

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

MR. DEPUTY-SPEAKER : The question is :

"That the Title stand part of the Bill."

*The motion was adopted.*

SHRI NIHAR RANJAN LASKAR ; Sir, I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

*The motion was adopted.*

13.32 hrs.

### MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL

MR. DEPUTY-SPEAKER : Now, we go to the next item—Monopolies and Restrictive Trade Practices (Amendment) Bill.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL) : Mr. Deputy-Speaker, Sir, I beg to move\* :

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, and the Companies Act, 1956; as passed by Rajya Sabha, be taken into consideration."

Sir, the working of the Monopolies and Restrictive Trade Practices Act, 1969, which has been on the Statute-Book for more than 13 years now was reviewed by the High-Powered Export Committee in 1977-78. This Committee had suggested a number of improvements for the better working of this important legislation. In April, 1982, while introducing a short Bill for amending certain provisions of this Act, I had assured the House that a comprehensive Bill for amending the Act, both in the light of the recommendation of the High-Powered Expert Committee and in the light of the experience gained in the working of the Act over the years, would soon be introduced in the Parliament. In fulfilment of this assurance, the present Bill is being brought, which provides not only for streamlining the existing provisions of the law dealing with concentration and monopolies but also incorporates some new provisions to curb monopolies and unfair trade practices, the latter particularly being intended to give greater protection to the consumer.

The amendments proposed in the Bill coupled with the amendments introduced in the Act in August, 1982, seek to strike a balance between the twin objective of checking concentration of economic power to the common detriment and encouraging growth in accordance with our national goals and aspirations. Thus, while the conceptual ramifications of the definition of "undertaking", "inter-connected undertaking", "goods", "value assets" etc. have been more clearly spelt out, certain incongruities arising out of the interpretation of the present provisions have been removed by the provisions of the Bill. The present definition of 'undertaking' is such that undertakings controlled by an investment company remain outside the purview of the Act because investment companies, as the present definition of 'undertaking' stands, are not undertaking within the meaning of the Act. Similarly, the present definition of 'undertaking' does not bring within its ambit a new

\*Moved with the recommendation of the President.

enterprise or an undertaking which has temporarily ceased production. Again, experience has shown that effective control over an undertaking can be easily exercised with much less than one-third control of equity share capital, voting power or composition of the Board of Directors of a company. Experience has also shown that the provisions in the Act which seek to establish inter-connection the basis of control over composition of the Board of Directors is sought to be avoided by asking the employees of one company to serve as Directors on the Board of the other. Necessary provisions have been made in the Bill to achieve the intended results in this behalf. Further, although it goes without saying that in the interest of encouraging modernisation and rationalisation, substantial expansion should be permitted without approval of the Government, the existing law which incorporates the necessary provision in this behalf in Section 21(4) of the Act should not be a licence for unlimited expansion. Thus, any proposal for modernisation which takes the licensed capacity beyond fifty per cent of the existing licensed capacity of the undertaking will now remain within the discipline of the regulatory provisions of the Act, expansion by way of modernisation *per se* being limited to twenty-five per cent of the existing licensed capacity.

An important legal provision which the Bill proposes to introduce relates to take-over of companies by Monopoly Houses or their Associates. The most important feature of this new provision is that it would look at take-over in the popular sense in which we all understand the term and not in any particular technical sense. The existing provision in Section 23(4) which deals with take-over has been so interpreted by the Supreme Court that even if a Monopoly House acquires the entire share capital of another company, there would be no take-over of the undertakings of the company whose shares are acquired. The Bill not only seeks to make it clear that acquisition of certain per-

centage of shares of a company would amount to take-over of the undertakings of the company but also introduces another new provision in Chapter IIIA dealing with acquisition and transfer of shares by Monopoly Houses and their Associates. Similar provisions no doubt already exist in the Companies Act. But there is an essential difference. Unless the company whose shares are proposed to be acquired or transferred happens to be an MRTP Company, the provisions of the Companies Act do not apply. Logically, what the law should provide is restriction on the acquisition of shares of any company whether MRTP or non-MRTP, so long as the transferor or the acquirer of the shares to be an MRTP Company or its Associates. What the law should indeed provide is that any acquisition or transfer of shares which leads to concentration of economic power must be regulated. I am, therefore, proposing by the provisions of this Bill, to delete the existing provisions of Section 108A to 108H from the Companies Act, 1956, and to introduce somewhat similar provisions of this Act which is the right place for these provisions. At present, as the provisions of the Companies Act stand, while on the one hand the acquisition of 25 per cent or more shares of an MRTP Company by anyone not having anything to do with a Monopoly House requires approval of the Government, on the other hand, the existing law does not place any restriction on an MRTP Company acquiring shares of another non-MRTP Company and increasing its own economic power. The proposed provisions in the Bill seek to correct this anomalous position.

As I have already alluded to a little while ago, the Bill seeks to achieve the twin objective of plugging loop-holes wherever they exist and at the same time encouraging proposals for all round growth. As the law stands, an undertaking may be called an MRTP undertaking either because its assets exceed Rs. 20 crores or it is so called because though its assets are only Rs. 1 crore and more, it



controls 25 per cent of the capacity or production in respect of any product. The setting up of a new undertaking by the former leads to further concentration of economic power by causing an increase in the value of its assets. The setting up of a new undertaking by the latter, unless the new undertaking seeks to augment the existing capacity or production in respect of the product in which it is dominant, does not lead to concentration of economic power by increasing its dominant share in the economy. That being so, the restriction on establishment of a new undertaking should not apply to dominant undertakings so long as the new undertakings are to manufacture an article different from the one in which it is dominant. This would give impetus to diversification which is a desired goal. On the other hand, it should be ensured that any proposal for manufacturing a new article by any MRTP undertaking other than a dominant undertaking should require prior approval of the Central Government. The new article need not necessarily be manufactured in a different location. Even if the same is manufactured in the same undertaking, prior approval of the Central Government should be insisted upon.

A very important provision incorporated in the Bill relates to Unfair Trade Practices. There are no specific provisions for regulating these practices. While restrictive trade practices are usually bilateral and are resorted to by means of agreements, unfair trade practices are unilateral practices like misleading advertisements, bargain selling, hoarding and destruction of goods etc. but the common thread that runs through both restrictive and unfair trade practices is the effect which both produce on competition. The deceptive and unfair trade practices impede and prevent competition and impose unjustified cost and burden on the consumer in the same manner in which restrictive trade practices also impede competition and impose burden on the consumer. But, in the absence of specific

provisions regulating these practices it is difficult to tackle them effectively. Laws regulating these practices have been in force in other countries of the world for quite a long time and have proved to be quite effective in protecting the consumer from the onslaught of unethical practices. The High Powered Expert Committee had even suggested that these practices should be straightaway declared as illegal and any person taking recourse to these practices should be prosecuted. Considering the fact that these are comparatively new provisions and proper administrative machinery has to be geared up to track down the violations throughout the length and breadth of this vast country, it is felt that it would be enough if, at least for the time being, they are regulated by issue of prohibitory orders and orders for payment of compensation for loss or damage suffered by the consumer and punishment by way of imprisonment enjoined upon only if those prohibitory orders are violated. The proposed provisions in the Bill for award of compensation for loss or damage suffered from any unfair trade practice by any person or class of persons including the Government will apply equally to the other two sister species, namely, restrictive trade practices and monopolistic trade practices.

Sir, I would like to conclude with a happy note that the approach of the Government in introducing these amendments, which seek to strike a balance between the objective of promoting growth and at the same time, checking concentration of economic power to the common detriment, was welcomed by almost all the hon. Members in the Rajya Sabha, when the Bill was taken up for consideration and passed on 26th of the last month. I am confident that the hon. Members present here would similarly welcome the provisions of the Bill and, as in the Rajya Sabha, the Bill would be passed unopposed.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, and the Companies Act, 1956, as passed by Rajya Sabha, be taken into consideration.”

Prof. Madhu Dandavate to initiate the discussion.

**PROF. MADHU DANDAVATE** (Rajapur) : Mr. Deputy Speaker, Sir, the hon. Minister is quite right in the sense that this Amendment Bill actually reflects the demand from various sections which are opposed to the concentration of economic power and those who are interested in breaking strangle-hold of monopoly in the country that further amendments and changes should be brought about in the existing MRTP Act so that some of the loopholes should be completely plugged.

As far as the present Amendment Bill is concerned, the Bill really emanates from a number of considerations. No. 1, there was a famous Sachar Committee which has gone in depth into all the aspects relating to the concentration of economic power and strengthening of monopoly and concrete recommendations have been made by this Sachar Committee. Then, we have the experience over the decade about the working of the MRTP Act, at it exists, at present. Then, there are also certain important judicial pronouncements. They have also indicated certain loopholes in the existing law. Lastly, there is one important aspect which has not been properly taken note of—not that totally ignored but that has not been adequately taken note of. And that is the consumer protection and that has to be observed. As a result of all this, the Government felt it necessary to bring forward a Amendment Bill and some of the recommendations of the Sachar Committee have, no doubt, been reflected in this. But some of the basic perspectives of the Sachar Committee are totally missing in this Amendment Bill.

In fact, at the very outset, let me make a request to the hon. Minister that we are trying to streamline the entire machinery of the Commission. When you are trying to plug the loopholes in the existing MRTP Act and when basic changes are to be taken place, after the Expert Committee report on the subject, it is necessary that rather than hurriedly going through the Bill in the House, it is better that the entire Bill is referred to a Joint Select Committee. In fact, it has been my consistent point of view and I would repeat it a here on this occasion, that as far as the money bills, the financial bills and the bills of the nature of the MRTP Amendment Bill are concerned, it is always better that every aspect of these bills should be properly scrutinised by the Joint Select Committee. In fact, I strongly pleaded that there should be a Standing Finance Committee to which all the Bills whether they are money bills, or bills arising out of the budget proposals, should be actually referred to and, after an adequate and comprehensive scrutiny before such a Committee, if the bills come back before this House, I think those bills will be effective.

Fortunately, I happened to be a Member of the Company Law Amendment Joint Committee in the Fifth Lok Sabha and though, none of my amendments ever saw the light of the day in this House, quite a large number of my amendments were carried in the Company Law Amendment Committee because at the Committee level, it is only a question of putting forth a particular point of view on merits and without any partisan consideration, very often the amendments find a proper echo and reflection in the Committee, though it does not happen in this House. So much so that sometimes when you put the amendments to vote which happen to be the amendments from the treasury benches, if members of the ruling party are not quite attentive, as to whose amendment it

is, sometimes many of them say 'No' because they take it for granted that the amendment is moved by the Opposition and it has to be defeated by the ruling party. To that extent, there is a built-in psychology in this House against the amendments! That being the position, if all these financial and company law matters and the matters relating to concentration of economic power or to monopoly or restrictive trade practices, are referred to such Joint Committee, a proper scrutiny will be made and what probably might not be possible at the debating level in the House might be possible in the scrutiny stage of the Joint Select Committee and from that point of view, at the very outset I would make a constructive proposal that the entire amendment bill be referred to the Joint Select Committee and after proper scrutiny when most of the controversial issues will be amicably settled, if the bill comes back to the House, I think that particular bill will be effective and not weak at all.

I may recall a very interesting feature in this House regarding certain provisions of the MRTP Act. Section 62 of the MRTP Act makes it obligatory to see that whenever the cases are referred to the MRTP Commission and the MRTP Commission's report was submitted to the Government, whether they be administrative or individual reports, that such reports must be laid on the Table of the House in both Rajya Sabha as well as Lok Sabha within six months. In the Fifth Lok Sabha, I was interested in studying a particular case. I went to the library and I found that the then Minister of Law did not lay the report on the Table of the House at all for a considerable amount of time. I gave a privilege notice against him. He sought the advice of the Attorney-General and he himself quoted in this House—Shri H.R. Gokhale was the Minister of Law, Justice and Company Affairs then—that “after Prof. Madhu Dandavate gave this privilege notice against me, we have

also consulted the Attorney-General and he also has admitted that what has happened in the last few years is really breach of the provision 62 of the MRTP Act.” He gave unqualified apologies to the House and since none of us was interested in humiliating any particular member of the treasury benches or a Minister, we straightway accepted that particular regret from the treasury benches and from that time onward, we find that this practice of scrupulously observing Section 62 of the Monopolies and Restrictive Trade Practices Act has been rigorously followed. If one remains vigilant, certain provisions of the Act which are extremely necessary from financial perspective, will become effective.

I am not referring to this aspect as only a question of academic right of raising the question of privilege for ensuring that certain provisions of the MRTP Act are implemented. There are certain financial consequences which arise if this provision 62 of the MRTP Act is not effectively implemented. For instance, there are Tariff Commission reports and MRTP Commission's reports. Some of these Reports have already been submitted to the Government. If they are not laid on the Table of the House, the question of taking action on the Reports will not arise. In the meantime, the concerned business houses and monopoly houses come to know about the findings of the MRTP Commission and they are able to manipulate things in such a manner that by the time the implementation takes place, you will find that they will again be able to escape the clutches of law. It can happen in the case of Tariff Commission, in the case of MRTP Commission, in the case of so many other Commissions. So, whenever we raise the question vigilantly, it is not merely a question of academically exercising our right to have a proper implementation of various sections of the Act but, if there is a violation of this Act, there are certain financial consequences resulting in a certain loss to the



economy of the country, and that is why we are insisting. Today also when some of us in the Opposition point out certain lacunae even in the existing Bill, it is with the desire to see that the monopolists' stronghold on the economy is weakened, that they are not allowed to take advantage of any loopholes in the Act you are formulating. The business houses and the monopoly houses are functioning so efficiently and effectively in the country that the moment your Ministry goes ahead with the exercise of plugging certain loopholes, they also set up an expert team, even simultaneously, to try to find out, even if those loopholes are plugged, still what are the loopholes that will be left out. They go on adjusting their policies and functioning in such a manner that they will be able to explore fresh loopholes when you have plugged the old loopholes. Therefore, they are very conscious about that. We have also to be very conscious about our responsibility, and that is the reason why I would like to raise certain points.

Firstly, let me raise the question of reference of various cases to the MRTP Commission. You can very carefully go through the experience of the last several years. Everything is documented. Fortunately for us, the Sachar Committee report has also given the viewpoint of some of the members of the MRTP Commission, what difficulties they encounter while functioning as members of the MRTP Commission. They have also found out from a number of trade unionists as to what were their complaints about the monopoly houses, and on the basis of that, they have given certain findings which are extremely important. How are the cases referred to the MRTP Commission? Are there any set guidelines and norms on the basis of which cases are straightway referred to the MRTP Commission? You will find that unfortunately even the reference of individual cases to the MRTP Commission is left to the arbitrary discretion of the Government, to the discretionary power of the Govern-

ment. As a result, if the Government is interested in protecting certain cases, they will ensure that those cases are not referred to the MRTP at all. This has happened in a number of cases. It is not that I am saying something which is hypothetical. I have with me the report of the high powered expert Committee on companies and MRTP Act presided over by Mr. Sachar. Here on page 250, paragraph 20.13, it is stated :

“While in the initial years the Government made quite a few references to the Commission, the flow of such references to the Commission almost dried up in the later years. Thus, out of 246 cases under sections 21 and 22 of the Act finally disposed of by the Government between January 1974 and December 1976, 227 cases were decided without reference to the Commission and in only 19 cases the Government's decision was given after obtaining the report from the Commission. Out of these 19 cases, three cases were recommended by the Commission for rejection and these recommendations were accepted by the Central Government. Of the remaining 16 cases, three proposals fell through and the Central Government accorded approval in the other 13 cases subject to revised conditions.”

The Sachar Committee, an expert Committee which studied in depth counting on the experiences of various business organizations and monopoly houses and the working of various institutions, have discovered that, in the period under consideration, out of 246 cases which were actually brought before them, 227 cases were disposed of by the Government without reference to the Commission and only 19 cases were referred to the MRTP Commission. Now this happens because the Government always adopts a partisan view. I do not want to make a blanket allegation against the Government. But we must institutionalise

our law and institutionalise it in such a way that whether Mr. X is in power or Mr. Y is in power, whether some-one who has interests linked up with the business interests or some-one completely free from them, no matter whichever individual is heading certain agencies and certain Departments, they should not have the discretionary powers to see that the basis objectives of the MRTP Act are themselves defeated. That is the reason that this discretionary power given to the Government to refer the cases to the MRTP Commission, that power itself has to be removed. Therefore, definite guidelines and norms have to be set. This is regarding reference.

But what about reports which are already submitted by the Commission on the cases referred to the Commission? Leave aside the cases which do not see the light of the day as far as the Commission is concerned, but after using their discretionary powers, after screening the cases, when the Government sends certain cases to the MRTP Commission and the MRTP Commission sends all sorts of reports—administrative reports as well as individual reports—what is the experience of the MRTP Commission, what is the experience of the monopoly houses and what is the experience of the Parliament? There again we find that the MRTP Commission has full freedom to examine the cases, they have full freedom to make the recommendations but they have no freedom to insist that their recommendations must be rigorously pursued and implemented. Here again the discretion is left to the Government. I am very sorry to find that even in the amending Bill no such norms are being evolved where on the basis of those norms and guidelines automatically the cases will be referred to the MRTP Commission and once the MRTP Commission takes cognizance of those cases and makes recommendations, there is no provision in the amending Bill where on the basis of certain accepted norms and principles

when these reports and recommendations come, straightaway they will be implemented without tampering with the report. Even that built-in safeguard is not there. This is another lacuna and if this lacuna is allowed to continue, I think it will be disastrous. This point should be taken note of. Unfortunately we have a report in which the danger has been pointed out. The Sachar Committee Report tried to find out what is the trend. The trend is one of bypassing the MRTP Commission and not implementing the recommendations made by the MRTP Commission and as a result of that, allowing the assets of the monopoly houses to go up and allowing the economic concentration to take place. Referring to this phenomenon the report says on page 251, Sec. 20.15 :

“The Monopolies Commission had anticipated this tendency and raised this point way back in its Second Annual Administration Report laid before the Parliament in 1972. The Report said, “the Commission has, however, observed that a number of cases of large magnitude and importance to the economy were decided by the Central Government without reference to the Commission.... But the Commission is not able to understand the policy which is being pursued in this respect.... The Commission cannot help feeling that there is some incongruity in that some times cases not involving any major issue were referred to the Commission while others which would *prima facie* involve important considerations are not so referred.... It would be much better if clear guidelines are laid down by the Government regarding the cases to be referred to the Commission and otherwise.” The Department of Company Affairs answered this criticism in the Annual Reports for 1972 to 1974 by pointing out that the majority of the cases

could be decided without further inquiry as the applications and information being submitted by MRTP undertakings were generally found to be complete and in accordance with the revised industrial policies of the Government (New Industrial Policy Statement was announced on 2nd February, 1973 spelling out, *inter-alia*, the industries open to large houses), it had not been considered necessary to make any reference to the Commission."

14 hrs.

Sir, this is actually what is happening. Further it is stated :

"Whatever may have been the reasons underlying the disposal of almost over-whelming number of cases by the Central Government itself without making a reference to the Commission, it cannot be imagined that, when in the Act provision was made giving a discretion to the Central Government whether or not to refer the matter to the Commission it would lead to the situation of almost total elimination of the role of the Commission. Criticism, therefore, that the Commission has ceased to play any effective role in the consideration of the matters relating to concentration of economic power, as visualised in sections 21, 22 and 23 cannot but be held to be justified. No doubt, on the other hand, sometimes, it is said that there is an in-built resistance to allow expansion or setting up of a new undertaking by large houses on the part of the Central Government. Facts, however, show that in the assets of the large business houses, there has been a considerable increase right through all this period. The Monopolies Inquiry Commission had estimated that in 1963-64, the assets of non-Government and non-banking companies amounted roughly to

Rs. 5,552.14 crores. The latest figures for top 20 business houses which are registered under the MRTP Act show that the value of assets has risen from Rs. 2,430.61 crores in 1969 to Rs. 4,465.17 crores in 1975; the percentage of increase of assets between 1972 and 1975 being 68.6. It is interesting to note that in 1975 the first two large industrial houses of this group of 20 (i.e. 10%) had assets of Rs. 1,768.49 crores which works out roughly to 40% of the total assets of the top 20 industrial houses."

Sir, I have deliberately quoted it. What exactly is the achievement of the Sachar Committee ? It is not something which is spoken of in a market place or some criticism by a trade unionist. I am giving you the findings and they have to be taken note of. There are certain crucial recommendations made by the Sachar Committee. They wanted the norms and guidelines to be fixed. Secondly, at present the decision whether a particular case arising under Chapter III is to be referred to the MRTP Commission is decided by the government and over 92 per cent of the cases are decided by the Government itself. The Sachar Committee has recommended that MRTP Commission's report should be treated as final. It should be treated as an expert autonomous body and, therefore, what is said by it should have the weight of statutory provision. I quote :

"Even in the matter of monopolistic trade practices the Act at present leaves it to the government to decide whether to implement Commission's recommendations.

Sachar Committee's recommendation opposes discretionary power to government."

They opposed such a discretionary power and I feel some sort of



amendment to that extent will help us bringing about the necessary change. Then decision about inter-connections :

“The question whether certain units are ‘inter-connected’ in terms of the MRTP Act is decided by the government and not by commission.”

This is a fine point. If you allow the government the sole authority to decide in the case of number of units under dispute as to whether there are inter-connections that exist or not in that case of lot of manipulations take place and this aspect should be handed over to MRTP Commission and their decision taken as final.

I now come to the powers of deciding :

“Powers of deciding on cases of take over etc. which are being transferred from the Companies Act to the MRTP Act are being kept with the Government.”

I think this has to be taken note of. Here I would again make a reference to another main recommendation and this is what the Sachar Committee had said about Take-over.

Page 254. Para 20.24.

Section 23(4) provides for acquisition by purchase or takeover or otherwise the whole or part of an undertaking. Here also, the reference to the Commission is at the discretion of the Central Government. We feel that this is an area in which some cases at least should receive the benefit of an objective examination by an expert body like the Commission. Accordingly we recommend that the applications to acquire by purchase takeover or otherwise shall be compulsorily referred by the Central Government to the Commission in the following cases and the Commission will be competent to dispose of it

and pass final orders on them :—

- (i) Any proposal relating to acquisition by purchase, take-over or otherwise of the undertaking which together with the shares, if any, to which the transferee is already beneficially entitled or in which the transferee already has a beneficial interest, carry the right to exercise or control the exercise (in the case of a public limited company) of  $33\frac{1}{3}$  per cent or more of the voting power at any general meeting of the company proposed to be acquired;
- (ii) The cost of purchase or acquisition exceeds Rs. three crores; or
- (iii) Where the acquisition by purchase, takeover or otherwise is likely to result in the creation of a dominant undertaking within the meaning of section 20 (b) of the Act.

It is a very valuable recommendation, and it has been exploited by a number of financial journals and I hope and trust that even at this stage he will be able to take note of this and will be able to come forward with necessary alterations and amendments. Government's discretionary power must be curtailed and MRTP Commission should be treated as some sort of an autonomous organisation or institution. I know you are looking at the watch. I will not go into the consumer aspect in detail because I have tabled five amendments.

14.08 hrs.

[SHRI SOMNATH CHATTERJEE  
in the Chair]

These five amendments are self-evident. No doubt the hon. Minister's Bill has taken into account

the need for protecting consumers' interest. But I want to tighten that. If Mrs. Dandavate had been present she would have taken more cognisance of consumers interest. I had tabled five amendments. These are self-explanatory; all that the amendments seek to do is to safeguard the interest of the consumers to the best of our ability. In spite of that certain loopholes will also arise. There will be some scope for manipulation and so on. But if these five amendments are accepted I am sure that it will go a long way in the matter of protecting consumers, interest in this country and I hope the hon. Minister will give attention to this aspect of the matter. Let me say this in the end on the amending Bill. They would like to flaunt this amending Bill as a badge of their radicalism. But in the absence of various provisions I have suggested which will curtail the discretionary power of the Government, in these days when Government is guided by electoral interest, the Bill with its lacunae is likely to be utilised as instrument of patronage and favour, as an instrument of building up funds for ruling party. I don't want that to happen, whether the Congress party is in power or whether the Janata party is in power or let us imagine for a moment if the communist party is in power. Whatever be the party in power if these discretionary powers are left in the hands of the Government—whichever be the Government of the day—the Government is likely to be a victim of pressurisation from certain big houses. In the exchange they are likely to get certain favours and benefits and accrue certain financial gains for them. In order to avoid that and to insulate against such acts of corruption and irregularities, I hope the hon. Minister will take into account the various suggestions that I have made and I will be the happiest person if he allows the entire Bill to be referred to a Joint Select Committee for a thorough scrutiny. After the Bill has been thoroughly scrutinised and streamlined and when it comes before the House, the hon. Minister will find that there

will be greater acceptance of the Bill than what it is today.

SHRI BRAJAMOHAN MOHANTY (Puri) : Mr. Chairman, Sir, it is really inspiring that a member of the Marxist Party is in the chair.

14.12 hrs.

[SHRI CHINTAMANI PANIGRAHI in the Chair]

When we are discussing the MRTTP (Amendment) Bill, we should have a look at what has been our achievement from 1972 till 1982 and whether we have succeeded to curb the monopoly and curb the concentration of wealth. Of course, the answer will be both 'yes' and 'no'. We have not achieved our objectives fully, but we have made some progress. While in 1972, 850 MRTTP Companies were there, in 1982, the number of companies registered under the MRTTP Act had grown to 1273. In 1972, the assets of the monopoly houses were Rs. 5597.74 crores, and these have grown to Rs. 21,619.08 crores in 1982. One explanation is, of course, there, that the value of the money has been going down. Five thousand crores of rupees at that time may be equivalent to eight or ten thousand crores of rupees in 1982.

Whatever it may be, I want to remind the hon. Minister that at the Calcutta session of the Congress, the Congress party, which is the ruling party now, had taken a positive decision to go ahead with a socialist programme and to establish an egalitarian society in this country.

So far as the establishment of an egalitarian society and social transformation are concerned, it is not the Government alone, but the nation, as a whole, needs determination. The nation needs to have determination to go ahead and it is not a small thing. I know, India has got mixed economy, but mixed economy itself is

not bad. If you look to China, there are twenty lakh private entrepreneurs, who have been permitted to carry on business, but that does not mean that they are controlling the economy. In this country, the public sector is in commanding heights, but on account of operational inefficiency, the public sector is not in a position to give any moral leadership to the economy, apart from guiding the economy in proper directions. We should not forget this. So far as the public sector is concerned, it is flourishing only with the help and assistance of Governmental agencies. 80 per cent of the finances of the private sector are coming from the financial institutions functioning in the public sector. Not only this, there are other feature of the private sector. The private sector here is being propped up at the cost of the State and at the cost of the community. And you know, even then, private sector is shying away from competition, the very basic philosophy on which private sector is flourishing. Private sector is based on the theory of free enterprise. The very basis is free competition and survival of the fittest. Unfortunately private sector in this country is not interested in free competition. They want protection in international market. They want assistance, help and various regulatory measures by Government so as to flourish in this country. So, this is the tragedy. You can imagine what the reaction of the private sector is, when foreign money is coming in, foreign money coming to this country, to be incorporated in the economy. They are resisting it. They are afraid of the competition. So, this is the state of affairs. We should not forget the limitations. In this context, where is the crisis being generated? I would like to quote one paragraph from Shri V.K.R.V. Rao's book 'Indian Socialism—Retrospect and Prospect'. I am reading from page 122—

"In order to lead to socialist transformation these institutions need to be manned by cadres dedicated to the socialist cause

and possessing organisational ability and technical skill of a high order. In the absence of these conditions, the State may have all the commanding heights in the economy, but they may be used not for strengthening socialism but for strengthening private economic or bureaucratic or sectional working class power. The Statute Book may contain all the laws necessary to punish those who try to obstruct the transition to socialism, but the State may not be able to or even willing to use this coercive apparatus and be made to function as a soft-State."

Sir, this is the crisis. The crisis is that, things are such that unless we create a socialistic ethos all over the country, unless we re-structure our administrative apparatus for a socialistic transformation, all the laws will not answer the problem. Sir, today things are such that even a progressive government in West Bengal cannot do anything. What are they doing? They are inviting Birlas to instal industries.

14.18 hrs.

[SHRI F.H. MOHSIN *in the Chair*]

(Interruptions)

SHRI BRAJAMOHAN MOHANTY: Why don't you accept the facts. The system is such that we have to invite multi-nationals for the growth of the industry. This is the tragedy. This is the crisis in ideals. I do not blame you.

(Interruptions)

SHRI BRAJAMOHAN MOHANTY: I am taking up your cause. I am always for progressive causes. Why don't you let me speak?

MR. CHAIRMAN: He is entitled to his views and you are entitled to yours. Let him finish.



AN HON. MEMBER : We are only supporting him.

SHRI BRAJAMOHAN MOHANTY : The problem is such, that even the West Bengal Government is thinking of handing over certain public sector undertakings to private ones. You know about the sickness in industries. Sickness is growing all over and you know how it is being managed in some places. Sickness is being manipulated by some industrialists. Shri Choubey, a very intelligent man, you can understand this very well. Naturally, so far as the state of economy is concerned, it requires some radical measures to tackle the situation. One thing we should not forget 'radical' does not mean just negating all the democratic values, as some States in the world have done. We stand for democratic values, and with the help of those values, we have to change the society. That is the difference between you and us.

I am not saying this personally about you, and not about your party as such, but about the Marxist theory, viz. "Proletariat of the World, Unite." The Marxist theory would not do in a democracy. You have now come to the stage of people's democracy. But we would like that the social and cultural set-up should be built in a democratic manner. (Interruptions)

MR. CHAIRMAN : Once in a way you can intervene, but you should not have a running commentary.

SHRI BRAJAMOHAN MOHANTY : Whenever I speak, they become restless. I do not understand whether they are changing their ideas.

However, this is the situation. So, my submission to the Law Minister is that in spite of these amendments, it would not be possible to provide an answer to the problem cent per cent. It will solve it only to some extent.

I welcome the amending Bill which has got some good features. In

the name of modernization, unlimited economic power was being permitted. till now. It has now been limited to 25%. Certain provisions have been made now, to curtail the power of the company to purchase shares, to acquire shares from the non-MRTP companies. This is a good feature.

There is a very good feature, viz. that unfair trading practices have been enumerated. I welcome it. But I submit that unless there is a very effective set of people who will administer these things, I am afraid this will not give us the required result. It will help us; it will be another step forward; but the people are restless. It is not that there is concentration of money, but that it is negating the entire economic objectives of our country. That is why we are worried. So, I say that the Law Minister must take care, with regard to the implementation of the provisions of this amending Bill. It must be so effectively implemented that it does not again work in favour of the MRTP companies.

With these words, I support the amending Bill. I congratulate the Law Minister that he has the boldness to push through this Bill.

SHRI SOMNATH CHATTERJEE (Jadavpur) : I could not follow whether Mr. Mohanty supported the Bill. But he thanked the Minister none-the-less. I would request Mr. Mohanty to listen to me for a minute.

Mr. Mohanty talked of Birlas being invited by the West Bengal Government to set up industries. He himself says that by the operation of this Act, and by the economic and industrial policy that has been adopted in this country to-day, industry is in the complete control of these big monopoly houses.

So far as the public sector is concerned, Central Government now has the wherewithal, not only from financial point of view, but also from the of

licensing, permits a Planning Commission and what not. There has not been second government in this country other than the present State Government of West Bengal which has been insisting on setting up of public sector projects in the State of West Bengal. But, repeatedly, on bogus pleas, on ridiculous pleas, the Central Government has been rejecting one after another responsible proposals from the Government of West Bengal to set up industry.

Now, in a country where you are encouraging Birlas and Tatas and what not, today they are occupying commanding heights irrespective of the Directive Principles, irrespective of the so-called projections of the ruling party of this country. If you deny it, I shall give the figures.

There is rampant a unemployment in this country. The youths are not responsible for this : they have educated themselves ; they are as much patriot as anybody else on the treasury benches ; they love the country ; they want to do some work ; they want to earn in a proper, dignified and civilized way. There is no job. Now, what can be done ? Industries can be set up unfortunately in this country which require the blessings of the Central Government and blessings are only given to these big business houses. Therefore, we have to say that some jobs have to be created, industrial production has to be increased. But our commitment against the private monopolists does not depend upon the good wishes of the Central Government. I am sorry to say, Prof. Madhu Dandavate is not here at the moment. He said, "If the communists come what will happen to this Bill ?" They will also require this Bill. If we come to power and we shall come to power may be not in my life time, may not be in your life time...

**MR. CHAIRMAN :** In this century !

**SHRI SOMNATH CHATTERJEE :**  
If you want a forecast, in this century. When we come to power, there will be

no necessity of this bogus make-believe Bill.

**SHRI CHITTA BASU (Barasat) :**  
At that time, there will be no monopolist.

**SHRI SOMNATH CHATTERJEE :** There will be no necessity of even make believe proposal which this government has brought forward. This occasional exercise that we are having or an amendment to the MRTP Bill is really to mislead the people and with an intention to give an impression to this country that the government is against the monopolists, that they are trying to find out loopholes, they are trying to plug loopholes. Look at the concern of the government for the common people ; look at the crusade of this government against the monopoly houses. This gesture of radicalism is being shown to the people so that they think that this is the government which is now on a war path against the monopolists or against the concentration of economic power. I say this is a tragedy because this country is being pauperised and a handful of people enjoy all the wherewithals of this country. These are not our figures; these are the figures which are laid on the Table of the House. These 20 monopoly houses in 1972 had assets of Rs. 2883 crores, three years after MRTP Act came into force. Wonderful radical gesture of this government; wonderful implementation of MRTP legislation. In 1981, it is Rs. 8987 crores—over three times. And the assets of Tatas which were Rs. 641 crores in 1972 became Rs. 2,430 crores. Birlas, whose worthy representative you have now sponsored, you also sponsor not only their business, their candidates are also sponsored, their representatives also are sponsored now, and they are your collabroators both outside and inside the House.

**PROF. MADHU DANDAVATE :**  
Elaborators !

**SHRI SOMNATH CHATTERJEE :**  
Rs. 589 crores were the assets in

and after 13 years of the operation of this Act it went up to Rs. 2,004 crores. From Rs. 589 crores to Rs. 2,004 crores ! I would like to know from the hon. Minister, we have been asking—of course, I do not know what answer he will give—what can he give, if he gives a true answer he will lose his job, Mr. Mohanty suddenly must have become independent, he lost his job.

Now the question is, what is the object of this legislation ? Has this legislation performed this objective ? Has it performed this objective of finding any loopholes ? When were the loopholes found out and how were the loopholes found ? And will the hon. Minister give an assurance to this country, through you and through this House that hence forward there will be no concentration any further ? Impossible ! Impossible, because not of the law, but this Government is a party to the monopoly undertakings in this country. Because this Government cannot survive but for the help of these monopolists and the persons who are concentrating economic power in their hands. This Government has neither the administrative will nor the political will to control the monopolies. The objective of the Act, when it was enacted in 1969, amongst others, was to ensure that the operation of the economic instrument does not result in a concentration of economic power to common detriment, which is almost verbatim quotation, as you know, of one of the Articles of the Constitution, contained in Chapter IV, the Directive Principles. This has become a mockery. This object has become a laughing stock. During this period your party has been ruling, according to me, unfortunately this has happened. What has happened ? Prof. Hazari Report.. (Interruptions)

MR. CHAIRMAN : It was our party which brought this Act in 1969.

SHRI SOMNATH CHATTERJEE : With the results which I have just now read ! Wonderful performance ! Prof. Hazari had given a report that the

working of the licensing system had led to disproportionate growth of some of the big business houses in the country.

PROF. MADHU DANDEVATE : Sitting in the Chair you have no party.

MR. CHAIRMAN : But when he makes me a party man I had to reply.

SHRI CHITTA BASU : You cease to be a Party man for the time being.

PROF. MADHU DANDEVATE : You are the only non-aligned person in the House.

MR. CHAIRMAN : You are correct. As long as I occupy this Chair, I am a non-party man.

SHRI CHITTA BASU : For the time being.

SHRI SOMNATH CHATTERJEE : The Monopolies Inquiries Commission have found that the top 75 business houses had total assets of Rs. 2,605.9 crores which constituted about 46.9 per cent of the total assets of non-Government companies. Therefore, 75 business houses control nearly 50 per cent of the private sector industries.

Sir, the Dutt Committee which submitted its report in 1969 came to the conclusion that the working of the Industrial Licensing system has helped in the growth of large industrial houses. So far as the Sachar Committee is concerned, I will read what it has recorded.

श्री राम प्यारे पनिका (राबर्टस-गंज) : यह आप कहां से पढ़ रहे हैं ?

श्री सोमनाथ चटर्जी : जस्टिस सच्चर उस कमेटी के चेअरमैन बने थे ।

सभापति महोदय : श्री भीमसेन सच्चर ?



**SHRI SOMNATH CHATTERJEE :**

There was a Committee, a High-powered Committee on Companies and MRTP Acts, headed by Justice Sachar.

**MR. CHAIRMAN :** Justice Sachar or Shri Bhimsen Sachar ?

**SHRI SOMNATH CHATTERJEE:**

His Son. Bhim Sain Sachar was one of the victims of MISA during Emergency. That old gentleman was one of the MISA detenus.

The Sachar Committee says :

“The percentage of increase in value of assets of top 20 large industrial houses shows that the percentage increase over 1969 had been to the extent of 25.9, 38.9, 61.3 and 83.7 in 1972, 1973, 1974 and 1975 respectively...”

When the Emergency came, they benefited by increasing their assets by 83.7 per cent only in one year.

“The percentage of increase over previous years also comes to 10.3, 16.1 and 13.9 for the years 1973, 1974 and 1975 respectively. These figures will show that the Act has not stifled the growth of the economy. The Central Government has been quite liberal in allowing expansion or the setting up of new undertaking. But the legislative policy of the Act that before any expansion etc. is allowed, the advice of the Commission should be obtained has not, by and large, been followed.”

The whole impression in the country which is sought to be created by propaganda machinery and all that, which is very much under their control, is that; well, we have set up a Monopoly Commission headed by a learned Judge of the High Court; they are looking into it and they are permitting it. This is a wrong impression which is created in the minds of the

people, as the figures speak for themselves. Hardly any reference is made to the Monopoly Commission. So far as 1981-82 is concerned, under section 21 (application for expansion) not a single case was forwarded to the Commission by the Central Government. In 1982-83, only four out of 177 applications were referred to the Commission. The other figures have also been given.

“Thus out of 246 cases under sections 21 and 22 of the Act finally disposed of by the Government between January 1974 to December, 1976, 227 cases were decided without reference to the Commission and in only 19 case the Government's decision was given after obtaining the reports from the Commission. Out of these 19 cases, 3 cases were recommended by the Commission for rejection and these recommendations were accepted by the Central Government. Of the remaining 16 cases, 3 proposals fell through had the Central Government accorded approval in other 13 cases subject to the revised conditions.”

This is the whole purpose of the Commission. A quasi-judicial if not a judicial body is expected to discharge its duties with as much concern as the statutes and also to adopt a method and process to achieve the objectives of the statute. This has been made a total cypher. The result has been that this MRTP Act has become one of the very sure and certain methods of pleasing those who are waiting there to be pleased and, in return, more eager to please their benefactors. This has become the easiest vehicle of *quid pro quo* in this country so far as the creation of monopoly undertakings is concerned and so far as greater and greater concentration of economic power is concerned. The hon. Minister says they are enforcing the recommendations of Sachar Committee and one very significant observation I

find from the Statement of Objects and Reasons is that the present Bill, as it says, represents the second and final instalment of the amendments arising as a result of the recommendations made by the Sachar Committee and the suggestions received by the Government and so on and so forth. Therefore, he says so far as this Government is concerned, so long as they are in power—days are numbered we are hopeful—this is the final acceptance. There is no more recommendation which will be accepted.

**PROF. MADHU DANDAVATE :**  
Last word of wisdom.

**SHRI SOMNATH CHATTERJEE :**  
Last word of wisdom as Prof. Dandavate says. It made a recommendation on page 252 with regard to making provision for mandatory and compulsory reference by the Central Government to the Commission for enquiry and final disposal. If you give me time I will read them all.

**MR. CHAIRMAN :** You need not read them all.

**SHRI SOMNATH CHATTERJEE :**  
I quote three cases :

- “(i) Applications received from a dominant undertaking for expansion or for setting up of a new undertaking...
- (ii) Any application by any undertaking to which Part A of Chapter III applies for expansion.....exceeding Rs. five crores; and
- (iii) Any case in which more than one undertaking is the applicant or a case in which objections have been raised opposing the proposal.

must be referred to the Commission.”

This recommendation has not been accepted. Obviously, the intention is

very clear. If it becomes a sort of adversary system, namely, one is making claim, another is opposing, Y is making claim, Z is opposing, and so on and so forth. As in legal parlance, one can say a list arises and it becomes an adversary system so far as the demand for licensing is concerned, so far as the demand for expansion is concerned. Then you do not decide bureaucratically or politically with an election in mind, you give it to the Commission, let them decide. Now, what are the guidelines? It is very easy to say that guidelines are the objectives of the statute. It always ought to be the objectives of the statute. Then who is now the arbiter of the fate of these applications? That is why we opposed the 1982 amendment. That was made to dilute some of the rigorous provisions of this. On the plea of export, they were completely taken out of the MRTP Act.

This Bill also purports to give a lip service to some of the important redommendations. They are sought to be amended. I know, the meaning of the word ‘undertaking’ has created difficulty because when one goes to the Central Government, difficulty is not with the Commission because they do not go to the Commission, difficulty is that there are other claimants who challenge them in courts by way of writs against the Government’s decision. Therefore, make it more flexible.

Another significant point is that investment companies were out—the so-called investment companies like Sanchayita. Now they come, they want to expand. All right, come, expand *via* this Department. Via the Government you have to expand; with the blessings of the Government you can expand. Otherwise you cannot.

**SHRI CHITTA BASU :** You also require some investment.

**SHRI SOMNATH CHATTERJEE :**  
I know Carew company judgment created sometimes a little difficulty

in your understanding and appreciating all this. These are the nominal matters for which they need not have waited for years; they need not have waited for the Sachar Committee Report. As to whether an undertaking comes within this Act, the Supreme Court Judgment in the Carew Company case created difficulties. So many interpretations were being given. These are very minimal matters. What else have we to see? What is the role of this Amending Bill? That is why I am requesting the Hon. Minister. Sir, I have personal respect for him. He has to carry so many deformed babies. What can he do? He has to carry all sorts of perversions though as many Ministers have to do that. Therefore, Sir, does he believe and does he give that assurance that henceforth there will be not only no more concentration of economic power, but there will also be dilution of economic power? He cannot give that assurance. Why not? Because you are implementing your own policy even through this Act of subserving the interests of the monopolists in this country. The danger which you and I are facing in this country is that they are diluting the public sector instead of their acquiring greater and grater heights. We are reminded for the purpose of election speeches, they were saying that the public sector will occupy the commanding heights in the country. But actually what we find is that they are being more and more diluted. The public sector undertakings owned by the Government are being closed down on the plea that they cannot find a good Manager. Prof. Ranga said, I have no other thing in my mind except Biecco Lawrie. But I may tell you that one of the leading engineering concerns for more than fifty years in the country manufacturing items or goods or products which are vitally necessary for power generation in this country, whose annual production is increasing every year, which employs nearly 1500 workers, is not only threatened, but even the Cabinet has taken a decision to close it down. And when I took up the matter both inside the House and outside the

House I am told, what can we do when we cannot find a managing director. That is why this company is suffering losses, therefore, the Company should be closed down. And this six-crore-rupee worth of production by the public sector industry will go to GEC, will go to Crompton and Parkinsons. Is this the way the Government is giving importance to the public sector? Now, this is the danger. We are not only not able to stop the concentration of economic power, but you are also unable to stop the expansion of the dominant undertakings, monopolist undertakings, through this restrictive trade practices Bill. You are unable to control them. There is no control on them. Now, we are talking of the consumer protection. There is no control in this regard. Even the ordinary fields which are eminently suitable for the small-scale and cottage sector, have been allowed to these big business. Mr. Panika also knows that. The soap you use and which can be manufactured in your State by the small-scale sector, the cottage sector, is being manufactured by the big business houses, even by the multi-nationals. This is happening. Now, not only you are not able to control that, but you are surrendering even the public sector that has been built up. This is not the way to tackle the situation. Therefore, they have to change their policy; they have to change their attitude. It is just a paper proposal. The Sachar Committee's recommendations can really be made effective and the people can really have faith if this Government sheds off its control through the means of this Legislation. Give it to the Commission. I am not very particularly enamoured of the judicial system and set up in this country as such. Openly I have said it many times and I am saying when we have to choose between application of law with an object which is consistent with our necessity or requirement, then I choose a lesser evil viz., the judiciary. What can be done? These loopholes are not being plugged. One or two amendments may have been made



which will probably make a little less easy for the lawyers to make money, un-necessarily by prolonging litigations. But, the basic objective is not going to be fulfilled by this legislation.

Instead of Director of Inspection, you have got double barrel officer—Director General of Investigation and Registration. What difference does it make? So far as the Director General is concerned, the Central Government may refer it. Certain innovations have been made. They are neither here nor there—that some temporary injunctions can be given. I do not mind at all. Instead of going to court for getting injunctions because it has got greater and greater trappings—that the Commission may have it. But in how many cases Commission deals with it, or it is within the power of the Commission to award compensation. It is on paper only. The basic objective of the legislation is like this.

So far as the other proposals are concerned, for unfair trade practices, there is no specific provision. Very well. We do not mind. We support it. Bring them, but implement them. You have not been able to solve.

So far as food adulteration is concerned, it is a flop. Prevention of food adulteration is necessary but you will say as it is the power of the States. So far as unfair trade practices are there, kindly see what is happening. You are being inspired by the United States and the United Kingdom. But if you can stop unfair trade practices, I give you support. So far as the little widening of the scope of Section 21, 22 is concerned, in principle it is good. But it has not been implemented properly.

So far as deletion of some sections from the Companies... (Interruptions).

So far as the definition of undertakings is concerned if the uncertainties are removed, I do not mind.

I do not want to take more time so far as some of the amendments are concerned. They are somewhat technical. Some will may be of some use. The position will not alter unless we are able to approach this matter from a totally sincere commitment, with a totally different political and administrative will in this country.

With your permission I give a few more figures. The twenty houses assets which were Rs. 14,408 crores in 1980 became Rs. 21,688 crores in 1982. Therefore, there is an increase of 50%. Rs. 14,000 crores became Rs. 21,000 crores. The turnover has increased by Rs. 4,000 crores. Rs. 20,000 crores became Rs. 24,000 crores. Profit before tax in 1980 was Rs. 1,121 crores, in 1981 it was Rs. 1,334 crores and in 1982 it was over Rs. 1,071 crores. This is in one sector. Mr. Mohanty asked at whose expenses this private sector is making money, with what funds we are making?—money provided by the public financial institutions—LIC, UTI and so on and so forth.

We have been demanding. Even in the Consultative Committee I have been there for quite some time, we have been demanding. How does the Government appoint Directors? How do they exercise power and how many meetings do they attend? It has become a topical controversy in Escorts—whether Government should get control or not? But, unfortunately, the point has arisen squarely in a case where the matter is being dealt with from political consideration, it has got its great importance, with the introduction of non-resident, foreigner, who was an Indian but because of Indian origin, of earlier Indian nationality these people are given facilities in this country on a platter. The whole real controversy which requires to be decided is about Private Sector; you need not go on nationalising these things. You exercise your control in a more effective manner. You do not do that.

The Private Sector is making money with the public sector resources

and finance. What is the tax liability of this private sector? They are not paying their taxes. These taxes are remaining outstanding. Arrears of Income Tax is Rs. 144.66 crores from Birlas as on 30th September, 1982. Against Tatas it is Rs. 5.94 lakhs in 1982. Rs. 174.78 lakhs is as arrears of Income Tax against Sri Ram. It is coming out in papers. Not even 5 to 10% of the investment belongs to them. Rs. 24.50 lakhs arrears is against Bangur. Whose are they, professor sahib? And who are you? Hats off. Therefore, this type of—I would not call it hypocrisy, hypocrisy is a strong word—double standard will not help. Therefore, these laws you may go on passing. Because of changing law and taking stands you may say how radical you are; we have plugged the loopholes. There will be not many monopolies, no concentration of power under the leadership of Shrimati Indira Gandhi; we are removing poverty. This will be the propaganda of this Bill. But the fact we know. This is a make-believe. These are all paper provisions. This is for the coming election. And I hope, Sir, let them exchange money and favours between them. I do not mind. Let them do it. But let the people give their true verdict and that verdict is against the policies of the Party which are fleecing the people and going against the people for years and years.

15 hrs.

**PROF. N.G. RANGA (Guntur) :** Mr. Chairman, Sir, I am in favour of this Bill and I am glad that they have brought it forward at long last. We should have had this Bill or such a Bill long time ago. Then, it is good that it has come at least now. But my hon. friend is not satisfied even with this. He says, our Government is not really as radical as it tries or appears to be. I am glad he is not prepared to use worse words than that.

**PROF. MADHU DANDAVATE :** He did not use strong words because you were present here.

**PROF. N.G. RANGA :** But then, even if Shri Mohan Kumaramangalam who was my good old friend and colleague for a long time had been alive today and had been on our side, as he used to be some years ago, I am sure he would have supported this Bill and he would have welcomed this Bill. He was no less a communist than my friend. Now, my friend does not want this private enterprise at all. He does not want it and that the same time he is not prepared, his Party and his other colleagues are also not prepared to cooperate with this Government in merely helping the public enterprise that we have already got—State-owned, State-managed or State-aided—to make a good job of it and to show some net results and not to go on incurring more and more losses. Then, Sir, would it be possible for them to carry on without any private enterprise? We can carry on without private enterprise possibly if all these public enterprises move to commanding heights and make a success of that enterprise. But they are failing hopelessly—most of them—add under those circumstances, should we not continue to rely on private enterprise? That is the question. That is the challenge facing them as well as us. What answer are we to give? Pandit Jawahar Lal Nehru was greater socialist than myself. I used to complain that Pandit Jawahar Lal Nehru was not more radical socialist than myself. I used to consider myself as more socialist at that time.

But in the end, three of us, including Shri Shyama Prasad Mukherjee and all those who were behind us, went to the national conference where the then State Governments were represented, trade unions—INTUC, AITUC—and their representatives were also represented and industrialists were also represented. We all come to the conclusion that we should try our best to develop our industrial economy on the basis of mixed economy. We have got to invite, welcome, assist and promote private enterprise also to the extent that we would allow private enterprise to operate in certain spheres of our industrial structure. Similarly, the State itself should take the initiative

and then develop these State enterprises.

In addition to that, we wanted that encouragement to be given to cooperative enterprises because we believed in socialist cooperative commonwealth. And we wanted to develop it that way. Even we thought that through cooperative commonwealth, we would be able to make a better show than mere State socialism. All these ideals, we have shared. One of my seniors at that time, my hon. friend's renowned father who was a great colleague of mine, Shri N.C. Chatterjee was also with us in those days. We all worked together.

MR. CHAIRMAN : His father was not a communist.

PROF. N.G. RANGA : He was a great leader and a great social worker also. And he threw away high court judgeship in order to continue the public work. Therefore we were all patriots. We believed in each other. We cooperated with each other and we evolved this Policy of mixed economy in pursuance of that policy, we also wanted to control the private entrepreneurs in such a way that some of them will not heat up some others, and a few of them only will not go to the top and begin to control parliamentarians as well as administrators and then hold us to ransom and in their palm as they are said to do in America. It was in order to prevent this country from going under the control of these private entrepreneurs, the monopolists as we called them, at the very top, though a few of them, that we then passed this law. When we passed this law, we had the American law also before us. Afterwards, now we find that that law was not enough. Therefore, this amending Bill has come. Therefore, my hon. friend should also join us in welcoming this Government move instead of accusing this Government by those very harsh words.

(Interruptions)

PROF. N.G. RANGA : Secondly, my hon. friends are having their choice now of making experiments in West Bengal. They can certainly help us also in making whatever public enterprises are there in West Bengal, a success. Instead of that, they have frightened the industrialists to such an extent that the capitalists and the monopolists who are behind them are slowly dismantling all those industries and taking them all out. Although the names are there, the substance is not there, it is all being sent away to other States and that is why my hon. friend is grumbling all the time that so many workers are becoming unemployed. One point which I would like to make to the hon. Minister now—and the other Ministers would try to give some satisfactory answer at the right time—is he has made a charge that there are some public enterprises and one of them he has mentioned—which are not being helped by the Government of India. I do not know why ?

SHRI SOMNATH CHATTERJEE : I request you for your kind help. Please also speak to them on my behalf.

PROF. N.G. RANGA : Who am I, I am only like any one of you. You all have some empty titles. I also carry some empty title. These are all symbolic the seniority in the House. Therefore, I would like to know why it has happened. There must be something wrong between that Government and this Government or with both the Governments or possibly not with both the Governments, but with the workers themselves.

SHRI SOMNATH CHATTERJEE : I would most respectfully invite you to come with me there and see the industries for yourself and if you recommend its closure, I will accept it. But, I am sure you will do it on a proper consideration of the matter.

PROF. N.G. RANGA : I have done my duty in raising this matter,



not in support of what my hon. friend has said but in asking the Government to direct their attention to this matter. I do not want to go beyond this so far as this question is concerned.

But I have one particular anxiety which has been worrying me for some time, when I was in the opposition...

PROF. MADHU DANDAVATE :  
That was your finest hour.

PROF. N.G. RANGA : And now also when I am on this side and that is this.

As my hon. friend has said most of the successful and well-run private enterprises are being financed by various financial institutions which we have brought into existence after we achieved our freedom. We wanted to do it in order to encourage them to flower forth in various directions and develop many industries and enterprises so that our country would prosper and progress industrially. Therefore, we wanted the financial institutions to advance money to them, as partners in share capital, as lenders, and so on. We wanted the public institutions to send their Directors also on to those Boards of Directors so that public interest may be safeguarded, about the manner in which these industries would be run by the private entrepreneurs. Now what is happening? My hon. friend and various others also are joining hands in tying up the hands of one or two or five or ten Indian-born Indians who have settled abroad or those who are born of Indians who have settled abroad. They have got together and they want to bring huge sums of money here and invest in our industries. But these friends raise so much of hullabaloo as to why they should do it. Are one group of industrialists their brothers and another group of industrialists are their brothers-in-law. All of them are our brothers, all of them are industrialists, they want to bring their money here...

SHRI SOMNATH CHATTERJEE :  
What we have said is this. Suddenly we found a special provision in the last year's Finance Bill and budget proposals in favour of non-resident foreigners of Indian origin. How many of these people have taken advantage of these provisions except in Reliance or except the other gentleman with whom you may be in touch now a days? These two persons have mostly taken the benefit. What we have said is that this provision is only for certain persons : for the sake of one or two individuals, this extension has been granted.

(Interruptions)

PROF. N.G. RANGA : Somewhere or the other, a beginning has to be made. It was a test case. There are Indian-born Americans there in America and Canada. Some of them have come to me and met me while this thing was going on, whether they would have an opportunity of bringing their money over here and starting their own enterprises or investing in other enterprises which are already here and in which they would like to become partners so that they could also make a beginning. Somewhere or the other a beginning has to be made. All these men were fortunate enough to get together a large number of people and gain command over a huge amount, what you call, noticeably noteworthy amount of money. And then he comes and makes an effort. The moment he makes an effort, they begin to frighten him away, no money could come in our country, no enterprise should be developed here, which means, the earlier objective that we have placed before ourselves, before all of us, as a kind of national consensus, that enterprises should be developed in this country, private or public or private and public, industries should be developed, development of industries should be speeded up... (Interruptions) that purpose, that national purpose, will be frustrated if we adopt this kind of double-or triple-or multi-tongued public attitudes. That is the difficulty,

What kind of control is Government having over all these industrial enterprises? Should they not have any control at all? Scan through the editorials of most of your English dailies and also the equally important language dailies. You will find that they are all opposed to any kind of development which is likely to come forth through State enterprise in our own country and in others. Why? They do not want any control from the State, from the Government. It looks as if they want to have, not State control, but private enterprise galore. There should be no Government at all. The Government should be there only as a kind of—not even as a watch dog but only as an old, blind, Dhritarashtra, so that they can do whatever they like. This is exactly what is happening, my dear friends.

Let us look at these things in a national way, in a non-partisan way. How can there be any kind of a development in this country? There should be development. Therefore, welcome private enterprise also. Then how can that private enterprise at the same time be properly controlled? There I agree with my friends and they should agree with me. In between while they carry on their work, are we to allow these people, these private entrepreneurs complete freedom to do whatever they like and to keep this Government away and outside the ken of industrial control? We certainly should have Government control and more and more powers to the elbow of the Government. But to what extent? Also this Commission, Director-General, a number of subordinates, so many Directors and so many other people go on prying and prying and then what is the result? Our capitalists are complaining. At the same time I want this control. Therefore, we must expect the Government to exercise its judgment in such a way and exercise its power also in such a careful manner that it would help the country to move in the direction of progress while at the same time controlling these industrialists properly, effectively

and judiciously. It is so easy for me to say so or for my friends there to agree with me. But it is too much of a difficulty for these Ministers to exercise that power in such a judicious manner. That is where they are bound to make mistakes. That is why they have come forward with this Bill controlling themselves and controlling the industries also. That is why I like this Bill.

We advance credit to our industrialists. We give them freedom. We will not obstruct them by using our power and, therefore, we would ask the Government to use their powers in a judicious manner. All these things we have. Even then they make a mess. They are making a mess. It has become a business on the part of quite a number of these businessmen to mulct as much money as possible and in various ways, turn their industries into sick industries and then make use of these working classes, our proletariat as their instrument in forcing the Government, first in beating Parliament and in beating the Government saying, 'You, parliamentarians, are you not going to provide employment for these unemployed people?' Whose fault is it that these workers are unemployed? They are trained people, they are efficient people. Is it not a national loss that they should be unemployed? Therefore, we Members of Parliament go to the Government. If the Government is blind—it is possible that the Government is awake and generally it is awake—then we say, 'You know how these workers are suffering for no fault of their own. The industry has become sick. Please come to their rescue. Take over the sick industry as a liability first and then feed these people by providing employment and then afterwards charge all these losses to the account of the public.' This is what is happening. Can we not prevent these things by empowering the government suitably and charging the government with the responsibility of watching how these various thousands and thousands of ever-increasing number

of private enterprises which are functioning all over the country, watching how they are being run—are they being run well or not—so many of them are being run well so no harm and we need not trouble them. But you find that some of them are somewhere on the edge, on the margin. Then send your officers, get them examined and see whether they can be set right by giving necessary warnings to the management and helping the workers also to look into it properly and forcing the management at least at that stage to have workers' partnership as they are now trying to do in so many public enterprises, to the tune of, say, 1/3 workers' partnership, one-third private entrepreneurs and one-third financial institutions—all the three—and then, see that they do not become sick.

It is in the national interest that Government should begin to take a very serious view of this matter and then give serious thought as to how it can be done; what powers should be placed in the hands of my hon. friend, the Law Minister, in charge of this legislation, of this activity, and then what kind of responsibility should be placed on the Industries Minister and the Commerce Minister and other relevant authorities and, in that way, you can see that the public industries are maintained at the maximum possible efficiency and the minimum of inefficiency. Inefficiency, there is bound to be. But, it should not be so much that it would make the industry go sick. This is what is needed now. My hon. friend, the Law Minister should like him take counsel with the Planning Commission and the other concerned Ministers and then come to us at some suitable time with a Bill which would empower the Government in all its relevant ministries to help the country, the nation, in making the maximum possible progress even in the direction of the private enterprise.

**SHRI SOMNATH CHATTERJEE :** With that part of his speech, I would respectfully agree with my hon.

friend, namely, his remarks on sick industries and companies.

**PROF. N.G. RANGA :** Thank you.

**SHRI SOMNATH CHATTERJEE :** You will please pursue this.

**MR. CHAIRMAN :** Shri Chitta Basu.

**SHRI CHITTA BASU :** Mr. Chairman, Sir, it will be in the fitness of things today to remember that the Indian monopoly has grown into a monster and this monstrosity will be increasing unless there are effective steps to curb it. This Indian monopoly has not only stunted the growth of the independent development—the economic development of our country but also—allow me to say so—it has made them to pursue a policy of development depending on the capitalist development in our country. They are entering into collaboration with the private foreign capital, thereby, opening the floodgates even for a subservient foreign policy and other relevant national policies.

Therefore, Sir, it is in the national interest that we demand that this monster of monopoly is crippled, if not, completely, eliminated. It is necessary to understand the monstrosity of the growth of the monopoly in our country. I would only refer to the recent report from the Reserve Bank of India Study. It says :

“The growth of MRTP Houses during the period of 1972-73 and 1980-81 has been examined by the Reserve Bank of India Study”.

I quote their conclusion, their findings. Prof. Ranga, whom I respect most, may kindly note. I quote :

“The growth of capital of MRTP houses was 158% and for the top ten MRTP houses it was 149% and the next 20 top houses, it was 162%.”



This is from the period 1972-73 to 1980-81. This is not what Mr. Chatterjee or I say. This is not a Leftist view. This is from the Reserve Bank of India's study report. Have you got the guts to deny this? (Interruptions) Have the patience to listen and have the power of tolerance.

Sir, it further shares :

"The assets of the MRTTP houses rose from Rs. 5,597 crores to Rs. 10,005 crores during 1972-77. ...An increase of more than 70 per cent and during 1977-1982 from Rs. 10,000 crores assets rose to Rs. 21,000 crores, a rise of 116 per cent."

Therefore, Sir, this reveals the enormous growth and the growth has become a factor against the independent development of our country. This political aspect is also to be taken note of.

Sir, my question to the Government is whether this kind of abnormal growth within a brief period of time is compatible with the object of checking the concentration of economic power in the hands of few to the common detriment of the nation? I would say, "It is not." It is detrimental to the national interest and to the development of our country—industrially and otherwise.

Sir, much has been said in praise of the MRTTP Act by our respect leader Prof. N.G. Ranga. I would only like to quote what Justice Madhusudan Rao, a member of the Commission has said. He has made the object of the MRTTP Act very clear :

"The MRTTP Act does not seek to stunt or prevent economic concentration. The Act does not stop anyone becoming big, bigger and biggest. What it seeks to do is to see that economic concentration is not to the common detriment. The Act seeks to

control monopoly and does not prohibit monopoly."

Therefore, the object of MRTTP Act itself is not to prohibit and eliminate the monopoly itself. Rather, as Mr. Somnath Chatterjee has said this kind of anti-monopoly populist measure has further strengthened the monopoly during the last few years.

Sir, the MRTTP Commission has been referred to by both Prof. Dandavate and Shri Chatterjee. Let me quote the opinion of Justice Rangarajan, ex-Chairman of the Commission :

"The Commission lacks the proper structure and staff to function effectively. There was utter lack of political will and the bureaucrats did not want to give up any of the powers."

You should take note of all these things. The Commission has proved ineffective. According to the Annual Report of the Ministry of Law, Justice and Company Affairs not a single application out of 295 for substantial expansion under Section 21 of the MRTTP Act during 1981-82 was referred to this Commission. Why not? 295 applications were filed during the period 1981-82 and none of the application was referred to the Commission. What is the Commission for? Out of 177 applications received during April to December 1982, only 4 cases were referred to the Commission. Why only particular cases were referred and not the rest? The Minister accuses me of political considerations when I say all these things. I would say that there are political and other considerations which prevent Government from referring these large number of cases to the Commission with has remained toothless as has been mentioned by the Chairman himself. What is the role of the Government in increasing and strengthening the monopoly Houses? What are the factors which are responsible? It is the Government's policy which has strengthened

the stranglehold of the monopoly houses. I will give you only one example. According to the *Economic Times* of August 26, 1983, "the All India term lending institutions have sanctioned loans to MRTP companies totalling Rs. 3065 crores till March 31, 1985 of which Rs. 2312 crores has been disbursed till then". Whose money is this? It is public money. These term lending institutions are giving this amount for the fattening of these monopoly houses!

What is the extent of financial growth of big houses can be measured from the following. A Congress Member sent a Memorandum to your Prime Minister bringing out all these facts. It has been said not by me, but by a Congress (I) Member. Big business houses in India control companies whose assets total as much as Rs. 27,000 crores with as little investment as Rs. 148 crores only. Have you challenged it? Have you challenged this statement? So, these are hard realities of life. You can't ignore these things. The proposed Bill is toothless, colourless and odourless. It is a mere populist piece of paper. That is all.

Government has invested huge amounts in these companies. In some cases the Government holds over 50 per cent of the shares. The owner of the company has as little as 5 per cent of the shares. Government can own companies under Section 19 of the Act. Why it is not being done? There are such large number of companies where the Government has got more than 50 per cent of the shares. My question is: Why cannot the Government take them over?

My friend Mr. Somnath Chatterjee was saying that during the Left Regime there is no need of any law of this nature because there is no monopoly. If there is no monopoly, and that is eliminated, there would be no need to control the monopoly.

**SHRI RAM PYARE PANIKA :** The West Bengal Chief Minister Shri Jyoti Basu has time and again invited

the industrialists to set up industries in the State, and he has, to a great extent, helped them with concessions and subsidies, and the State Government is very much pleased with them... (*Interruptions*).

**SHRI SOMNATH CHATTERJEE :** They have not to pay money to the so-called trade unions... (*Interruptions*).

**SHRI CHITTA BASU :** I know, Shri Panika is a well-informed Member. Has the State Legislature got any power to make a law of the kind we are passing here?

**SHRI VIKRAM MAHAJAN (Kangra) :** In that case, the State Government need not request and invite the industrialists to come and set up industries there and take concessions and subsidies from the West Bengal Government... (*Interruptions*).

**MR. CHAIRMAN :** Let him speak. I do not want any Member to interrupt, if he is not yielding... (*Interruptions*). Friendly exchanges can be done outside only.

**SHRI CHITTA BASU :** Even if the hon. Member has not addressed the question to me, I would like to answer him. Is the West Bengal State a free and sovereign State? Do you want it to be so? Let us not mince words... (*Interruptions*). The West Bengal Government is very much a part of this country and works under the sovereignty of this Parliament. What has been done by the Government of West Bengal has been done within the framework, within the parameters of the laws passed by the Parliament with regard to the monopoly houses.

As regards incentives to be given to the Industrial houses, all State Governments do that, and the West Bengal Government has also done that. What is the harm in it? If that proves harmful, we know how to defend our interest and the interest of the workers

by remaining within the four walls of the existing laws framed by you. Therefore, that question stands answered.

The growth of the monopoly houses has hurt immensely the interests of the small and medium sized industries in our country. I have mentioned in my earlier comments that the monopoly houses have worked against the national interest. Look at what havoc they have played. The Indian Institute of Public Administration has, in a report, remarked :

“A number of large industrial houses and trans-national corporations have utilised the facilities afforded to the small scale sector to avail of the fiscal concessions and financial accommodation.”

It goes further to say :

“The membership of the officially recognised small sector has helped many a big business company to avoid a variety of regulatory obligation.”

Therefore, the growth of monopoly houses is against the national interest. Particularly for that I have mentioned this.

Now, regarding the working of the big business Houses. I do not like to take much of your time. I will only mention that enough light has been thrown on the working of the big business houses by Mahalonobis Committee, Monopolies Enquiries Commission's Report and the Dutta Committee's Report. Would you go through that ?

SHRI SOMNATH CHATTERJEE : Who will ?

SHRI CHITTA BASU : If they have got the political will, they can and they can find a way out. This is the actual state of affairs. The MRTP

Act, the parent one, is nothing but a small instrument to be nibbled by the big industrial giants. What is needed today is not just plugging the loopholes but a change in the entire economic, fiscal and political attitude of the Ruling Party, if they are really interested in taking effective anti-monopoly measures. Sir, the Bill does not reflect the political will, it does not reflect any initiative. Rather, the Bill seeks to create an impression—a false impression—that Government is really anti-monopoly. But, as a matter of fact, Government is pro-monopoly. They cannot go beyond these limits, which they have imposed on themselves.

If the Government are honest, why should they not take into account other recommendations of the Sachar Committee ? I would only say that if all the recommendations of the Sachar Committee's report were reflected in the Bill, it would have been a little stronger Bill and a stronger Act, having some more teeth to bite the monopoly houses. But Sir, you have just picked and chosen certain recommendations, neglecting and ignoring the other important, vitally important recommendations of the Committee.

Therefore, if the Government are interested to become really anti-monopoly, I feel that they should reverse their pro-Monopoly stances, their pro-monopoly industrial policies and they will have to bring in a new law, a new Bill which would act as an effective instrument to fight the monster called Indian Monopoly.

SHRIMATI GEETA MUKHERJEE (Panskura) : While reading this Bill I am reminded of the introduction to this year's Budget by the Finance Minister, where he started with “certain forthcoming events and in the light of those forthcoming events...” He did not spell out what it was. On the other hand he tried to convince us that it was the Seventh Plan. But everybody understood the event as the Elections. So the Budget



was an Election Budget. Now, Sir, this particular Bill also has an eye on that forthcoming event, as I understand it.

Therefore naturally, some provisions have to be made at least on paper, which if they could be implemented, people would have thought that it was all right. But Sir, despite the present Budget, the forthcoming event will not be easy sailing. Identically, I am sorry to say that this Bill also will not convince us. My quarrel is not with the provisions of the Bill. Everybody here has said that the provisions, as such, are not bad. But the question is, can we take this Bill seriously with the record that is with us? This is an amendment to the original law. Now everybody knows that that law is called Monopolies and Restrictive Trade Practices Act. The test of the pudding lies in the eating. This law was not passed the other day. Years have passed. What has happened to these monopoly houses? Their number has increased. On 31.12.1970, their number was 850; on 31.12.1983, it is 1325. Their assets has risen.

Most of the previous speakers have mentioned about the tremendous increase in their assets. I will not give figures about it, because of shortage of time. But even 'Economic Times' has said that between 1972 and 1981, the annual growth in assets of the top 20 industrial houses, was 30%, on an average. Their profits have increased. Lot of figures have already been given. I do not want to repeat these figures, but I want to point out the basis on which their profits have increased. Have they really contributed to the national economy, through which their profit has increased?

Just one fact—21 companies of the Birla house increased their gross profits in 1982-83 by 27.9%, with only 2.2% increase in their sales. Can you imagine any other ordinary, small industry doing it? This means they

did not contribute to national production so much, as they took out from the ordinary people's every dry life.

This is about profits. Then their share of loans from the public institutions has increased. Mr. Chitta Basu has given the figures already. Not only that. The all-India financial institutions, viz. IDBI, IFCI, ICICI, LIC, GIC and UTI—the cumulative assistance sanctioned by them for the monopoly houses till 31st March 1982 was Rs. 12,497 crores. Disbursement was Rs. 8831 crores. Even if we discard the case of Swraj Paul which was quoted by Mr. Chitta Basu, we know from him that with only Rs. 148 crores of investment, these houses enjoy Rs. 27,000 crores of public institutions' money. Only when these monopoly houses start quarrelling, do the real figure come out. But these are also Government figures. But these houses have increased their influence also.

As far as their squandering of foreign exchange is concerned, we see that twelve units of the Birla house expended foreign exchange in one year to the tune of Rs. 33.6 crores, and earned only Rs. 21 crores of it.

Most important of all is the increase in their political power which is shown not only by the newest heights to which their power has risen, but also by the shameless support which the ruling party has given to them during the election of Mr. Birla—which they did not do earlier, openly. So, only if we change the meanings in the dictionary altogether and say that restriction means expansion, only then we can say, the passage of this Bill, through its implementation, that monopolies are being restricted. But in every sphere they have expanded, in their profits, in their shares from our own institutions which are subscribed to by the people; and they control the market; and in things like drugs, they dictate the price. If this is the result of this Act, let the hon. Minister say where the restriction is

pursued? I charge that they only pass laws and do not mean restriction; they meant expansion thereby. So, it is better, as far as this Act is concerned, if they find a new dictionary, which will be suitable to the reality instead of trying to hoodwink the people. I am afraid very few will be really hoodwinked.

How this Commission was treated, I need not quote myself. *The Hindustan Times* dated 26th May, 1983, wrote,

“Government makes MRTP panel useless; the Commission is being rendered redundant with the government dealing with, without reference to the Commission almost all applications of MRTP companies for substantial expansion or for setting up units.” If that was the result which I stated earlier, the objective result, as far as the financial situation is concerned and the role of monopolists in that, is the role of the government in implementing its own earlier laws where they did not care to refer to the MRTP Commission the cases that came to them. For what purpose do they stand? At one time in this very House we pointed out that there was only one person to work in their staff. Such is the situation. I seriously challenge that the government has not only no political will, no real intention of restricting the monopolists, but also instead of government restricting the monopolists, what is happening is that monopoly is becoming synonymous with the government activities; actually, it is they who control the policy of the ruling party; that is why this Bill which has been introduced give a sop in the year which is an important year; I am afraid, nothing very much will come out of it.

As far as we are concerned, a point was raised, your government does this and that. Everybody knows that we are working within the capitalist system and there our State Government has very little power to do anything. So long as in the ruling party and the ruling class, those who have be gotten

this system where monopoly is bound to rise so long as capitalism will remain, so long as in the ruling party those very capitalists will be particularly represented in our country there will be no restriction on monopoly. So, the sooner this order is ended the better; that is the real answer to doing away with the monopoly. No amount of tinkering on paper will do the job.

Not only these, we are talking about public sector reaching commanding heights. In fact, public sector is being constantly eroded through the operation of these very monopolies who by hook or crook have been always taking the best advantage out of it. This is one of the reasons why in our country the public sector, despite its very big size, is not being able to reach the real commanding height.

Because it is the system which gives them that advantage and it is the Government which gives them the shelter and all help in doing them.

Therefore I would say that if we really are serious about restricting the monopolies, the entire attitude of the present Government has to be hanged and, as the attitude of the present Government is not likely to change the facts cry hoarse about it—I would say that the only alternative will be to change the present Government to restrict the monopolies.

MR. CHAIRMAN : Shri Ram Pyare Panika.

श्री रामव्यारे पनिका (राबर्ट्सगंज) : सभापति महोदय, मैं एकाधिकार तथा अवरोधक व्यापारिक (संशोधन) विधेयक, 1984 का समर्थन करने के लिए खड़ा हुआ हूँ। इस बिल के बारे में आदरणीय मंत्री जी ने इसके आबजैक्टस के बारे में विस्तार से प्रकाश डाला है। इस डिस्कशन में हमारे श्री दंडवते जी, श्री चटर्जी या कोई और विरोध-पक्ष के सदस्य बोले हों, उन्होंने

इसे एकदम राजनीतिक रूप देने की कोशिश की है। इनको यह पता नहीं है कि 1956 का जो इंडस्ट्रियल रेज्यूलेशन है, जिसको इस सदन ने और देश ने पास किया है, उसके मातहत ही देश में प्राइवेट सैक्टर और पब्लिक सैक्टर की बात आई है। उत्तरोत्तर 1956 की इंडस्ट्रियल पालिसी के अनुरूप ही कार्यक्रम चल रहा है।

देश की तत्कालीन आर्थिक व्यवस्था को देखकर ही हमने तय किया था कि इसमें प्राइवेट सैक्टर का योगदान होना बहुत जरूरी है। उसके तहत देश में मिक्सड इकनामी बनी और प्राइवेट सैक्टर सामने आया। उन सारी बुनियादी नीतियों की आज यहां इस बहाने आलोचना की गई है जिसके द्वारा हमारी सरकार ने देश में समता और समाजवाद लाने की बात कही है, उसको इन्होंने ताक पर रख दिया है।

हमारी प्रधान मंत्री श्रीमती इंदिरा गांधी के नेतृत्व में, आज जो अपने को सी० पी० आई० (एम), सी० पी० आई० और फार्वर्ड ब्लाक कहते हैं, सब समर्थन करते हैं। क्योंकि ऐसा हुआ है, इसीलिए ऐसी नीति बनाई गई थी कि हम पब्लिक सैक्टर और प्राइवेट सैक्टर में स्पष्ट प्रतियोगिता कर सकें। यह हमारा उद्देश्य था।

वर्तमान स्थिति में हमारे यहां प्राइवेट सैक्टर और पब्लिक सैक्टर दोनों की इंडस्ट्रीज हैं। हमारे यहां ओबरा पावर स्टेशन है जिसमें 1500 मेगावाट बिजली की क्षमता है लेकिन वह केवल 300 मेगावाट ही जेनरेट करता है। दूसरी तरफ बिरला जी का एक पावर हाउस है जिसकी क्षमता 225 मेगावाट है जो शत-प्रतिशत इलेक्ट्रिसिटी जेनरेट करता है। बिरला

जी के यहां जो कोयला आता है; वह बहुत खराब होता है और जो हमारे इलेक्ट्रिसिटी बोर्ड में आता है, वह अच्छी खान का आता है, लेकिन हमारे यहां प्रबन्ध व्यवस्था कुशल और कारगर नहीं है इसलिए शत-प्रतिशत रिजल्ट देने में सक्षम नहीं है। इस पावर हाउस ने 51.84 प्रतिशत बिजली पैदा की है। कुछ राज्य, बिहार, उत्तर प्रदेश और राजस्थान में 35, 40 प्रतिशत बिजली का उत्पादन हो रहा है। क्या यह ठीक नहीं होगा कि प्रतियोगिता को बनाये रखने के लिए दोनों में कंपीटीशन करें ?

बात सही है कि जब योजना शुरू हुई तो उस समय भी प्राइवेट सैक्टर की पूंजी कम नहीं थी, ज्यादा थी। ये जो आंकड़े वहां दिये गये हैं, ये सरकारी किताबों के हैं। हमने कोई तथ्य छिपाया नहीं है लेकिन जो कैपिटलिस्ट कहते हैं, हकीकत भी है, आज किसी न किसी रूप में हमारी सरकार का पैसा ही उनके पास है। सरकार को ध्यान रखना पड़ेगा कि प्राइवेट सैक्टर वाले मजदूरों का एक्सप्लायटेशन न कर सकें और धनराशि का उपयोग अपने निजी काम में न करें। वित्त मंत्री ने पश्चिम बंगाल में कहा था कि प्राइवेट सैक्टर को अच्छे रिजल्ट देने पड़ेंगे, वे बैंकों के पैसे का उपयोग कर रहे हैं, लेकिन वे अच्छे रिजल्ट नहीं दे पा रहे हैं। विरोधी पक्ष के माननीय सदस्य राजनैतिक दृष्टिकोण और राजनैतिक उद्देश्य को सामने रखकर बोले हैं, यह ठीक नहीं है।

16.00 hrs.

श्री चटर्जी ने कहा कि हम कैपिटलिस्ट्स के विरुद्ध हैं, लेकिन बैस्ट बंगाल में समय पर उनके दल ने इंडस्ट्रियलिस्ट्स को इनवाइट किया है। यह बिल्कुल सर्व-विदित है कि लास्ट जेनरल इलेक्शन में



सारी इंडस्ट्रीज ने सी० पी० आई० (एम) का समर्थन किया था और उसके फंड में योगदान किया था। ये लोग भाषणों में ऐसे सिद्धान्तों की बातें करते हैं, जिनका कोई व्यावहारिक अर्थ नहीं है, लेकिन जहां तक कार्यान्वयन का सम्बन्ध है, वे अपने दलगत स्वार्थ के लिए कार्यक्रम चलाते हैं।

हमारी सरकार ने हमेशा कैपिटलिस्ट्स और कंपनियों को कंट्रोल किया है। वित्त मंत्री ने यह प्रस्ताव रखा था कि 20 लाख रुपए से अधिक वाली कंपनियों का कम्पलसरी आडिट किया जाए। लेकिन विरोधी पक्ष के जो सदस्य लेफिटिस्ट बन रहे हैं, उन्होंने सिफारिश की कि इस प्राविजन को हटा दिया जाए। मजबूर होकर सरकार को यह संशोधन करना पड़ा कि 50 लाख रुपए की कंपनियों का कम्पलसरी आडिट किया जाए। शुरू से हमारी सरकार कैपिटलिस्ट्स और मानो-पलिस्ट्स पर कंट्रोल रखे हुए हैं और उसने उन्हें कभी आजादी नहीं दी है। कानसेन्ट्रेशन आफ वेल्थ और एकाधिकार को कंट्रोल करने के लिए मंत्री महोदय यह बिल लाए हैं।

यह खुशी की बात है कि राज्य सभा में इस विधेयक को सर्वसम्मति से पास किया गया है। यहां पर भी सारे सदस्यों ने इसकी तारीफ की है और कहा है कि वे इसका समर्थन करते हैं। जहां तक इम्प्लीमेंटेशन का प्रश्न है, बंगाल में सरकार, जहाँ जहाँ इन लोगों की सरकारें हैं, वे सब कैपिटलिस्ट्स को सुविधाएं दे रही हैं। केवल राजनैतिक दृष्टि से और चुनाव को ध्यान में रखते हुए यहां पर भाषण किए जाते हैं। क्या चौधरी चरण सिंह ने ओबराय को राज्य सभा का सदस्य

नहीं बनवाया था? क्या यह सही नहीं है कि उन्होंने मोदी को पद्मश्री की उपाधि दिलाई थी? ये लोग के० के० बिड़ला की बात करते हैं। राजस्थान में जनता पार्टी ने किस को खड़ा किया था; सारा देश जानता है। भाषण करने की बात दूसरी है, मगर ये लोग उन्हीं चीजों में डूबे हुए हैं। सदन में पिछले दिनों कई लोगों ने कहा कि ऐसी राजनीति लाई जा रही है, जिसमें केवल एक परिवार को महत्व दिया जा रहा है क्या\*\* चुनाव में खड़ा होने जा रहा है या नहीं?

(व्यवधान)

MR. CHAIRMAN : It will not go on recorded.

(Interruptions)

MR. CHAIRMAN : Mr. Panika, you are not expected to take anybody's name who cannot defend himself here, and that will not go on the record.

श्री राम प्यारे पनिका : बाबू जगजीवन राम एक आदरणीय नेता हैं, उन्होंने\*\* चाहा।

श्री मोरारजी देसाई ने\*\* चाहा\*\*।

(व्यवधान)\*\*

MR. CHAIRMAN : Mr. Panika, this will also not go on record. If you go on like this, nothing will go on record.

(Interruptions)\*\*

MR. CHAIRMAN : Mr. Panika, please sit down. I have already told you not to refer to the persons who are not in the House, here to defend themselves. Particularly, when you make an aspersion you have first to

give in writing. These are the rulings. You are one of the experienced Members.

(Interruptions)

MR. CHAIRMAN : I am going to tell the same thing. Why don't you have the patience? Please Panika, whatever you have said and whatever he has said are against the rules and they will not form part of the record.

श्री राम प्यारे पनिका : सभापति जी, हम लोग तीन-चार घंटे से इस सदन में इस बिल पर चर्चा कर रहे हैं लेकिन कोई भी माननीय सदस्य अभी तक इस बिल के ऊपर नहीं बोला है। अभी तक केवल राजनीतिक आरोप-प्रत्यारोप ही लगाए जाते रहे हैं।

हमने इस देश में मिक्स्ड एकोनामी के सिद्धांत को स्वीकार किया है और उसी के आधार पर हमने प्राइवेट सेक्टर को भी सुविधायें दी हैं। प्राइवेट सेक्टर को बैंकों से सुविधायें दी गई हैं। इण्डस्ट्री लगाने के लिए उनको हर प्रकार की सुविधायें उपलब्ध की गई हैं इसलिए कि देश को इण्डस्ट्रियल विकास की आवश्यकता है। लेकिन आप देखेंगे कि जनता राज के ढाई-तीन साल में इस देश का इण्डस्ट्रियल उत्पादन 1.4 परसेंट नीचे चला गया था। परन्तु जैसे ही हमारी सरकार आई उसने 1980-81 में, केवल एक वर्ष में ही 9 परसेंट इण्डस्ट्रियल ग्रोथ करके दिखलाई। बावजूद तमाम कमियों के, बावजूद बाढ़ और सूखे के और बावजूद हाइडल प्रोजेक्ट्स में कम बिजली उत्पादन होने के, इस वर्ष भी हम 5 परसेंट इण्डस्ट्रियल ग्रोथ प्राप्त करने जा रहे हैं। हमारी सरकार ने जो इण्डस्ट्रियल पालिसी अपनाई है क्या वह इस बात की द्योतक नहीं

है कि हम अपने सारे लक्ष्यों को प्राप्त करते जा रहे हैं? पब्लिक सेक्टर में भी कमियाँ हैं, उनके बारे में भी हमारे प्रधान मन्त्री ने साफ कहा है कि पब्लिक सेक्टर को रिजल्ट देना पड़ेगा, उसको भी लाभ दिखाना पड़ेगा वरना उसके साथ कड़ाई के साथ पेश आया जायेगा। इसी प्रकार से हमारे वित्त मन्त्री जी ने बंगाल में चैम्बर ऑफ कामर्स को एड्रेस करते हुए कहा था कि प्राइवेट सेक्टर को भी समय के साथ चलना पड़ेगा और सरकार की जो कर्म-चारी हितैषी नीति है उसके अनुसार आचरण करना पड़ेगा। प्राइवेट सेक्टर की नीति केवल धन कमाने की ही नहीं होनी चाहिए। हमारी सरकार 1956 की इण्डस्ट्रियल पालिसी में समय-समय पर संशोधन करती रही है। अब सातवीं पंचवर्षीय योजना का प्रारूप सामने आ रहा है, उसमें भी जो लक्ष्य रखे जा रहे हैं उनको भी हम प्राप्त करेंगे। लेकिन विरोधी दलों को जो एक मौका ढाई साल के लिए मिला था उसका नतीजा भी आप देख चुके हैं। उनके समय में इण्डस्ट्रियल और एग्रीकल्चरल प्रोडक्शन दोनों ही गिरे। लेकिन 1982-83 में जबकि 31 करोड़ लोग सूखे से प्रभावित थे और बाढ़ की कठिनाई भी थी फिर भी 15 करोड़ टन गल्ला देश में पैदा हुआ। बिजली के उत्पादन में दिक्कत होते हुए इण्डस्ट्रियल प्रोडक्शन को हमने बढ़ाया है। इसके आलावा प्राइवेट सेक्टर नहीं ज्वाइंट सेक्टर और कोओपरेटिव सेक्टर भी बनाया है। हमारा कहीं ऐसा उद्देश्य नहीं है कि देश में मोनोपॉली बड़े। मैं अभी साउथ कोरिया गया था, वहां पर मैंने देखा है कि पावर हाउस में 120 परसेंट उत्पादन होता है। सारे प्राइवेट सेक्टर कोई हमारे दुश्मन नहीं है। हमने मिक्स

इकोनामी को माना है। डेमोक्रेटिक सैट-अप में सरकार शासन चला रही है। इन सारी परिस्थितियों को हमें देखना होगा। दुनिया में जहां डेमोक्रेसी है, वहां के प्राइवेट सेक्टर को देखिए। जापान को देखिए। हम अपने यहां फूड ट्रेड एक परसेंट कर सकें हैं, जबकि साउथ कोरिया और जापान दोनों के हाथों में दुनिया का 20 परसेंट ट्रेड आ गया है। हमारे पूंजीपतियों ने धन को बढ़ाया है, तो वे कहीं बाहर तो नहीं ले जा रहे हैं। आज आवश्यकता है कि उनको कहा जाए कि इन्डस्ट्रीज और लगाई जायें। रोजगार मुहैया करने के अवसर और पैदा किए जायें। जहाँ तक मजदूरों की स्थिति का ताल्लुक है, उनकी बड़ी खराब स्थिति हो गई है। विरोधी पक्ष का जिन धूनियों पर कमांड है, जैसे बैंक है, वहां क्या हालत है? सबसे ज्यादा तनख्वाहें उनको दी जाती हैं, लेकिन क्यों वे लोग अपनी जिम्मेदारी को निभा रहे हैं। आई० आर० डी० पी०, एन० आर० ई० पी०, स्पेशल कम्पोनेंट प्लान और ट्राइबल प्रोग्राम—इन कार्यक्रमों में बैंकों को पूरी सहायता देने के लिए कदम उठाने चाहिए। हमारे नेता इंदिरा जी के कहने पर भी ये बैंक इनके नेतृत्व में चलते हैं। क्या विरोधी पक्ष का यह फर्ज नहीं बनता है कि इन कार्यक्रमों को सफल बनाया जाए।

मान्यवर, चुनाव जल्दी आने वाले हैं, लेकिन आज जितने भी भाषण सदन में हुए हैं विरोधी पक्ष से, उनमें कोई दम नहीं है। वे सब आधारहीन हैं। इस बिल का एक मुख्य उद्देश्य है जो सम्पत्ति एक जगह इकट्ठी हो रही है, उसको कम करना चाहते हैं। मुझे खुशी है कि राज्य सभा की ओर से यह सर्वसम्मति से पास हो गया है।

और भगवान इनको सद्बुद्धि दे और यह बिल सर्वसम्मति से पास हो जाए। मैं एक बार फिर कहना चाहता हूँ कि विरोधी पक्ष से जितने भी सदस्य बोले हैं, वे इस बिल पर नहीं बोले हैं, इसलिए मैं मजबूर हूँ हिन्दुस्तान को जनता को सदन के माध्यम से बताने के लिए कि यह विरोधी पक्ष जनमानस को भ्रमित कर रहा है। जनता ने देख लिया है कि विरोधी पक्ष का काम सिर्फ भाषण देना है और सत्ताधारी पक्ष का काम काम को आगे बढ़ाना है। जनता ने इनके ढाई-तीन साल के राज को देख लिया है। ये जो लैफ्टिस्ट हैं, इन की भी कहानी बड़ी विचित्र है। जब हम उधर थे, तो ये हमारे साथ थे, लेकिन जैसे ही जनता पार्टी की सरकार बनी, तो उनके साथ हो गए। हमारी सरकार 1980 में आई और तभी से ये लोग एक होने की कोशिश कर रहे हैं। इनके पास कोई आडियोलाॅजी नहीं है, कोई कार्यक्रम नहीं है, कोई दिशा नहीं है, ये दिशाहीन हैं। इनका कोई उद्देश्य नहीं है। इनका कोई लक्ष्य नहीं है। केवल एक मात्र येनकेन-प्रकारेण की स्थिति में आना चाहते हैं। नगैटिव बात करते हैं और जनता को भ्रमित करते हैं। हमारी सरकार को आए हुए पांच साल होने को जा रहे हैं, लेकिन ये लोग पांच साल में भी एक नहीं हो पाए हैं। वैसे भी महागठबन्धन कई बार कर चुके हैं। इनकी नाकामयाबी को जनता कई बार देख चुकी है।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और उम्मीद करता हूँ कि पूरा सदन इसको सर्वसम्मति से पास करेगा।

श्री जगपाल सिंह (हरिद्वार) :  
सभापति जी, हम इस समय एम० आर०



टी० पी० बिल के संशोधन पर चर्चा कर रहे हैं। मैं माननीय कानून मंत्री जी से कहना चाहता हूँ—मुझसे पूर्व वक्ता ने आपके इस अमेण्डिंग बिल की भावना के खिलाफ बोलकर इस बिल की भावना का अनादर किया है। आपने अपने भाषण में कहा था कि हम एकाधिकारवादी जो घराने हैं, उनकी मनी को थोड़ा सा कटौल करना चाहते हैं और जनता को राहत देना चाहते हैं।

सभापति महोदय, माननीया प्रधान मंत्री श्रीमती इन्दिरा गांधी ने भी इस देश के संविधान के प्रिम्बल में "सोशललिस्ट" शब्द को जोड़ा था और कांस्टीचूशन के डायरेक्टिव प्रिंसिपल्ज में संविधान बनाने वालों ने इस बात पर जोर दिया था कि हमारे देश की जो धन-दौलत है उसका एकीकरण नहीं होना चाहिए, विकेन्द्रीकरण होना चाहिये। बाबासाहेब डा० अम्बेडकर ने इस देश के संविधान को देश के राष्ट्रपति को सौंपते हुए यह बात विशेष रूप से कही थी अगर इस देश के लोगों को आर्थिक-समानता नहीं मिली, तो यह संविधान भी अर्थहीन हो जाएगा, मीनिगलेस हो जाएगा। पिछले 36 सालों की आजादी में क्या हुआ? मेरे पूर्व वक्ता ने कहा—इस देश का पूंजीपति इस देश का प्राइवेट सैक्टर इस देश की सम्पत्ति को लेकर कहां जाएगा। मैं समझता हूँ—वह अर्थ-तन्त्र की बात को समझते ही नहीं हैं। इस सरकार की अभी तक इस कानून के बारे में जो मंशा रही है वह इस दश के लोगों को, एक एक आदमी को मालूम है। इस के 12 करोड़ लोगों की सम्पत्ति को जोड़ा जाय, और दूसरी तरफ बिड़ला की पूंजी को जोड़ा जाय, तो बिड़ला की पूंजी ज्यादा निकलेगी। इस देश में 13 करोड़ लोगों

को इन्साफ की तराजू पर रखा जाय और दूसरे पलड़े में बिरला को रखा जाय तो बिड़ला की पूंजी का बोझ ज्यादा होगा। इस देश के पांच आदमियों के परिवार की आमदनी को जोड़ा जाय तो वह 1250 रु० से ज्यादा नहीं बनती है। 20 रुपये कुछ पैसों पर एक आदमी पूरा महीना अपना जीवन चलाता है जिसमें शिक्षा, दवा, खाना, कपड़ा सब शामिल है। यह कैसी समानता है, कैसा विकेन्द्रीकरण है? श्रीमती इन्दिरा गांधी ने इस देश में जो फाइव-स्टार कल्चर पैदा की है, एक फाइव स्टार होटल में 24 घन्टे तक ठहरने का किराया 2700 रुपये है। एक तरफ साल भर की आमदनी 1250 रुपये और दूसरी तरफ इस मुल्क के कुछ घरानों का आदमी फाइव स्टार होटल के एक कमरे में एक रात ठहरने का किराया 2700 रुपये खर्च करता हो, उस के खाने-पीने और रम का खर्चा अलग, इन सबको जोड़ा जाय तो 6000 रुपये से कम खर्च नहीं करता है—मेरी समझ में नहीं आ रहा है कि यह कैसा विकेन्द्रीकरण है? एम० आर० टी० पी० कमीशन ने कहा है कि इस देश के 75 घरानों की जो पूंजी है वह टोटल कैपिटल की 40 परसेन्ट है, यानी 40 परसेन्ट पूंजी 75 घरानों के हाथों में कन्सेन्ट्रेट हो गई है—आप बतलाइये, आप कैसे इसकी डीसेन्ट्रलाइज करने जो रहे हैं, इस अमेण्डिंग बिल के द्वारा, जबकि आपकी सरकार में बैठे हुए मिनिस्ट्रों के इरादे हमको साफ दिखाई नहीं पड़ते हैं। इस कमीशन की ओर से जो भी सिफारिशें सरकार के पास गई हैं, आपने कोई प्रावीजन उनके आधार पर नहीं किया है, आपने कहीं नहीं कहा है कि इस कमीशन की फलां सिफारिश को इस बिल के द्वारा लागू किया जाएगा। सरकार में

बैठे हुए लोग पूंजीपतियों के एजेन्ट हैं। वे एम० आर० टी० पी० कमीशन की सिफारिशों को कभी नहीं मानेंगे। एम० आर० टी० पी० कमीशन की सिफारिशों के बावजूद सरकार में बैठे हुए व्योरोक्रेट्स उनके विरुद्ध फैसलों दे देते हैं और पूंजीपतियों के हक में फैसला दे देते हैं और एम० आर० टी० पी० कमीशन के फैसलों को मानने के लिए तैयार नहीं हैं तो यह जो आपका एम० आर० टी० पी० बिल है, यह मीनिंगलैस होगा और संविधान के बिलकुल विपरीत काम करने के लिए जा रहा है।

एक बात मैं यह कहना चाहूंगा कि गगन मंडल पर जबकि चुनाव के बादल छा रहे हैं, तो यह एम० आर० टी० पी० बिल जो है, यह इस देश के पूंजीपतियों से धन और दौलत लेने का काम न करें और आने वाले चुनाव में इस बिल को छड़ी बना कर छोड़ दिया, तो यह ठीक नहीं होगा। मैं आपको याद दिलाना चाहता हूँ कि आपके भूतपूर्व राष्ट्रपति श्री फखरुद्दीन अली अहमद ने इस सदन के अन्दर कहा था और बाकायदा सारी पार्टियों के नाम ले लेकर कहा था कि किस पार्टी ने कितना पैसा हिन्दुस्तान के मोनोपली हाऊसेज से लिया था और जब वे पार्टियों के नाम गिना रहे थे, तो कांग्रेस पार्टी ने चुनाव के लिए मोनोपली हाऊसेज से सबसे ज्यादा पैसा लिया था और आज भी मैं इस सदन में कहना चाहता हूँ कि दूसरी पार्टियां भी पैसा लेती होंगी लेकिन वे कांग्रेस पार्टी से कम लेती होंगी। मैं उन सारी पार्टियों के लिए कुछ नहीं कहना चाहता लेकिन मैं यह कहना चाहता हूँ कि कांग्रेस पार्टी आज भी मोनीपली हाऊसेज से चुनाव के लिए, चुनाव प्रचार के लिए

पोस्टर के लिए और दूसरी योजनाओं के लिए सबसे ज्यादा पैसा लेती है। अब वह पार्टी कैसे मोनोपली हाऊसेज के कैपिटल को करटेल करेगी।... (व्यवधान)... श्री फखरुद्दीन अली अहमद ने यह कहा था आप प्रोसीडिंग्स निकाल कर पढ़ लीजिए।

**SHRI K. LAKKAPPA (Tumkur) :** This is very wrong. We do not collect any money from them.

**SHRI JAGPAL SINGH :** I am quoting from the proceedings.

**PROF. MADHU DANDAVATE :** He is right, Sir. He is challenging the quantum.

**श्री जगपाल सिंह :** मैं यह कहना चाहता हूँ कि चाहे मेरी पार्टी हो और चाहे मेरी पार्टी के लीडर हों, वे अगर मोनोपली हाऊसेज से पैसा लेकर चुनाव लड़ने का काम करते हैं, तो इस देश में पूंजी के विकेन्द्रीकरण का काम नहीं कर सकते। इसलिए मैं कहना चाहता हूँ उधर बैठे हुए साथियों से कि अगर आप बिग मोनोपली हाऊसेज की पूंजी का विकेन्द्रीकरण करना चाहते हैं.....

**SHRI K. LAKKAPPA :** Can you give any proof? Do you know that money is coming from Karnataka? Prof. Madhu Dandavate knows this. You know, the Birlas and the Tatas have monopolised in West Bengal.

**PROF. MADHU DANDAVATE :** Mr. Lakkappa, if you can prove that money is coming to me, within 24 hours, I will tender resignation from Parliament.

**SHRI SOMNATH CHATTERJEE :** Otherwise, I will ask him to resign.

(Interruptions)

MR. CHAIRMAN : We are going away from the discussion of the Bill. Let him continue.

श्री जगपाल सिंह : सभापति जी, मेरे कहने का मकसद यह कि अगर हमारा मंशा यह है कि इनकी पूंजी को लेकर देश के करोड़ों लोगों तक हम पहुँचाएं और इस तरह से उनको इन्साफ दिलाने का काम करें, तो हिन्दुस्तान के राजनीतिक नेता और राजनीतिक पार्टियों को मोनोपली हाऊसेज से पैसा लेना बन्द करना पड़ेगा और अगर बन्द नहीं करते हैं तो यह जो एम० आर० टी० पी० बिल है, यह मीनिंगलैस होगा और इसके कोई माइने नहीं होंगे। इसलिए मैं यह कहना चाहता हूँ कि अगर आप इस मंशा से यह बिल लाए हैं कि देश के करोड़ों लोगों को इन्साफ मिले, तो इस बिल को आप पास मत करवाइए और जैसा कि प्रो० मधु दंडवते ने डिमांड की है, इस बिल को ज्वाइन्ट कमेटी में भेजा जाए और वह कमेटी इस पर सीरियसली विचार करे और विचार करने के बाद एक प्रारूप इस का आए जोकि सदन के बीच आप लाइए और उसके बाद उसे पास कराइए। अगर आप ऐसा करते हैं, तो आप की मंशा पूरी होगी वरना पूरा नहीं हो पाएगी।

आप अन्दाजा लगाइए कि सन् 1947 में बिरला की सम्पत्ति 50 करोड़ रुपये थी और आज वह बढ़कर तीन हजार करोड़ रुपये से ज्यादा हो गई है और दूसरी तरफ मजदूरों और किसानों की जो आमदनी है वह तिल भर भी नहीं बढ़ी है। आज भी देश की 52 प्रतिशत जनसंख्या पावर्टी लाइन से नीचे है और उसे अपना पेट भरने के लिए दोनों वक्त भी रोटी नहीं मिलती है और जैसा कि मैंने पहले

कहा है आज एक आदमी एक दिन में फाइव स्टार होटल में 5 हजार रुपये खर्च कर देता है जबकि एक मजदूर और एक किसान के लिए एक रुपये की भी बहुत कीमत होती है। वनिस्पत उसके मुकाबले में जो हजार रुपये खर्च करके चला जाता है।

इसलिए, सभापति जी, मैं सदन का ज्यादा समय न लेता हुआ माननीय मंत्री से यह मांग करता हूँ कि इस देश के करोड़ों लोग जो गरीबी की रेखा के नीचे अपना जीवन बसर कर रहे हैं, जिनके पास मकान नहीं है, पहनने को कपड़ा नहीं है, कोई ट्रांसपोर्ट के साधन नहीं हैं, खाने को खाना नहीं है उनको आप इस संशोधन के द्वारा इन्साफ नहीं दिला सकते हैं। सोशलिस्टिक रिपब्लिक की रचना करने के लिए यह जरूरी है कि इस देश के करोड़ों लोगों को खाना मिले, कपड़ा मिले, रहने को मकान मिले। इस देश के जो करोड़ों लोग कारखानों और उद्योगों में काम करते हैं उन्हें आप उनकी सम्पत्ति और प्राफिट में भागीदार बनाइए।

मैं विदेशी कम्पनियों के बारे में इस समय नहीं कहना चाहता जो कि इस देश के मोनोपली हाऊसेज के साथ साठगांठ कर के इस देश की अर्थव्यवस्था को हानि पहुँचा रही हैं। हालांकि उनसे भी जूझने और उन पर भी कुठाराघात करने की जरूरत है। वरना आप इस देश के करोड़ों गरीब लोगों को इन्साफ नहीं दिला सकेंगे।

मैं एक उदाहरण आपको देना चाहता हूँ। एक पूंजीपति ने शुरू में एक शूगर फैक्टरी लगाई थी, आज उसकी सैकड़ों बड़ी और छोटी इंडस्ट्रीज खड़ी हो गई हैं। उसने कितना मुनाफा और लाभ कमाया



है। यह मुनाफा और लाभ उसने हिन्दुस्तान के किसानों और मजदूरों की खून-पसीने की कमाई को चूस कर कमाया है। कार्ल मार्क्स के अनुसार देश की प्राकृतिक सम्पदा पर उन लोगों का कब्जा होना चाहिए जो कि खून और पसीना बहाते हैं। ये खून-पसीना बहाने वाले लोग आज इस सरकार के संरक्षण में बिलकुल नंगे और भूखे हैं। इस देश का पूँजीपति जो न दिमाग से कार्य करता है और न शारीरिक श्रम करता है वह सारी सम्पदा का मालिक बना बैठा है। देश के बड़े-बड़े इंजीनियर, साइंटिस्ट्स उसके पास अपना दिमाग गिरवी रखते हैं, देश के किसान और मजदूर उसके लिए खून-पसीना बहा कर कमाई करते हैं। पूँजीपति करोड़ों रुपये कमाता जा रहा है और किसान और मजदूर भूखा-नंगा है।

इसलिए मैं मंत्री जी से मांग करूँगा कि आप ऐसा कानून बनाइये जिससे कि सम्पत्ति का विकेन्द्रीकरण हो और देश के करोड़ों किसान-मजदूरों को भी लाभ मिले। मैं इस बिल का विरोध तो नहीं करता लेकिन इतना जरूर कहता हूँ कि इस बिल को लाने की आपकी जो मंशा है, उस मंशा को आप इससे पूरा नहीं कर पायेंगे।

मैं फिर से कहना चाहता हूँ कि हिन्दुस्तान के राजनीतिक नेताओं के ऊपर यह पूँजीपति है, और राजनीतिक नेता उससे दबे हुए हैं, उनको सोचना चाहिए कि जो किसी का खाता है वह उसके सामने खड़ा नहीं हो सकता है। यह महाभारत में लिखा है। अगर हम पूँजीपतियों का पैसा खाकर उनको दबाना चाहेंगे तो कभी भी उन्हें दबा नहीं सकेंगे। आप अपनी ही सर-

कार में बैठे लोगों पर प्रतिबन्ध लगाइये और उनसे कहिये कि आप लोग पूँजीपतियों से पैसा लेकर इस देश में राजनीति चलाने का काम नहीं कर सकेंगे।

इन शब्दों के साथ मैं समाप्त करता हूँ।

SHRI MAGANBHAI BAROT (Ahmedabad) : Mr. Chairman, Nobody need be surprised that, from a Government which believes in mixed economy, a Bill must come which is partly in favour of monopolists though it claims to have put restrictions by legislation firstly by the Bill and now by the amendments.

The whole idea when the Bill was originally brought was probably set out by the then mover Shri Fakhruddin Ali Ahmed who in his concluding speech in the debate on 17th December, 1969 said and I quote.

“The problem faced is not so much of increase in the size of individual units but the proliferation of industrial and business activities by certain business groups over a very wide and diversified field so that these business groups are getting gradually a stronghold a stronghold on the economy as a whole. It is this aspect of the size which operates through a wide range of inter-connected undertakings.”

Further, he says :

“In our economy, however, it assumes very grave and serious implications when a few business-houses gradually seek to take over control of most forms of industrial activity. It does not lead to increased competition but to stifling all competition. Small and middle group entrepreneurs whom we are all anxious to encourage have not found adequate place in the scheme of things.”

We understand this was the basis idea and I would respectfully ask the hon. Minister today whether we have been able to achieve these objectives. The former Company Affairs Minister, Shri Raghunatha Reddy, speaking in a function, said this. Of course, he suggested taking over of the big businesses, but I would only give from his speech some of the quotations which refer to what is the position of the Government vis-a-vis some of the big houses. I quote from the *Financial Express* of 9th May, 1983, where Mr. Raghunatha Reddy is reported to have said this about some of the big houses :

"He quoted figures to show that the Government would own the companies under section 19(b) of the Companies Act and treat them on par with public sector undertakings. For example, the public sector shares in equity of Escorts was 54.04 per cent, Kohinoor Mills 71.68 per cent, Hindustan Brown Boveri of Larson & Toubro 63.93 per cent, Kirloskar Pneumatic Company 60.42 per cent; and 74.12 per cent in the Gujarat State Fertilisers."

In all these companies, the government share is more than 51 per cent and, therefore, some of the friends then believed even when that Bill was brought and today also we share this view as to why, when Government itself has more than 51 per cent share in such companies, they should be treated as some big houses, some big companies, and be treated differently from the public sector itself. On the contrary, our experience is this. Since the hon. Law Minister is present here, I would like to inform him. Speaking on the Finance Bill, I had referred to the Gujarat State Fertiliser and its Chairman. I am not referring to any one by name, but I am only saying this. We have been entrusting the management of these companies in which 51 per cent of the shares are of the Government with people against whom serious strictures have been passed by the High Court of Gujarat,

against whom there were serious charges of accumulation of fund from their own companies, ultimately making voluntary disclosures amounting to about Rs. 1 crore. Such people are running our public undertakings; such people are at the helm of big houses. These are the people against whom all our plans to have MRTTP Act have not so far worked effectively. I will tell you, if I may, how they are practising. These very houses are practising this; under the name of expansion, they go for a sick unit, pass on their debits, pass on their losses, everything, into that unit, keep their profits in tact, make their profits all right, and ultimately a stage comes when some of these units do not function. I would like to give a concrete example as to how these big houses are functioning. I have referred to the gentleman whom I referred as Chairman of the Gujarat State Fertiliser Company. They purchased one mill in Ahmedabad in addition to their existing mills. They purchased this saying that it was not an expansion but taking over of a unit—though it was an expansion. Ultimately, the result was this. Their own mills, before the take over of the unit, are running allright, but the new unit which was taken over, a textile mill, Shaharanpur-No. 2, suddenly fell sick and was closed down. It is strange to understand how a millowner could take over another mill. He manages his own mill all right, but finds it difficult to manage the third mill that he has taken over. The grievance that we have is this. The State Government recently extended the Relief Act, out of nearly 20 mills which had been closed down in Gujarat, to only two of them. Only two textile mills were given the benefit of the Relief Act and one of them is the mill which had been closed, of the group of Hari Vallabha, a member of whom is this gentleman, the Chairman of the Gujarat State Fertiliser Company. This is something objectionable.

These monopolies say that there should be no restrictions and when restrictions are put, they somehow

find a way out and they have their own approaches and they get themselves exempted. I would, therefore say, restrictions or no restrictions, they know how to circumvent them and ultimately the desired results are not achieved. These mistakes or mischiefs are played through the provisions of the law itself.

The new clause 17 amends Sec. 22. As a classifical illustration there of—in the amendment it is provided :

“In section 22 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) No person or authority, other than Government, shall, after the commencement of this Act, establish—

(i) any new undertaking which, when established, would become an inter-connected undertaking of an undertaking to which this Part, applies; or

(ii) add any new unit or division to an undertaking to which this Part applies, except under, and in accordance with the previous permission of the Central Government.”

There the matter ends because with this clause, whatever is given or imposed or provided in the law by one hand is taken away by the other hand because permission is necessary from the Central Government. I am sorry to say that such permissions are extended and they are able to manage it. So it defeats the very purpose of bringing the law. We want to restrict it but we are not able to do it.

However, in this particular debate I would take the opportunity to say something about the overseas Indians. I am aware remarks were made by some of the Members against overseas Indians being encouraged. But on this point I would like to express myself freely and frankly. May be due to some experience—good, bad or indifferent or otherwise, I have had an opportunity of moving among overseas Indians practically all over the world. I have met them. Though they have gone from India, they have still got their attachment to this country. Most of them have proved very successful. They are the best of the technocrats in whichever country they are. In America the *Per capita* income of an overseas Indian is more than that of an American citizen. These are the people who want to keep their lively contacts with their motherland. They still have the same attachment. The question is : how do we invite them. I do appreciate some friends' fear because of something that has happened in the last 12 months in this country with regard to some names here or there. I would respectfully say that there is no need to generalise from such instances or illustrations.

PROF. N.G. RANGA : But that was not a bad experience.

SHRI MAGANBHAI BAROT : I would respectfully agree with you but I do not want to quarrel with some who may have a particular objection to that. The question is : today we have allowed overseas Indians or firms having 60 per cent shares that they have a right to invest here. We have given them chance. This is the time and this country can meet its entire requirements of foreign exchange and can meet all the needs of technology and scientific advancement and it can have the benefit of all kinds of new investment and technology that is being developed anywhere in the world in this process. I have met the people serving in the highest positions and sensitive positions....



**PROF. MADHU DANDAVATE :**

The only objection is that these companies abroad whose balance-sheet does not indicate mopping up of profits nor do they indicate that they have borrowed loans and if they try to invest money in Indian companies, we have a doubt that the black money from India has gone out and it has become white while entering into these companies. That is what we are objecting to. But we are in general not objecting to any investment by foreigners of Indian origin.

**SHRI MAGANBHAI BAROT :**

If there is anything to apprehend anything, I think the Government has enough powers to block this. The main point is : how do we attract the overseas Indian to invest in this country, to keep his links alive and how to make him do so. I would suggest one way and I will suggest it in all earnestness.

Sir, Israel has prospered in its economy because it has given a dual citizenship to an Israeli. He is an Israeli whether he is in America or in U.K. or anywhere and can remain also as an Israeli citizen. That is the thing I would respectfully submit and suggest to the Government. Give to an overseas Indian a dual citizenship.

**PROF. N.G. RANGA :** Let it be examined.

**SHRI MAGANBHAI BAROT :**

It has been examined and I say what is wrong if an overseas Indian continues to remain an Indian and enjoys the benefit in all these things subject to the local laws that will be there. Let us encourage them by bringing money from outside. I understand that hon. Prof. Dandavate's fear is about certain people in companies indulging in certain malpractices etc. I am here concerned with an average Indian who has gone abroad and settled down there. They can form their own company. We have put a restriction of their membership of 60 per cent in any company formed abroad.

On the one hand we are worried

about multi-nationals talking over many of the companies in our country. Is there anyone who can challenge a multi-national? I think it is the overseas Indians who can do that. They should be encouraged to do that. Similarly, in a country—a developed country—we are encouraging the small scale industries. In an industry where the industrial structure is largely built up by the small scale industries, it is necessary that the monopolists do not come in the way of the growth of the small scale industries. How do they come? We experienced that only last year. In the last year's budget, a group of small-scale industries working in the dye-stuff were here to represent their case. Their apprehension was that some of the concessions that they were enjoying were withdrawn at the instance of the monopolists. I would respectfully submit that this pressure works. This pressure comes in the way of the small-scale industries. Therefore, let us see that what we provide in the law is not simply remaining in the paper and it is not left only to the Commission in its day-to-day administration. Let us see that in a developing country like ours where we have built a unique system, the small-scale-industry is protected in its own way; and, in the growth of the industry, let us see that the consumers' interests are protected. After all, the M.R.T.P. Act was intended more to protect and preserve the interests of the consumers. So, the best thing that the Government ought to have in its heart is to protect the consumers' interests. Secondly, we have been thinking of restrictions on the monopolists and for making some laws. But, unfortunately, we are not thinking for the participation of the labour in the management. Give them an opportunity. Why are the units closed down? They are the best people to tell that. They are people who know how the managements are helping in squeezing them out. They will tell you on how that has to be prevented too. Lastly, in this country, large houses have closed down many of their units because they found them

at some time not profit-making. That ultimately costs the country, the money of the financial institutions, the banks. The consumers do not get any benefit. Ultimately, we lose everything.

Take, for example, this thing. We gave a number of benefits to the textile industries. You allow that in jute industry. Do they pass on the benefits either to the consumers or the labour? No, Sir. In this very budget, a number of concessions were given to the textile industries as such. To be more precise, the concession was given to textile industrialists. All benefits are given in railways in loans, in excise and several other things. But, the result was that after the budget was out and, before the Finance Bill was passed, another half-a-dozen of the textile mills were closed down in Gujarat. So, the question is....  
(Interruptions)

PROF. N.G. RANGA : Not because of the concessions.

SHRI MAGANBHAI BAROT : No benefit came from the concessions to the consumers or the working class. So, the best answer will be that, simultaneously, you consider also somewhere, the say of the working-class, the labourers and employees into the management and make them also in any way associated with the functioning of these things.

I would only say that it is time that some of these companies are taken over by Government if it has already invested 51% or more. It is also time to divide the law into two—make a separate law for the big houses and make a separate law for what we call R.T.P. For the restrictive traders, it should not be restricted to Rs. 20 crores or less or more. They have gone even below that. And, therefore, it is necessary to accept this suggestion. This suggestion also found the support from even the Indian Chamber of Commerce President that this should not only be restricted to the size and I would

request the Government to look into this.

श्री आर० एन० राकेश (चैल) : सभापति महोदय, सबसे पहले मैं जनता सरकार को बधाई देता हूँ, जिसने एम० आर० टी० पी० हाउसिज की एसेट्स की सीमा 50 करोड़ रुपये से घटाकर 20 करोड़ रुपये कर दी थी।

सत्ता पार्टी के एक सदस्य ने अभी विपक्ष पर आरोप लगाया कि ये लोग नैतिकता की बात करते हैं, लेकिन परिवारवाद को बढ़ावा देते हैं। ये लोग इस सदन में उस भूखे नंगे इंसान की वकालत करने के लिए आते हैं, जिसकी आंखे अंदर धंस गई हैं और पेट पीठ से चिपक गया है, लेकिन वे वकालत करने लग जाते हैं उसकी, जिसकी बहुत बड़ी तोंद है और लाल गुलाबी गाल हैं। यह बड़ी दुखद बात है।

जिन लोगों ने परिवारवाद की बात कही, वे भूल जाते हैं कि सारे देश में 20-पायंट प्रोग्राम का डिंडोरा पीठा जा रहा है। पता नहीं, इन लोगों को मैथेमैटिक्स का ज्ञान है या नहीं। मैथेमैटिक्स फ़ैक्ट यह है कि जीरो की अपनी कोई अलग अहमियत नहीं होती। उसका यह गुण है कि वह नम्बर के दाहिनी ओर रहता है और बाईं तरफ के नम्बर को हाईलाइट करता है। 20-पायंट प्रोग्राम के 20 में जीरो 2 के दाहिनी ओर बैठा है और 2 को हाईलाइट कर रहा है। इस 2 में मां-बेटे हैं और जीरो में सारा देश है। यह है इनका 20-पायंट प्रोग्राम। जब ये विपक्ष पर परिवारवाद को बढ़ावा देने का आरोप लगाते हैं, तो पहले ये अपनी

करनी को देख लें। यह 20-पायंट प्रोग्राम सारे देश को जीरो—शून्य—करता है और मां-बेटे को उभार रहा है। मां-बेटे के लिए सारे देश को जीरो करने वाले कहते हैं कि विपक्ष परिवारवाद को बढ़ावा देता है।

माननीय सदस्य ने मिर्जापुर में बिड़ला की प्राईवेट फ़ैक्टरी हिदालको और रेणुसागर का उदाहरण देते हुए कहा कि प्राईवेट सेक्टर बिजली का ज्यादा उत्पादन कर रहा है और पब्लिक सेक्टर कम उत्पादन कर रहा है। शायद उनको पता नहीं है कि जिसको रेणुसागर कहा जाता है, रिंकाडर्ज में उसका नाम पन्त-सागर है। जिनकी फ़ैक्टरी है, उनकी ग्रांड-डाटर का नाम रेणु है। उसके नाम पर पन्त का नाम मिटा दिया गया। रेणु-सागर से बिड़ला कितना पानी ले जाते हैं, उसको मापने के लिए कोई व्यवस्था नहीं है। किसानों को बिजली किस भाव पर दी जाती है और बिड़ला जी को बिजली किस भाव पर दी जाती है ?

कुछ लोगों ने कहा कि विपक्षी लोगों ने भी पूंजीपतियों को राजनैतिक बढ़ावा दिया, विपक्ष के लोगों ने भी बिड़ला को आगे बढ़ाया, राजनैतिक संरक्षण दिया। वे भूल जाते हैं कि उत्तर प्रदेश में श्री बहुगुणा चीफ मिनिस्टर थे, और उन्होंने बिड़ला को लखनऊ की धरती से चुनाव हराकर वापिस किया था। उसी बात पर देश की मौजूदा प्रधान मन्त्री, श्रीमती इन्दिरा गांधी और श्री बहुगुणा में टकराव शुरू हुआ था।

इस सदन के वरिष्ठ संसत्सदस्य, प्रो० रंगा जी ने कहा कि यह बिल बड़ा पाक

है और इस बिल को वैसा कि राज्यसभा ने पास किया है, वैसे ही इस सदन से भी पास कर दिया जाना चाहिए तथा इस बिल पर एतराज नहीं करना चाहिए क्योंकि सरकार की नीति अच्छी है। सरकार की नीति कितनी अच्छी है वह तो इसी बात से स्पष्ट हो जाती है कि सच्चर कमीशन की रेकमेंडेशन्स में से जो अच्छी-अच्छी बातें थीं उनको इस बिल में इन्कार-पोरेट नहीं किया गया है बल्कि दूसरी लचीली बातों को इसमें जोड़ दिया गया है। मैं प्रो० रंगा साहब और उनकी भावनाओं का बड़ा आदर करता हूँ लेकिन इस बात का क्या भरोसा है कि सरकार की नीति ठीक ही रहेगी ? अभी तक पूंजीपति इस देश की राजनीति पार्टियों को पैसा देकर, राजनीतिक पार्टियों का संरक्षण लेकर, आर्थिक चोरी करते थे लेकिन अब तो टाटा, बिड़ला, डालमिया जैसे तमाम पूंजीपति लोग सत्ता पार्टी के टिकट को खरीदकर इस सदन की चेयर को भी खरीदने लग गए हैं। ऐसी हालत में यह बिल जो यहां पर पेश किया गया है उसका अंजाम क्या होगा यह अपने आप साफ जाहिर है।

निःसन्देह यह बिल इस देश की गरीबी को दूर करने के लिए नहीं है लेकिन यह बिल सत्ता पार्टी के लिए अधिक चन्दा इकट्ठा करने का माध्यम जरूर है। इसीलिए यह बिल यहां पर पेश किया गया है, इसके अलावा और कोई इन्टेन्शन नहीं है। जैसा कि प्रो० दण्डवने जी ने कहा है, इस बिल में बड़ी खामियां हैं, सच्चर कमीशन की तमाम रेकमेंडेशन्स की इसमें उपेक्षा की गई है, इस बिल में तमाम लैकुने हैं और अगर इस सरकार की नीति और नीयत ठीक है तो इस बिल को एक



ज्वाइन्ट सेलेक्ट कमेटी के पास भेज देना चाहिए जहां पर इस बिल पर गम्भीरता-पूर्वक विचार किया जा सके। ला मिनिस्टर से मेरा अनुरोध है कि आज वे इस बिल को पास न करावें बल्कि इसको ज्वाइन्ट सेलेक्ट कमेटी के पास भेज दें। मैं प्रो० रंगा साहब से भी रिक्वेस्ट करना चाहता हूँ कि उन्होंने कहा है कि यह बिल बड़ा रैडिकल है, बड़ा क्रांतिकारी है, अगर वास्तव में सरकार का इरादा कोई क्रांतिकारी बिल लाने का है जिससे कि देश में मौलिक परिवर्तन किए जा सके तो मैं कहना चाहूंगा कि सरकार इस देश के बीस बड़े-बड़े उद्योग-पतियों के घरानों की सम्पत्ति का राष्ट्रीयकरण करने का विधेयक लावे, टाटा, बिड़ला, डालमिया की सम्पत्ति का सरकार राष्ट्रीयकरण करे और एक सीमा बांधे कि उससे अधिक जिन कम्पनियों की भी आय होगी, उनकी सम्पत्ति का राष्ट्रीयकरण सरकार कर लेगी तो उसको एक रैडिकल बिल कहा जायेगा अन्यथा नापाक इरादे से लाये गए बिल की शकल भी बिगड़ जाती है। सच्चर कमीशन ने सेक्शन 294(ए) में कई इंस्टांसेज देते हुए राजनीतिक पार्टियों को चन्दा देने पर पाबन्दी लगाने की बात कही है। जैसा कि प्रो० दंडवते जी ने कहा है कि ये जो उद्योगपति हैं, ये राजनीतिक पार्टियों को चन्दा देकर खराब करते हैं। विशेषकर रुलिंग पार्टी को खराब करते हैं। चन्दा देकर उनके ईमान और इन्साफ को खरीद लेते हैं। इसका परिणाम यह होता है कि कानून बनाने से पहले उनकी राय ली जाती है। मेरी मांग है कि इस प्रकार चन्दा देने की व्यवस्था को समाप्त कर देना चाहिए। किसी भी कम्पनी को चाहे रुलिंग पार्टी हो या कोई भी राजनीतिक

पार्टी हो चन्दा देने की व्यवस्था नहीं होनी चाहिए।

दूसरी तरफ ब्लैक मनी हमारे देश में बढ़ रही है। 1956 के प्राइवेट सेक्टर और पब्लिक सेक्टर के सामन्जस्य की बात कही गई है। लेकिन आज हालत यह है कि अमीर और अमीर हो रहा है तथा गरीब और गरीब होता चला जा रहा है। सारे देश में ब्लैक मनी बढ़ रही है और वाइट मनी घट रही है। ऐसा सरकार जो ब्लैक मनी पर आधारित सरकार है, वह देश की सरकार नहीं होती है, ब्लैक मनी की सरकार होती है। इस प्रकार की सरकार सही ढंग की व्यवस्था नहीं दे सकती है। इसलिए मेरे विचार में इस बिल को अर्भा पेश नहीं करना चाहिए था। जैसा कि अभी प्रो०, दंडवते, चैटर्जी साहब और चित्त बसु साहब ने बताया कि 1981 से 1982 में जितने भी केस सरकार के पास आए उनमें से एक भी केस सरकार ने कमीशन को रैफर नहीं किया है। उनको केवल शो-पीस बनाकर रखा गया है। मैं सरकार से पूछना चाहता हूँ कि क्या कोई अन्दरूनी व्यवस्था तो नहीं है?

इन शब्दों के साथ मैं कहना चाहता हूँ कि यह जो बिल पेश किया गया है, वह नापाक इरादों से पेश किया है। इसे आप वापिस लें और नहीं तो इसको ज्वाइन्ट सिलेक्ट कमेटी को भेज दें और गम्भीरता से विचार करने के बाद इसको पेश किया जाए। इसलिए इस बिल का मैं विरोध करता हूँ। इस बिल के द्वारा आप रैडिकल परिवर्तन नहीं कर पायेंगे। क्योंकि इस बिल के पीछे नापाक इरादे हैं, वे भी आपके पूरे नहीं होंगे।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL) : Mr Chairman, I must thank, first of all, the Members who have taken part in the debate and given their valuable thoughts for the consideration of the House. As I have understood the sum total of the debate, it is that the provisions of the Bill as such are not obnoxious. On the other hand, majority of the Members, except probably one or two, have accepted that this Bill so far as it goes is all right. Prof. Madhu Dandavate says that undoubtedly Government have tried to tighten the control, but he feels that it should be more tight.

16.00 hrs.

PROF. MADHU DANDAVATE : The Government should also be tight.

SHRI JAGAN NATH KAUSHAL : And the Hon. Member who is now occupying the Chair (Shri Somnath Chatterjee) has no quarrel with the Bill at all. But, his quarrel is that when we had passed the original law and when we had not been able to succeed in achieving the objective of the Bill, why we should bring this Bill. Well, I have great respect for him, as he said he has for me, it is a mutual respect. But what I was thinking was, once we accept that there has to be control, Control as envisaged in the Constitution and as reproduced in the Preamble of the MRTP Act, then obviously if in the working of the Act certain loopholes have been found, if because of the various judicial pronouncements our intentions are defeated, if there are incongruities, if there are anomalies, surely, the only way is to plug those loopholes. And that is what we have tried to do. The larger question which has been raised by the House is regarding mixed economy. On that matter Prof. Ranga spoke very lucidly and I cannot put it in a better way. He says that this is accepted as a national policy.

PROF. MADHU DANDAVATE : Inevitably.

SHRI JAGAN NATH KAUSHAL :

If it is inevitable, it still continues to be inevitable. My friends belonging to the Communist Party are obviously not happy with the private ventures. They want that everything should be in the control of the State and they want that all industries should be run by the State. Well, the country has not accepted their ideology. The country has accepted mixed economy as rightly stated by the Professor himself as well as Prof. Ranga. This is to face the reality of the Indian situation.

17.02 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Now, what have we been doing ? We have reserved certain industries for small scale sector. Then we have classified medium scale industry beyond the small scale sector, and then we have come to the big industries, the core industries, the industries which are capital-oriented, the industries which need sophistication, the industries which need modern technology, the industries which need modern managerial expertise. Now we can still question whether we should completely give the whole industry to the public sector. But you have all seen that experience also. I am not saying that it has failed. On the other hand we are proud of the fact that public sector is very much there. But it has not succeeded to the extent to which each one of us wanted it to succeed. There are a number of reasons for that. One reason which Shri Chatterjee probably mentioned in the Consultative Committee was that there was lack of proper managerial expertise. Now surely, we cannot produce managerial expertise and we cannot produce managers overnight, because for running an industry successfully, only one factor is not enough. The support of technology is needed ; money is needed ; the support of the worker is needed, and labour participation is also needed. So, there are hundred and

one things which are required for running an industry successfully. Whether you agree with the Government or not, I have no hesitation in saying that these MRTP houses are given permission, either to expand or to put up new industries in core sectors.

There is this Appendix I. In that Appendix, if you look at industries, those industries which you find there cannot be run at all either by the small scale or medium sectors. Either all of them should be handed over to the public sector, or if the public sector cannot afford to run all those industries, obviously we have then to take the help of the private sector. That is why I say that the acceptance of mixed economy is the inevitable reality of the situation. Once that is so, we have to regulate the private sector. Everybody has his right to say so.

But may I ask, with all humility, the Hon. Members who have taken part in the debate : "What, according to your concept, is normal growth? In the case of an industry which is a healthy industry, which you think is doing well, how much should it grow in one year? Will you accept 10% to 15% as normal growth for it, or no?" Nobody would like to invest his money or his expertise and run an industry if it cannot grow to the extent of 10% to 15%. Then you have to take inflation also into consideration. If 10% to 15% is the normal growth, then adding a little for inflation, 17% to 18% ultimately is not such an abnormal growth, where we might say that our entire objectives have not been fulfilled, or our machinery has failed, or that the MRTP Act has failed.

I am not prepared to accept this criticism; and the straight-forward course which we thought of was this : wherever we discovered loopholes, we have tried to plug them. Wherever we found that there was incongruity again, to the detriment of the common man,

we have liberalized things, as we have done in one case here also.

For example, there are two types of MRTP houses. One, houses whose assets are more than Rs. 20 crores; and two, houses which are dominant in the production of one particular type of goods. Their assets should only be more than Rs. 1 crore. They need not be more than Rs. 20 crores. They are also dominant houses, and MRTP houses. The earlier provision seems to be that if they produced goods in which they were not even dominant, they had to seek the permission of Central Government because they were MRTP houses. The intention is that if they are dominant in one particular type of services or goods, if they wanted to expand further, they should come to us.

The purpose of their coming to us is that we examine a number of things when we permit either expansion or setting up of new industries. It is not only one Ministry which examines it. A number of Ministries examine it; and they examine it from various angles. After looking into all those angles, the considerations, generally speaking, which weigh with the Department of Company Affairs are these—I may mention these because this will also give a reply to one argument of Prof. Madhu Dandavate as to why we do not refer more cases to the MRTP Commission.

When any application comes to us, the Departments which generally look into it are...

PROF. MADHU DANDAVATE :  
It is not only my complaint. It is also the complaint of the Sachar Committee.

SHRI JAGAN NATH KAUSHAL :  
That does not matter. You have borrowed his complaint. I attach great importance to what you say, although



in what you say you are bringing in Sachar Committee. Otherwise, I attach great importance to what you say. Now I will meet that argument a little later.

**PROF. MADHU DANDAVATE :**  
Without meaning any disrespect to Mr. Sathe !

**SHRI JAGAN NATH KAUSHAL :**  
Not at all. On the other hand you are right. In order to give more strength to your argument you are borrowing the observation of that expert committee. Accepted. Now what we do is this : Proposal for substantial expansion of existing undertakings or setting up of new units received by the department are carefully examined by the Department of Company Law in consultation with the Administrative Ministry, Director-General of Technical Development, Ministry of Finance, Planning Commission and other Ministries. In cases where there is a uniformity or consensus in the views expressed by various Ministries or departments concerned in regard to all relevant factors like demand and supply position, technology, scheme of finance, location, etc., it is not considered necessary to make a reference to the MRTP Commission. In cases, however, where serious difference of opinions arise in respect of all matters like demand and supply position, export potential and development of indigenous capability or where there is a strong public sector angle involved, reference is generally made to the MRTP Commission; and for the benefit of my esteemed friend, Prof. Madhu Dandavate, may I mention that we, in any case, refer more cases than you referred, your Government did, because in your government you were there for three years and you referred 11 cases and we have referred 21 cases; we are almost double of it. Merely referring of more cases to the MRTP Commission means more delay. Unless there is some complication, unless there is some matter over which we cannot hold a satisfactory enquiry we do not need the services of

the MRTP Commission. So, this is where the question comes that when your government was in power even then you did not feel the necessity of sending every case to the Commission. No government would because one charge against the government is you take too long to process an application and in the meantime the price escalates, the cost goes up. On the other side, if we refer every case to the Commission, obviously delay is there. It is always a matter which government has to consider on the facts of every case.

**PROF. MADHU DANDAVATE :**  
I never suggested that if any frivolous cases come to the government straight-way automatically it goes to them. All I said is that fixed norms and guidelines should be there; it should not be left to the vagary of Ministries. Even as a vagary, if all the Ministries combined together agree, even if they violate the guidelines...

**SHRI JAGAN NATH KAUSHAL :**  
You are using the word 'vagary' in a very fantastic way. All Ministries will become erratic; all the Ministries will be guided by vagary. I understand if you can impute motive to a particular individual. As I said, 5-6 Ministries examine and we have now evolved a new system because we are more worried about production, about export, about industries in those areas where the industry has not gone at all. Instead of your saying that we have encouraged the private sector, we have encouraged this and that, there are numerous districts where the industry is not there at all. The recent policy of the government you must have seen is not to ask people to go to no-industry area; and we have characterised no-industry area into three categories : a, b and c; and when we ask these people to go to no-industry areas, we always put export obligation on them. Hon. Members have to be realistic. Will any small scale man or young entrepreneur or a person dealing with medium sized industry go to a place where there is

no infrastructure ? Even those houses which have the capacity, even they hesitate because nobody wants to go for incurring losses. And once they incur losses, again the industry becomes sick and ultimately again it comes to us. Therefore, the point is that the Government has a balanced approach. The dogmatic approach which some political parties may have, that is not our approach. Our approach is now fortunately being accepted even by Mr. Chatterjee and other Hon. Members, that we cannot help it. They have to take advantage of the private sector even in West Bengal. Why ? They say, we want to create more employment. We want to create more industry. And we are not in a position to do it on our own. And, therefore, we have also to take advantage of the bigger houses. After all, we cannot taboo a bigger house and say that there is no need for them.

Therefore, I started by submitting to the House that the object of the present Bill is a twin objective. We feel that our intention is being defeated by either some defect in the drafting of the Bill or because of judicial interpretation or because of some people trying to be over-clever in manipulation; then we say, we come forward to plug the loopwhole. And I am glad that each one of you has said so; that is good. You have said that the loopholes have been rightly plugged. Some other Member said that the private sector is likely to find some loopholes. Obviously, there is no limit to human ingenuity. After all, there is no method known to me or friends sitting opposite to invent a foolproof law. After all it is written law. Once there is a written law people are ingenious enough to find some loophole to escape the law and if they go to a court of law, the court of law says that it would try to find out the intention of the legislature. But the words used are not conveying the intention. Either by grammatical interpretation, or literal interpretation sometimes the intention is defeated. The intention of the legislature is to

amend the law, to plug the loopholes. We have come here for that.

Now the other point which has been raised by some friends is that all the reports of the Commission should be binding on the Government. There is a contradiction in the very argument. The Commission is an advisory body. Its recommendations are made to the Government and the Government has to take a decision on a number of consideration, but if you every time go on doubting the intention of the Government, nobody can help you. Nobody can help you. That is your prejudiced way of looking. But the country's way of looking is not prejudiced. We go to the country. We go to the country and get the vote. Surely the opposition does not represent the country ! I do not know how the Opposition Members feel that they are the only members properly elected by the people. We have also been elected by the votes of the people. If you think what you say is correct, you should have won all the five hundred and twenty seats of the Lok Sabha. But unfortunately you have been in a hopeless minority. You have never been able to convince the people.

When I was a Member of the Rajya Sabha—I am reminded about those good old days—I heard that President Roosevelt said; “When I hear the Opposition Members, I feel nobody is with me; but in the country, when I go to the voter I find that everybody is with me.” The same feeling is with me a number of times. Whenever I hear the Hon. Members speaking from the Opposition side, at least an impression is made on me that they are the paragon of virtues, they are the idealist people, and their policies are one hundred per cent good, but whatever way they are being presented; they are not acceptable to the country. I do not know why.

I have not understood it. Therefore, my submission is, please judge the Bill on its merits.

(Interruption) You have spoken in a different context. Some of the Hon. Members have not spoken a word about any clause of the Bill. But you have given constructive suggestions. You have said: Please do this and do that. You have quoted Commission's report also. But other Members have no concern. They say that it is bad, rotten, hopeless, populist measure and all that. I am placing a Bill which according to you, is for the purpose of pleasing the electorate. Well, obviously I am going to get the Bill passed for the benefit of the common man. So, therefore, this Bill is for that purpose. In some cases, we have accepted the recommendations of the Sachar Committee and in some other cases we have not. In some cases, we have gone beyond what the Sachar Committee says. That is why, all these high-powered commissions and committees are appointed. Obviously they are entitled to have a very great respect at the hands of the Government. But it is for the Government to see which recommendation is worth accepting. I am not going to say that howsoever a high-powered committee is, the Government should accept all its recommendations. The Government has to examine whether it is for the benefit of the society.

The main thrust of the Hon. Members' arguments is that the Bill is good, but, according to them, we will not implement it. We are not having an exercise in futility. I can assure the House that the first thing is to plug the loopholes and after that to see that the policy underlying the Bill is carried into effect, because we are convinced that it is for the benefit of the common man.

One provision of the Bill which has been unanimously acclaimed is about unfair trade practices, because everybody is happy that it is for the benefit of the consumer. I must thank the Hon. Members that at least that one provision has been unanimously accepted.

SHRI MAGANBHAI BAROT :  
With the pious hope that it will be implemented.

SHRI JAGAN NATH KAUSHAL :  
Our intention is very much there to implement it. We are again giving the powers to the commission. They can issue injunction orders. If the directions are disobeyed, then defaulters can be prosecuted. So, it is quite an effective machinery which we have set up and we do hope that the provisions of this Bill will ultimately further the underlying object of the MRTP Act. But one thing I must explain that the MRTP Act never meant that there will be no growth; growth will be there but there will be no such growth which may go against the interests of the common persons. So, according to our way of seeing the things, the private sector has also helped in raising the industrial output of the country. They are also providing employment. The normal process of growth and the present inflation obviously will give them increase in the assets. I am reminded of one Member in the Rajya Sabha saying that—he read out some figures which I am sorry I did not bring with me—the personal properties of Birlas and Tatas are going down but the corporate sector is going upward. But is it something good or bad? If their personal property is going down and they are throwing everything in the corporate sector, we should be happy about this.

SHRI MAGANBHAI BAROT :  
That is an excellent way of tax planning.

PROF. MADHU DANDAVATE :  
The modus operandi of a person's property going down is a different thing.

SHRI JAGAN NATH KAUSHAL :  
I do not think I should take more time of the House. I am once again thankful to all the Members who have taken part. The Motion may be accepted.



MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, and the Companies Act, 1956. as passed by Rajya Sabha, be taken into consideration.”

*The motion was adopted.*

MR. DEPUTY-SPEAKER : The House will now take up Clause by Clause consideration of the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clauses 2 to 4 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 to 4 were added to the Bill.*

*Clause 5—(Amendment of Section 3)*

MR. DEPUTY-SPEAKER : Mr. Satish Agarwal—Absent. Prof. Madhu Dandavate, are you moving your amendment ?

PROF. MADHU DANDAVATE : Yes, Sir, I beg to move that :

Page 7,—

after line 21, insert—

“Provided that nothing in this section shall apply to any or all the undertakings mentioned in clauses (a) to (f) in respect of unfair trade practices and restrictive trade practices.”(1)

SHRI JAGAN NATH KAUSHAL : Why not move all the amendments together, Sir ?

MR. DEPUTY-SPEAKER : It is clause by clause consideration of the Bill.

PROF. MADHU DANDAVATE : Sir, I do not do that because I do not believe in massacring. All that I would say is that this is an amendment that will strengthen the Bill. In Section 3 that is, regarding the Act not to apply in certain cases, I am only putting a rider to safeguard the interests of the consumers : “provided that nothing in this section shall apply to any or all the undertakings mentioned in clauses (a) to (f) in respect of unfair trade practices and restrictive trade practices”. I hope he will see the motive behind this amendment and accept it. At least one amendment he should accept sometimes as a mistake.

SHRI JAGAN NATH KAUSHAL : I am not prepared to commit the mistake which he wants me to commit.

It is not necessary that this amendment should be accepted and I will give three reasons for that. One reason is that public sector undertakings are supposed to act as a countervailing force against monopolistic, restrictive and unfair trade practices. Second reason is that the operation of Government's own policy and machinery itself is a sufficient safeguard against any apprehension in this regard and the third one is that exemption to public sector in this behalf does not mean that persons dealing with the consumer in the matter of sale or supply of goods produced by the public sector undertakings are also exempt. For example, the dealers who deal with public sector, are not exempt, only the public sector as such is exempt, and I do not think there is any necessity of incorporating this amendment.

MR. DEPUTY-SPEAKER : Are you withdrawing your amendment after hearing him ?

PROF. MADHU DANDAVATE : No, Sir.

MR. DEPUTY-SPEAKER : I will now put amendment No. 1 to clause 5

moved by Prof. Madhu Dandavate to the vote of the House.

*Amendment No. 1 was put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

“That Clause 5 stand part of the Bill.”

*The motion was adopted.*

*Clause 5 was added to the Bill.*

MR. DEPUTY-SPEAKER : There are no Amendments to Clauses 6 and 7. I shall take them together.

The question is :

“That Clauses 6 and 7 stand part of the Bill.”

*The motion was adopted.*

*Clauses 6 and 7 were added to the Bill.*

*Clause 8—(Substitution of Section 11)*

PROF. MADHU DANDAVATE : Sir, I beg to move :

Page 8,—

after line 41, insert—

“Provided that if it is found on the basis of such investigation that the complaint does not require to be inquired into, the complainant shall be informed of the reasons in this behalf and allowed to present such other facts and reasons before the Commission as may be necessary for inquiry into the complaint.

“Provided further that where the Commission enquires into a complaint made under sub-clause (i) of clause (a) of Section 10, the complainant shall be recognised as a party to all proceedings arising out of such complaint

before the Commission or any appellate court and shall also have the right to produce as well as examine any evidence or witness in this behalf.” (2)

In this Amendment I am not only requesting the Hon. Minister that when the Director-General carries on the investigation and for various reasons he comes to the conclusion that there is no basis, all that I say is :

Provided that it is found on the basis of such investigations that a complaint does not require to be inquired into, the complainant shall be informed of the reasons in this behalf and allowed to present such other facts and reasons before the Commission as may be necessary for that inquiry into the complaint. Provided further that where the Commission enquires into the complaint made under sub-clause (i) of Clause (a) of Section 10, the complainant shall be recognised as a party to all proceedings arising out of such complaint before the Commission and any appellate court and shall have the right to produce and examine any evidence or witness in this behalf. I think he should accept that.

SHRI JAGAN NATH KAUSHAL :

I am sorry, I again oppose it for two reasons. Firstly, these are procedural matters which are left to the MRTP Commission. Secondly the MRTP Regulations of 1974 in Regulation 22 provide for what the Professor wants. So there is no necessity for the amendment.

MR. DEPUTY-SPEAKER : I shall now put to vote amendment No. 2

*Amendment No. 2 was put and negatived.*

MR. DEPUTY-SPEAKER : Since there is no amendment to Clause 9, I shall put Clause No. 8 and 9

together to the vote of the House.

The question is :

“That Clauses 8 and 9 stand part of the Bill.”

*The motion was adopted.*

*Clauses 8 and 9 were added to the Bill.*

*Clause 10 (Insertion of new Sections 12A, 12B and 12C)*

PROF. MADHU DANDAVATE :  
Sir, I beg to move :

Page 10,—

after line 12, insert—

“Provided that nothing in this Act or any other law shall prevent the Commission from awarding exemplary damage upto five times the loss or damage so caused in order to adequately compensate the inconvenience or hardship caused to any consumer.” (3)

Sir, this is again a small amendment regarding the compensation. All I say again is to safeguard the interests of the consumers this amendment may be accepted. I am only mentioning the quantum of compensation to be paid and I think on quantum there should be no difference.

SHRI JAGAN NATH KAUSHAL :  
We have full faith in the judgment of the Commission. The Commission's powers are unlimited and it can award any compensation.

MR. DEPUTY-SPEAKER : I shall now put to vote amendment No. 3.

*Amendment No. 3 was put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

“That Clauses 10 and 11 to 29 stand part of the Bill.”

*The motion was adopted.*

*Clauses 10 and 11 to 29 were added to the Bill.*

*Clause 30 (Insertion of new Part B in Chapter V)*

PROF. MADHU DANDAVATE :  
Sir, I beg to move :

Page 27, line 26,—

after “consumers” insert—

“or from any consumer body recognised by any State Government, Central Government or the Commission in this behalf. (4)

Page 27,—

after line 36, insert—

“Provided that if it is found on the basis of such investigation that the complaint does not require to be inquired into the complainant shall be informed of the reasons in this behalf and allowed to present such other facts and reasons before the Commission as may be necessary for inquiry into the complaint.

Provided further that where the Commission inquires into a complaint made under sub-clause (i) of Clause (a) of section 10, the complainant shall be recognised as a party to all proceedings arising out of such complaint before the Commission or any appellate court and shall also have the right to produce as well as examine any evidence or witnesses in this behalf.” (5)

Sir, this is again a very simple amendment. I do not know why he is so adamant about not accepting the Amendment. Here I am adding one more entity. By way of abundant caution, why should he object to that ?



**SHRI JAGAN NATH KAUSHAL :** So far as amendment No. 4 to Clause 30 moved by Prof. Dandavate is concerned, it is not necessary. In the provisions of the Act itself it is provided. The Commission can *suo motu* take action. Even on the application of one consumer if Commission is satisfied, it can take up the matter itself. So far as amendment No. 5 moved by Professor is concerned, I have already given the reasons why I oppose it.

**PROF. MADHU DANDAVATE :** Something should be done.

**MR. DEPUTY-SPEAKER :** I put amendments moved by Prof. Dandavate, that is, Amendment Nos. 4 & 5 to Clause 30 to the vote of the House.

*Amendments Nos. 4 and 5 were put and negatived.*

**MR. DEPUTY-SPEAKER :** There are no amendments to clauses 31 to 41. Therefore, I put all the clauses together including Clause 30.

The question is :

“That clauses 30 to 41 stand part of the Bill.”

*The motion was adopted.*

*Clauses 30 to 14 were added to the Bill*

**MR. DEPUTY-SPEAKER :** Sarvasri Satish Agarwal and Manohar Lal Saini are not present. Therefore, I take up clauses 42 to 52 together.

The question is :

“That clauses 42 to 52 stand part of the Bill”

*The motion was adopted.*

*Clauses 42 to 52 were added to the Bill*

**MR. DEPUTY-SPEAKER :** The question is :

“That Clause I, the Enacting

Formula and the Title stand part of the Bill.”

*The motion was adopted.*

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

**SHRI JAGAN NATH KAUSHAL :** I beg to move :

“That the Bill be passed”.

**MR. DEPUTY-SPEAKER :** Motion moved :

“That the Bill be passed.”

Shri Chintamani Panigrahi.

**SHRI CHINTAMANI PANIGRAHI :** I support all the provisions of this Bill. It is a very welcome Bill which has been brought forward. I would like to bring certain matters to the notice of the Hon. Minister. I hope they will receive his kind attention. He may not reply now. But he may kindly look into the points which I am mentioning.

Our main objective is to control the monopoly houses. The main objective is that the production in this country, growth of economy in this country should not suffer but also there should be a socialistic order of society. So, we thought that the monopoly houses will be brought under control and there should not be concentration of wealth in the hands of the monopoly houses. We are moving in that direction.

The total assets of the monopoly house now comes to about Rs. 10,000 crores. Today our country is in a financial crisis. It is expected of these monopoly houses that out of the total assets of Rs. 10,000 crores, every year they should plough back for the growth of this country at least Rs. 3000 crores, when we are short of capital. What I plead before the Hon. Minister

is that these big monopoly houses are being given all the facilities from all the corners, from outside, from the public. Atleast they should look to the financial difficulties of this country and they should try their best to see that they plough back the profits for the growth of this country.

You will be surprised to know, the total investment by these big houses is only Rs. 146 crores. They have collected from the public Rs. 27,000 crores. They are not allowing the growth of private sector in this country to which we are committed. I am not going to the political aspect as other friends from the opposition have been telling that the Hon. Minister is doing it because of election in this country. We are bound to go to the people. People will accept us. We shall do what the people will accept. I am only considering the economic aspect which the Hon. Minister may not reply today but the Minister of Finance, Minister of Law and Company Affairs and MRTP Commission should consider this problem. Should we not try to see that these big monopoly houses, the financing institutions which are giving more and more money to these people, they should not starve our private sector the small entrepreneurs whom we want to grow. We want thousands and thousands of small entrepreneurs to grow. As the Hon. Minister and Prof. Ranga said, mixed economy is our national policy. Even Soviet Russia after many years felt that there should be a private piece of land. Therefore, we have done a right thing by accepting it.

The Hon. Mjnister has brought Investment Corporations under the purview of this Bill. Minister may be intelligent. But monopoly houses are far more intelligent than all the 500 Members put together.

PROF. MADHU DANDAVATE :  
They are not only intelligent but cunning also.

SHRI CHINTAMANI PANI-  
GRAHI : Yes, they are cunning also.

It is good that MRTP has caught them. They have been brought under the purview of Section 27 (b). By this process they control Corporate Sector, these big business houses. In 1979 the number of investment Corporations was 1302. But in 1982 the number has gone up to 3843. Whatever we may do they will try that somehow or the other their finance goes up.

MR. DEPUTY-SPEAKER : But there is price escalation.

SHRI CHINTAMANI PANI-  
GRAHI : Our objective is, we should prevent unfair trade practices.

I bring to the notice of the Minister. There is one Company Indian Metals & Ferro Alloys Limited in Orissa. This Company has cheated the Government of Orissa of electricity dues to the extent of Rs. 8 crores. I am not going to name the persons involved in it, because they are Members from the Opposition. Therefore, I am not going to mention their names.

Kalinga Tubes was taken over and amalgamated with IMFA violating all the Company Laws. MRTP did not even examine this point. The shares having far more market value were bought at a very low price. Kalinga Tubes was amalgamated with IMFA. Kalinga Tubes were manufacturing certain specific commodities. Suddenly it closed down after amalgamation with IMFA. About 4,000 workers were retrenched. The very same company has come to the Government to seek permission to allow them to utilise Kalinga Tubes to manufacture Charge Chrome on the basis of 100% Export Promotion. this new scheme under which they can take maximum of subsidy—Rs. 500 crores for export promotion. How can they—IMFA and Kalinga Tubes ask for having a factory for Charge Chrome? The Income Tax Department have strongly objected to

this kind of thing—which has helped IMFA Ltd. Even IMFA violated excise rules. It is because there is an income-tax due of about Rs. 30 lakhs from this company. That has not been paid. Rs. 8 crores towards electricity charges have also not been paid. But still the company wants the Government of India to give its permission to build its own captive power plant of 250 mega watt. You can understand this. The entire power production of Orissa is 600 mega watt. But he wants the captive power plant of 250 mega watt after cheating the State Government to the extent of Rs. 8 crores.

These are the things which I have brought to the notice of the Hon. Minister. And I hope he will consider it as to how these things are happening and take appropriate steps with these words, I support the provisions of the Bill. And these are the loopholes which the Hon. Minister should look into.

MR. DEPUTY-SPEAKER : Shri Ramavatar Shastri. A permanent Third Reading Member.

SHRI RAMAVATAR SHASTRI (Patna) : Therefore, you do not disturb me, Sir.

MR. DEPUTY-SPEAKER : You try to be as brief as possible.

श्री रामावतार शास्त्री : उपाध्यक्ष महोदय, देश के इजारेदार पूंजीपतियों की संपत्ति (एसेट्स) का ब्यौरा इस प्रकार है :

सन् 1980	14,408.97 करोड़ रु.
सन् 1981	17,443.72     "

इस प्रकार दो वर्षों में 18 से 21 प्रतिशत की वृद्धि हुई ।

#### टाटा की सम्पत्ति

1979	1309.38 करोड़ रु.
1980	1538.97     "
1981	1840.16     "
1982	2430.83     "

I had done the home-work for you here.

MR. DEPUTY-SPEAKER : In the Third Reading, you must mention some new points which were not mentioned by any member.

PROF. MADHU DANDAVATE : It can be laid on the Table of the house.

आचार्य भगवान देव (अजमेर) : शास्त्री जी अब फिर श्री ज्योतिबसू के बेटे की सम्पत्ति का भी उल्लेख कर दें ।

श्री रामावतार शास्त्री : इसी प्रकार विड़ला की सम्पत्ति इस प्रकार है :

1937	1.8 करोड़ रु.
1979	1309.99 करोड़ रु.
1980	1431.99     "
1981	1691.69     "
1982	2004.79     "

आचार्य भगवान देव : उपाध्यक्ष महोदय, शास्त्री जी की तबियत को देखते हुए यदि शास्त्री जी सभी आंकड़े पटल पर रख दें तो टाइम बच जाएगा ।

MR. DEPUTY-SPEAKER : No. He is making a speech. He is taking from the paper some hints only. And the Minister has got to reply.

श्री रामावतार शास्त्री : धन इकट्ठा करने की यही स्थिति सिहानिया मफत-लाल, थापर, ए० सी० सी० और रिलायंस ग्रुप की है ।

#### हिन्दुस्तान लीवर

1979	187.80 करोड़ रु०
1982	286.72     "



(Amdt. Bill)

(Amdt.) Bill

मुनाफा इजारेदार घरानों को मुनाफा टैक्सों का भुगतान करने के पहले सन् 1980 में 1121.37 करोड़ रु० थे, जो बढ़कर 1334.09 करोड़ रु० हो गए। इसी प्रकार करों की चोरी सन् 1980-81 में 66 कंपनियों और 1981-82 में 78 कंपनियों ने सरकार को किसी प्रकार से टैक्स का भुगतान नहीं किया। इस पर सरकार द्वारा क्या कार्यवाही की गई। 50.1 से 70 प्रतिशत कर अदा करने वाली कंपनियों की संख्या सन् 1980-81 में 29 थी जो सन् 1981-82 में घटकर 14 रह गई।

टैक्सों का बकाया : सन् 1978 और 1982 में 111 कंपनियों पर सरकार के करों की 10,738.66 लाख धनराशि बकाया थी। सेंचुरी स्पिनिंग एण्ड मैन्युफैक्चरिंग कंपनी पर 169.61 लाख रुपये का बकाया था। हिन्दुस्तान एलुमीनियम पर 169 लाख रुपये का बकाया था। हैदराबाद एसबस्टस पर 136.28 लाख रुपये का बकाया, जियाजी काटन मिल्स पर 91.87 लाख रुपये का बकाया, केशोराम काटन मिल्स पर 133.56 लाख रुपये का बकाया, ए० सी० सी० बेकर बेवकाक पर 269.12 लाख रुपये का बकाया, बजाज पर 123.25 लाख रुपये का बकाया, जे० के० सिहानिया पर 895.39 लाख रुपये का बकाया, टाटा पर 370 लाख रुपये का बकाया, केवल टिस्को पर 196.11 लाख रुपये का बकाया है। मैं जानना चाहता हूं कि इन धनराशियों की वसूली के लिये अब तक क्या कार्यवाही की गई है ?

पेड-अप-कैपिटल : टाटा के शाफको इंडियन वियरिंग की चुकता पूंजी केवल 8 लाख रुपये है, जबकि उसने 484.30 लाख रुपये का एसेट्स इकट्ठा कर लिया

है। उसका टर्न-ओवर 8.4.68 लाख रुपये का है; हैलेन-कर्टिस का मेड-अप-कैपिटल 6.13 लाख रुपये था जबकि उसका एसेट्स 78.17 लाख रुपये और टर्न-ओवर 235.14 लाख रुपये हो गया है। अगर देखा जाय तो इजारेदार घरानों ने 27,000 करोड़ सार्वजनिक रुपये को अपने कब्जे में कर रखा है।

इस प्रकार यह स्पष्ट है कि एकाधिकार तथा अवरोधक व्यापारिक व्यवहार (एम० आर० टी० पी०) कानून के बावजूद देश के मुट्ठीभर इजारेदार घराने सरकार की पूंजीवादी नीति के चलते अरबपति बनते जा रहे हैं और देश की अधिकांश मेहनतकश जनता गरीबी रेखा से नीचे रह कर भुखमरी की मार से कराह रही है। अगर सरकार सचमुच में इस कानून को सख्ती के साथ लागू करती तो इजारेदारों की वृद्धि को रोका तथा उन पर अंकुश लगाया जा सकता था। परन्तु सरकार के पास कोई वैसी पक्की राजनीतिक इच्छा शक्ति नहीं है। वास्तव में यह सरकार पूंजीपतियों एवं इजारेदारों की ही सरपरस्त है और उनके ही इशारे पर नाचती है। शासक पार्टी को चुनावों में उन्हीं से करोड़ों रुपये प्राप्त होते हैं। तो, फिर यह सरकार उनकी जड़ क्यों काटे ?

सरकार गरीबों के लिये कितना भी घड़ियाली आंसू बहा ले, उसकी नीतियों के चलते इजारेदार घराने मालामाल हो रहे हैं।

सरकार ने एम० आर० टी० पी० के बारे में अभी तक गहरायी के साथ कोई अध्ययन भी नहीं करवाया है। ऐसा करने से सरकार पूरी तरह बेनकाब हो जायगी।

इजारेदार घरानों की संपत्ति में इस बेरीकटोक की वृद्धि के बावजूद सरकार के कानून एवं कंपनी मंत्री श्री जगन्नाथ कौशल ने राज्य सभा में दावा किया है—

“There is controlled growth and that there is on concentration of economic power to the detriment of common man.”

ऊपर के बोलते हुए तथ्य श्री कौशल के दावे को पूर्णतः झूठला देते हैं। उनका उक्त कथन तब सत्य होता जब इजारेदार घरानों की संपत्ति में ह्रास होता और आम मेहनतकश आवाम की स्थिति में कोई उल्लेखनीय प्रगति होती।

विधेयक में गलत व्यापारिक व्यवहारों को रोकने के लिए जो उपबंध किए हैं, वे स्वागतयोग्य हैं। अपराधियों की सजा में वृद्धि करने की जो व्यवस्था है, वह ठीक है। अपितु, उसे और कठोर बनाने की आवश्यकता है। परन्तु सबसे बड़ा प्रश्न है इन व्यवस्थाओं को सख्ती के साथ लागू करने की जिसके साथ प्रश्न चिन्ह जुड़ा हुआ है।

समय की मांग है कि इजारेदार घरानों की संपत्ति का पूरी तरह से राष्ट्रीयकरण कर उनके हाथों से आर्थिक शक्ति छीन कर जनता के हाथों सुपुर्द कर दी जाए।

**SHRI JAGAN NATH KAUSHAL :** So far as Shri Chintamani Panigrani is concerned, he does not want me to give any reply. He only wants his speech to be noted and it has been noted.

So far as shri Ramavatar Shastri is concerned, I am afraid he has not made any new points. All these points have been made by other Hon. members.

**MR. DEPUTY-SPEAKER :** The question is :

“That the Bill be passed.”

*The motion was adopted.*

17.55 hrs.

### VISVA-BHARATI (AMENDMENT BILLS)

**THE MINISTER OF STATE OF THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL) :** Sir, I beg to move :

“That the Bill further to amend the Visva-Bharati Act, 1951, as passed by Rajya Sabha, be taken into consideration.”

The present Bill is the one on which the Joint Committee of both Houses of Parliament has laboured hard for a good length of time to review its contents so as to incorporate therein the ideals of Gurudev Rabindranath Tagore. This Committee has done an excellent job and produced a Bill which has inducted a number of new ideas and thoughts in keeping with the ideals of the great founder of the institution. The report of the Committee was, by and large, welcomed and supported by Rajya Sabha and the Bill as recommended by the Committee was adopted by the Rajya Sabha without any change. I would take this opportunity to put on record my appreciation of the work done by the members of the Committee and to congratulate them on the fine report they produced.

To refresh the memory of the Hon. Members, I may be permitted to indicate briefly the background leading to the introduction of this Bill in the Rajya Sabha in March, 1978.

Visva-Bharati, a renowned institution founded by Gurudev Rabindra Nath Tagore, was declared as an institution of national importance and also incorporated as a unitary, teaching