAR GANGWAR (Bareilly): Sir, half-an-hour discussion is scheduled for today in my name. I would like to request you to postpone it for the next session as I have been given a solid assurance outside the House.

MR. SPEAKER: It has been postponed for ever.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI AJIT KUMAR PANJA): Sir, so far as the point regarding one particular T.V. station is concerned, we can sit together and discuss this informally. Why take the time of the House?

MR. SPEAKER: Very good, we appreciate it.

SHRI AJIT KUMAR PANJA: The hon.

Member can come to us. I am grateful to him for pointing out certain things. (Interruptions). He can come right now, we can finish it in fifteen minutes. Yes, Santoshji, please come.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): sir, congratulate him for not utilising the opportunity to mislead the House!

MR. SPEAKER: Now, Mr. Chitta Basu to reply. Mr. Chitta Basu, you have moved the Statutory Resolution, you have to reply.

SHRI CHITTA BASU (Barasat): That is all right, but the Minister has not given his reply.

MR. SPEAKER: He will reply after you do.

SHRI CHITTA BASU: He will reply or intervene?

MR. SPEAKER: We are taking these two items together. So, you will reply, then the Minister will reply and I will put it to the House.

SHRI CHITTA BASU: Before I resume my speech in reply to the arguments given by the Minister, I want to draw your attention to the fact that Mr. Fotedar, the Health Minister, is here and he should apprise the House about the steps taken for the redressal of the grievances of the service doctors.

MR. SPEAKER: No, no. You are on a different point.

SHRI CHITTA BASU: We are all eager to know about it.

MR. SPEAKER: Not like this, Mr. Chitta Basu.

(Interruptions)

SHRI CHITTA BASU: You can well understand that we, the parliament as whole, are concerned about it.

MR. SPEAKER: Let this item be over, then we will see, but not like this, please.

(Interruptions)

MR. SPEAKER: Can you raise the issue at any time you like? How do you conduct the business? Please, I have called you to give the reply. Are you going to reply or not?

SHRI CHITTA BASU: He will be here to reply. If ultimately he will reply, I have no objection.

MR. SPEAKER: No, you do not have to, yes, Mr. Kumaramangalam.

SHRI NIRMAL KANTI CHATTERJEE: Sir, he is willing. *(Interruptions)*

MR. SPEAKER: I am not allowing the business to be disrupted like this every now and then. Once in a while it is all right. You cannot do it like this always. Let him complete and after this is over he will reply.

(Interruptions)

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M.L. FOTEDAR): I am under the charge of the Speaker.

SHRI NIRMAL KUMAR CHATTERJEE: Are you sure? *(Interruptions)*

MR. SPEAKER: Not like this. You cannot go on just like this. Mr. Chitta Basu, how much time you have taken? You know already there is ... *(Interruptions)*

SHRI CHITTA BASU: I want that he should apprise the House and apprise us just now today. He should tell us later on before the House adjourns. *(Interruptions)*

MR. SPEAKER: I am not asking him to make a statement, but if he wants to make a statement, he can make it afterwards. I am not asking him to do anything; it is left to him.

SHRI M.L. FOTEDAR: Sir, I would not like to make a statement, but I am not a person who runs away. I am here with an open heart to say what we have discussed, what we propose to discuss or what we are discussing. As and when you say, I will respond to him.

MR. SPEAKER: Two or three times we have discussed this issue. So, it does not look nice to raise it again.

SHRI CHITTA BASU: Sir, at least he can respond.

SHRI M.L. FOTEDAR: Sir, I will not make a statement, but I will respond to the hon. Member's point.

MR. SPEAKER: Mr. Chitta Basu, in the MRTTP (Amendment) Bill discussion, you had already taken 29 minutes out of four hours. Please bear this in mind.

SHRI CHITTA BASU: Sir, I have got a right to reply.

MR. SPEAKER: You have a right, but a limited right. Please finish it quickly.

SHRI CHITTA BASU (Barasat): Sir, the amended Act will now cover the Government financial institutions including the banks and cooperative societies. The very extension of this Act to the financial sector would have serious implications in the financial system of our country. For example, would this amended Act enable other agencies in our country to enter into the life insurance services? Currently, the life insurance services are under the control of the Government, as you may call it, under the monopoly control of the Government. I am very much concerned about it.

Sir, the US Trade Act wants that India should also agree for the foreign agencies to enter into the services sector. We have taken a firm position against that. But, in our domestic services if we allow other agencies to operate in the financial institutions, I think,

[Sh. Chitta Basu]

it will have very grave implications on our financial system. In this case, I again reiterate that this decision of amending the MRTP Act has been taken under the pressure or at the behest of the World Bank and the International Monetary Fund. So far as the vast opening of the financial institutions to be within the ambit of the Act, I only like to draw the attention of the Government, through you, to certain reports of the World Bank. The World Bank report has pointed out that the financial institutions had acted in collusion with each other and as a result, there was no competition among the all India financial institutions. Therefore, this Act has been amended under their advice to allow other agencies to enter into our financial sector. This has some very grave implications on our financial system. I also draw the attention of the Minister to the fact that the Act, after the amendment, will focus on unfair trade practices. Its aim would be to control unfair and restrictive trade practices, instead of curbing the concentration of the wealth in the hands of a few which was the original object of the parent Act. Now, having regard to the tract record, I am constrained to say that such objectives were blatantly ignored and by passed. Earlier, the MRTP Commission could not take appropriate action, proper action and sometimes penal action against those who indulged in restrictive practices and unfair trade practices. The House can legitimately demand to know what were the actions taken against those corporations, against those undertakings against the dominating undertakings which indulged in the unfair trade practices and restrictive trade practices.

With the enlarged ambit of the MRTP Act, the Commission is entrusted with greater responsibilities. It is now to ensure that the enterprises do not act to the detriment of the public interest and engage themselves, taking preventive measures against unfair trade practices.

Again, this MRTP Commission, under

the amended Act is now required to look into the consumer complaints against public sector undertakings including many services, like telephone Railways etc. It is our experience that the MRTP Commission as it is constituted today is not capable to undertake this kind of enlarged function. May I know from the hon. Minister whether they are taking into consideration the need for further strengthening the MRTP Commission to fulfil the new role that has been assigned by this amended Act. Unless these assurances are given, the issues are clarified I think, he will not do justice to the House. I hope he will give replies to all the points raised by us.

MR. SPEAKER: I think, the hon. Minister for Law is not doing well and he has left. I hope, Mr Kumaramangalam will reply.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Speaker, Sir, I heard the hon. Member Shri Bhogendra Jha very carefully. I do appreciate from the point of view that he has established that he is one of the senior leaders of the Communist Party of India. he has definitely voiced his views on ideologies and concepts.

But I beg to differ with him on the fact that the competition is not something that belongs to only the capitalist society. Competition and fair competition is a value which is necessary in any society which wants to grow and gather strength. Even the Socialist countries, as they then were, and now still believe in it. At the moment, I do not want to go into the ideological debate. I do not think it is the time.

But I could assure him that I do not disagree with him on the fact that the public sector has contributed a lot in the development of our economy and would continue to contribute. Its commanding heights would

not be reduced in any way. If our Government has said we want that public sector to be more viable, to be stronger we have said it with full conviction and we feel that we must look into those cases where public sector for various reasons is not really able to make the impact which it should in the economic front.

SHRI BHOGENDRA JHA: What is the justification for opening 40 profit-making public sector undertakings to the private sector?

SHRI RANGARAJAN KUMARAMAN-GALAM: We have not opened any public sector to the private sector. We are just at the best in certain cases thinking of getting funds for expanding the public sector undertakings. When we talk of disinvestment in future or additional fund collection, that is not privatisation. One has to look at it from the right point of view. You should look always at the glass as half empty or half full. That is how you should look at it. If you are determined to see only the half empty portion, I cannot help it.

SHRI SOMNATH CHATTERJEE: You should give new pieces, not the old pieces.

SHRI RANGARAJAN KUMARAMAN-GALAM: Unfortunately, you are dominated by old ideological concepts. I would only like to say that when it comes, on the one hand, they argue that we should strengthen our companies in India. Then why should we deny our companies growing? When we talk of concentration of economic power, are we talking of concentration of economic power per se? Then let us do it through wealth tax. There are wealth laws which should be created for that purpose. Why use the MRTP for that purpose? The MRTP is meant to be used for monopolistic trade practices, for restrictive trade practices, and if I may submit, for unfair practices. It is not meant to be used for the purpose for which it is sought to be used. That is why, it could never function very effectively. If you want to concentrate on reducing economic concentration per se, then bring laws on wealth. Do not say that we

are bringing it as a part of the Monopolies Enquiry Commission, to allow on their recommendation and then do it. please see the report. The report is categorical in saying that concentration of economic power per se is not wrong. It is concentration of economic power to the detriment of the common man which is wrong. And it is important.

SHRI SOMNATH CHATTERJEE: Mr. Gorbachev finished Lenin and also Jawaharlal Nehru. You are following Nehru.

SHRI RANGARAJAN KUMARAMAN-GALAM: Why do you speak of Mr. Gorbachev? I do not know whether Mr. Gorbachev is concerned with MRTP.

I would also like to point out that in no way, by extending the Act to public sector institutions including financial institutions which the hon. Member Shri Chitta Basu was referring to, has it created the way for the other to move into life insurance. There is a law on life insurance that deals with who should move and who should not. All we have done is to bring all companies with public interest under this law except those which occupy specific areas like the atomic energy, defence etc., where we have said that you will be bound by the law of monopolistic trade practices, we will not allow restrictive trade practices and unfair trade practices. And just by bringing them within the coverage of this law, we have done nothing against their interest. On the other hand, we are trying to remove the allegation that public sector is successful only because it is a monopoly. We do not believe in it. But we want to say that they are not monopolies.

SHRI SOMNATH CHATTERJEE: Don't say you never believed. You have changed your belief.

SHRI RANGARAJAN KUMARAMAN-GALAM: We never said public sector is a monopoly. I repeat, we never said it is a monopoly. We have said there is a core sector where it should function.

SHRI SOMNATH CHATTERJEE: You have changed your idea.

SHRI RANGARAJAN KUMARAMAN-GALAM: Change is after all the basis of life. Stagnation leads to death. Let us not forget our self changes every two seconds.

I am sure you would appreciate that at the moment if I start addressing all, I am going to have a long ideological debate. You would not have the time to hear me.

MR. SPEAKER: I appreciate you.

SHRI RANGARAJAN KUMARAMAN-GALAM: I am trying to be as brief as possible. but I would only like to submit that with regard to strengthening of the MRTP, we will definitely keep that in mind. That is in the forefront of our mind. We will look at how it functions now, and how today with the new law, the MRTP Commission takes up its activity.

SHRI CHITTA BASU: How many have been punished so long under the Act?

SHRI NIRMAL KANTI CHATTERJEE: They do not even remember the Act!

SHRI RANGARAJAN KUMARAMAN-GALAM: I think the hon. Member has to catch on that the MRTP Commission cannot punish. It is only now that the MRTP Commission has been given the power of contempt for disobedience of its order. You must catch hold of what the law is. They have an impression that the law is a panacea for all evils. It is not so. It is a simple law dealing with monopolistic and restrictive unfair trade practices. They make it sound as if it was a panacea. That is exactly what I am against. Let us not waste scraps of paper. And say that we are paper tigers. The answer is not that. We are not tigers, not even paper tigers, not a scrap of paper. If I may submit, we would definitely strengthen the MRTP Act and we will move in that directions.

SHRI NIRMAL KANTI CHATTERJEE:

The R.C. Dutt Commission's Report went into the question of the existence of monopoly houses. The amendment is non-recognition of the existence of any monopoly house.

SHRI RANGARAJAN KUMARAMAN-GALAM: I am sorry, I do not agree at all. (Interruptions) would you - allow me to speak at least? You cannot shout. What has happened in the Soviet World and the other Socialist Countries is because of this attitude of the senior socialist leaders shouting the youth down. That is the only reason. If I may only submit, through you, to them what is important is that the Monopolies enquiries Commission's Report has two parts. One is the majority portion and the other is that of the single Member Minority Commission's Report which is being referred to as the R.C. Dutt Commission Report. It is not a separate report. It is a part of the Report. It is a dissenting opinion. I would only like to submit that we have kept it definitely within the scope of the Monopolies Enquiry Commission Report. We shall strengthen the MRTP to see that the MRTP Act is really implemented.

May I therefore recommend to the House that the Bill be adopted?

MR. SPEAKER: The question is:

"That this House disapproves of the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991 (Ordinance NO. 8 of 1991) promulgated by the president on the 27th September, 1991."

Those in favour may please say 'Aye'.

SOME HON. MEMBERS: 'Aye'

MR. SPEAKER: Those who are against may say 'No'.

SEVERAL HON. MEMBERS: 'No'.

MR. SPEAKER: I think the 'Noes' have it.

1125 *Stat. Res. re. dis-* AGRAHAYANA 29, 1913 (SAKA) *Monopolies & Res.* 1126
approval of Monopolies & Res.
Trade Practices (Amend.) Ord. &
Trade Practices (Amend.) Bill

SHRI SOMNATH CHATTERJEE
(Bolpur): The 'Ayes' have it.

MR. SPEAKER: Now, let the Lobbies
be cleared.

19.00 hrs.

MR. SPEAKER: Now, the Lobbies have
been cleared. I shall now put the Statutory
Resolution moved by Shri Chitta Basu to the
vote of the House.

The question is:

"that this House disapproves of the
Monopolies and Restrictive Trade
Practices (Amendment) Ordinance,
1991 (Ordinance No. 8. of 1991)
promulgated by the president on the
27th September, 1991."

The Lok Sabha divided

19.04 hrs.

Division No. 5

AYES

B

Bala, Dr. Asim

Barman, Shri Uddhab

Basu, Shri Chitta

Bhattacharya, Shrimati Malini

C

Chakraborty, prof. Susanta

Chatterjee, Shri Nirmal Kanti

Chatterjee, Shri Somnath

G

Giri, Shri Sudhir

Gupta, Shri Indrajit

J

Jha, Shri Bhogendra

K

Khan, Shri Sukhendu

M

Mukherjee, Shri Subrata

Mukhopadhyay, Shri Ajoy

P

Paswan, Shri Ram Vilas

Patnaik, Shri Sivaji

V

Vadde, Shri Sobhanadreeswara Rao

Virendra Singh, Shri

NOES

A

Ahamed, Shri E.

Anbarasu Era, Shri

Asokaraj, Shri A.

B

Bansal, Shri Pawan Kumar

Bhadana, Shri Avtar Singh

Bhakta, Shri Manoranjan

Bhardwaj, Shri Paras Ram

Bhonsle, Shri Tejsingh Rao

Bhuria, Shri Dileep Singh

C

Chacko, Shri P.C.

Charles, Shri A.

D

Deka, Shri Probin

Dennis, Shri N

Deora, Shri Murl

Dev, Shri Sontosh Mohan

G

Gajapathi, Shri Gopi Nath

Gavit, Shri Manikrao Hodlya

Gogoi, Shri Tarun

Gudadinni, Shri B.K.

H

Handique, Shri Bijoy Krishna

I

Inder Jit, Shri

Islam, Shri Nurul

J

Jakhar, Shri Balram

Janarthanan, Shri M.R. Kadambur

Jawali, Dr. B.G.

K

Kaliaperumal, Shri P.P

Kamson, Prof. M

Kanithi, Dr. Viewanatham

Karreddula, Shrimati Kamala Kumari

Kaul, Shrimati Sheila

Khan, Shri Ayub

Krishnaswamy, Shri. M

Kudumula, Mumari Padmasree

Kuli, Shri Balin

Kumaramangalam, Shri Rangarajan

Kusmaria, Shri Ramkrishna

M

Mallu, Dr. R.

Mathur, Shri Shiv Charan

Murthy, Shri M.V. Chandrashekara

Murthy, Shri M.V.V.S.

Muttemwar, Shri Vilas

N

Narayanan, Shri P.G.

O

Odeyar, Shri Channaiah

P

Padma, Dr. (Nagapattinam)

Palacholla, Shri Venkata Rangayya Naidu

Panigrahi, Shri Sriballav

Panja, Shri Ajit

Patel, Shri Uttamphai Harjibhai

Pattanayak, Shri Sarat Chandra

Potdukhe, Shri Shantaram

Sridharan, Dr. Rajagopalan

Prasad, Shri V. Sreenivasa

Srinivasan, Shri Chinnasamy

R

Sultanpuri, Shri Krishan Dutt

Rajeswari, Shrimati Basava

Swamy, Shri G. Venkat

Ram, Shri Prem Chand

T

Ram Singh, Rao

Thakur, Shri Mahendra Kumar Singh

Rao, Shri J. Chokka

Thomas, Prof. K.V.

Reddy, Shri Anantha Venkata

Thungon Shri P.K.

Reddy, Shri Mahasamudram Gnanendra

Topno, Kumari Frida

Tytler, Shri Jagdish

S

U

Sai, Shri A. Pratap

Umbrey, Shri Laeta

Sahi, Shrimati Krishna

V

Sajjan Kumar, Shri

Verma, Kumari Vimla

Sayeed, Shri P.M.

Vijayaraghavan, Shri V.S.

Selja, Kumari

Vyas, Dr. Girija

Shankaranand, Shri B

W

Sharma, Shri Chiranji Lal

Wasnk, Shri Mukul Balkrishna

Silvera, Dr. C.

Singh, Shri Dabir

MR. SPEAKER: Subject to correction,
 the result of the division is :

Singh, Shri Khelsai

Ayes — 017

Singh Deo, Shri K.P.

Noes — 085

Sodi, Shri Manku Ram

The motion was negatived

Solanki, Shri Surajbhanu

SHRI SOMNATH CHATTERJEE
 (Bolpur): Mr. Speaker, Sir, it now very clear

Soundaram, Dr. (Shrimati) K.S.

1131 *Stat. Res. re. dis-approval of Monopolies & Res. Trade Practices (Amend.) Ord. & Monopolies & Res. Trade Practices (Amend.) Bill*
[Sh. Somnath Chatterjee]

DECEMBER 20, 1991 *Motion re. Suspension of proviso to Rule 66* 1132

that the BJP by not taking part in the voting, have joined hands openly with the ruling Congress party. There is a nexus between the Congress and the BJP and the country is being sold. All the basic formulations of this country have been given a go-bye. We cannot any longer participate in this murder of principles of this country.

19.04 hrs.

Shri Somnath Chatterjee and some other Hon. Members then left the House.

MR. SPEAKER: There is an amendment to the motion consideration moved by Shri Girdhari Lal Bhargava.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Mr. Speaker, Sir, I seek the leave of the House to withdraw my amendment.

[English]

MR. SPEAKER: Has the Hon. member leave of the House to withdraw his amendments?

SOME HON. MEMBERS: Yes, yes.

The amendment was by leave withdrawn.

MR. SPEAKER: I shall now put the consideration motion to the vote of the House.

The question is:

"That the Bill further to amend the Monopolies and Restrictive Trade practice Act, 1969 and the Companies Act, 1956, be taken into consideration".

The motion was adopted

MR. SPEAKER: The House shall now take up clause by clause consideration of the

Bill. I don't think there are any amendments moved to these clauses. So I am now putting them to the vote of the House.

The question is:

"That Clauses 2 to 30 stand part of the Bill"

The motion was adopted

Clauses 2 to 30 were added to the Bill.

MR. SPEAKER: Now the question is:

"That Clause 1, Enacting formula and the long Title stand part of the Bill"

The motion was adopted

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

SHRI RANGARAJAN KUMARAMANGALAM: Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

19.65 hrs.

MOTION SUSPENSION OF PROVISORULE 66

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): I beg to move:

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Government of National Capital Territory Bill, 1991.

in as much as it is dependent upon the constitution (Seventy-fourth Amendment) Bill, 1991."

MR. SPEAKER: The question is:

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Government of National Capital Territory Bill, 1991, in as much as it is dependent upon the constitution (Seventy-fourth Amendment) Bill, 1991."

The motion was adopted

19.66 hrs

GOVERNMENT OF NATIONAL CAPITAL
TERRITORY BILL

[English]

THE MINISTER OF HOME AFFAIRS
(SHRI S.B. CHAVAN): Sir, I beg to move:

"That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Minister for the National Capital Territory and for matters connected therewith or incidental thereto, be taken into consideration."

In pursuance of the provisions of the Constitution (Seventy Fourth Amendment) Bill, 1991, the present Bill seeks to give effect to the amendments approved by this House to the Constitution. All the provisions of this Bill are for giving effect to or supplementing the provisions contained in the amendments made to the Constitution and for matters incidental or consequential thereto.

I do not think I should trouble the hon. Members with the details of this Bill at this stage.

With these words, Sir, I commend this Bill to this august House for approval.

MR. SPEAKER: Motion moved:

"That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Minister for the National Capital Territory and for matters connected therewith or incidental thereto, be taken into consideration."

There is an amendment to the motion for consideration. Shri Mohan Singh is not present. Shri Manoranjan Bhakta.

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Islands): Sir, I beg to move:

"That the Bill to supplement the provisions of the Constitution relating to the legislative Assembly and a Council of Ministers for the National Capital Territory and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely:-

- (1) Shri Abraham Charles
- (2) Shri Digvijaya Singh
- (3) Shri Srikanta Jena
- (4) Prof. (Smt.) Savithiri Lakshmanan
- (5) Shri Hannan Mollah
- (6) Shri Vilas Muttemwar
- (7) Shri Sriballaw Panigrahi
- (8) Shri Ramlal Rahi