

[Shri P. C. Sethi]

Sir, as far as the question of revision of the Railway Protection Force Act is concerned, in the light of what Shri Dandavate and Shri Vajpayee and many others, including Shri Banatwalla, have suggested, we would get the whole Act scrutinised by a committee of legal experts and to the extent that any change in the Statute of the Railway Protection Force would help the situation, we would certainly consider that.

Beyond this I have nothing more to say.

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL): I beg to move for leave to introduce a Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

PROF. MADHU DANDAVATE (Rajapur): Sir, normally if the amending Bill was seeking to introduce only some marginal changes in the Monopoly and Restrictive Trade Practices Act, I would not have opposed the Bill at the introduction stage. But it is my contention that the very basic structure of the MRTP Act is being distorted and in fact it is a logical consequence of what has been done last week when the Minister for Industry came out with a statement opening out the core sector for big houses as well as FERA companies, of course, under the pretext of stimulating growth and stepping up exports. I feel that the corollary of that particular statement by the Industry Minister is the courage picked up by the Minister for Law, Justice and Company Affairs to come forward with this amending Bill.

Sir, if you look at the very Preamble of the Monopolies and Restrictive Trade Practices Act, 1969, it states :

"The Act to provide that the operation of the economic systems does not result in the concentration of economic power to the common detriment for the control of monopolies for the prohibition of monopolistic and restrictive trade practices and for matters connected there with or incidental thereto."

Sir, this is supposed to be the Preamble of the monopolies and Restrictive Trade Practices Act, 1969. This very Preamble is being demolished by the amending Bill that has been brought forward or is sought to be brought forward by the Hon. Minister for Law, Justice and Company Affairs.

Instead of bringing forward a Bill to plug the loopholes in the MRTP Act on the basis of the recommendations of the Rajinder Sachar Committee, the amendment is actually seeking to create further loopholes. I have, with me, a copy of the Report of the High-powered expert committee on companies and MRTP Act. Sir, it is a very comprehensive document and this document tries to put forward constructive and concrete suggestions by which deconcentration of economic power and wealth could be brought out effectively. Instead of picking up those recommendations of the Sachar Committee and trying to plug the loopholes, this amending Bill is trying to create further loopholes.

Sir, I would draw your attention to Section 21 of the MRTP Act on substantial expansion and new undertakings. You will find that Section 21 has already given wide

discretionary powers to the Executive to see that to the FERA companies as well as the Big Houses, certain facilities are given for expansion of new undertakings are already started and in a way they are relieved from the burden and the restrictions from the MRTP Act. As far as that part is concerned, enough powers are already given to the Executive to allow the expansion of the capacity. Now, what will happen because of the new amending bill is, further powers will be given to the executives and you will find that the capacity which has already expanded earlier in an irregular manner, flouting all the laws, not even using the discretionary power, even whatever has been done in an irregular manner under the pretext of stimulating growth and augmenting the export — though irregularity will be regularised — this is what is going to be done — not only big houses and FERA companies will grow, particularly the powers of the multinationals will increase tremendously; and if the powers of the multinationals grow tremendously, the very concept of self-reliance will be completely destroyed. So, this is the common characteristic between the Industry Minister's statement and the new amending Bill. The very concept of self-reliance of which we are proud and which is the best legacy of Mahatma Gandhi, that particular concept is going to be destroyed to a greater extent on the basis of this new amending Bill.

There is one more consequential aspect which is very important. Once these facilities and freedom are extended to the big houses and the FERA companies — you have expansion under the pretext of growth and export — what is likely to happen is that the small scale industry will get neglected and some of the experts and the talents among the younger sections will feel suffocated and frustrated; and as a result of that, there will be greater brain drain

in the country. So, that is going to be the consequence.

If you go through the MRTP Report that has been circulated to us along with budget papers following the presentation of the budget papers, you will find that there are certain statistics that have been given; and if you look into the statistics for ten years say, from 1971-81, you will find from the very Report that has been circulated by the Government that even within the framework of the MRTP Act, though it is permissible for the Government to refer a number of cases to the MRTP Commission, in order to see that there is deconcentration of economic power, and there is no expansion of certain big houses beyond a particular proportion — they used the discretionary power not to refer a number of cases to the MRTP Commission itself. But it was the complaint of some of the Member of the MRTP Commission that at times they had a feeling that MRTP Commission had become almost paralysed; it has almost become redundant. I feel that with this amending Bill you will find that that particular paralysis of MRTP Commission will further grow. If they do not want to deconcentrate the economic power, let the Government, — I will not agree with — it let them have an open attitude just to discard MRTP Commission altogether; but having MRTP Commission send only a few cases to them and again under the pretext of stimulating growth and augmenting the export, you try to give more power and more facilities for big houses and FERA companies. In that case, you will defeat the very purpose of the MRTP Act for which we are afraid; and since it hits at the very root of the MRTP Act philosophy, that is the reason why I am opposing it in the introduction stage. Otherwise, I would not have dealt with the problem at the introduction stage. Therefore, I stoutly oppose the introduction of this amending Bill and I will make an earnest appeal to the Hon. Minister — he has majority in the

[Prof. Madhu Dandavate]

House; even our opposition will be negated—that don't begin your career with the destruction of deconcentration of economic power and though he has sought the permission of this House to introduce the amending Bill and even if the House grants him, he can get up and say, that inspite of that, I do not want to introduce the Bill and have a second thought and a new look into the matter, consult the experts, consults the sociologists, consult the economists and I am sure that he consults wiser council, not that he is less wiser, no aspersion on him; and if he does that, I am sure, he will have a second thought not to introduce the Bill. I hope wiser counsel, will prevail on him.

SHRI AJOY BISWAS (Tripura West) : I rise to oppose the introduction of this Bill. This Bill is meant not to restrict the monopoly houses, but in actual practice, to expand them. This Government came into power in 1980 and they brought out an industrial policy statement in that year itself. Actually when that industrial policy statement was brought out, the actual process of helping the monopoly houses to expand further was started. This amending Bill is nothing but to implement that industrial policy statement. Actually from 1980 there has been no real effect of the MRTP Act because in a period of only two months, between July and August, 1980, as many as 102 MRTP cases were disposed of as against merely 8 cases in the corresponding period last year. This, in effect, reflects a 1175 per cent growth over this period. So, this is a formal affairs already they are doing that. In the case of foreign collaboration as well, the Ministry approved a total of 143 cases in the two months of July and August, 1980 as against 53 cases in 1979. So, we can see that the Government has already been giving enormous facilities to the monopoly houses. What will be the effect of this Bill? This

Bill will help to create a climate for the concentration of more wealth into a few hands. This will dismantle the entire industrial structure of the country in favour of the monopoly houses. This Bill will actually help to increase poverty and unemployment in the country because if monopoly houses get more facilities to expand, the exploitation will be more and so, unemployment and poverty will increase further. If this Bill is introduced and passed, then the small scale industry will have no hope of survival. Therefore, I oppose the introduction of this Bill.

MR. CHAIRMAN : Mr. Vajpayee, You have not given any notice.

श्री अटल बिहारी वाजपेयी (नई दिल्ली) : सभापति जी, धमा कीजिये, मेरा विमान देर से आया था, मैं नोटिस नहीं दे सका। इस के लिए अगर कोई दोषी है तो श्री अनन्त प्रसाद शर्मा हैं, मेरा दोष नहीं है। लेकिन मैं आप का अधिक समय नहीं लूंगा। मैं इस विधेयक का विरोध करने के लिये खड़ा हुआ हूँ। इस संशोधन विधेयक पर इन्टरनेशनल मोनिटरी फण्ड द्वारा लगाई गई शर्तों की छाप बिल्कुल स्पष्ट है। पिछले कुछ दिनों से ...

MR. CHAIRMAN : You are speaking without giving prior notice. Therefore, this should not be taken as a precedent.

श्री अटल बिहारी वाजपेयी : सभापति जी, औद्योगिक नीति में परिवर्तन किया गया है, बड़े घरानों को छूट दी जा रही है, विदेशी कंपनियों के लिये देश के दरवाजे खोले जा रहे हैं, सारी नीतियां ऐसी हैं जिन में एकाधिकार को प्रोत्साहन मिलेगा, छोटे उद्योग पीसित होंगे, आर्थिक शक्ति का विकेन्द्रीकरण होगा और आज इस विधेयक को यहां ला कर कानून मंत्री जी ने

हमारी आशंकाओं की पुष्टि कर दी है। मेरा निवेदन है—यदि विकास की कल्पना यह है कि सम्पत्ति के उत्पादनों के साधनों का केन्द्रीकरण होता जाय, जो बड़े हैं वे और बड़े होते जायें तब तो अच्छा यह होगा कि संशोधन विधेयक को लाने के बजाय, इस एक्ट को ही रद्द कर दिया जाय, समाप्त कर दिया जाय।

विकास का एक पूंजीवादी तरीका हो सकता है मगर हिम्मत के साथ कहिये कि विकास का पूंजीवादी तरीका अपनाना चाहते हैं, न समाजवाद का तरीका अपनाना चाहते हैं और न गांधीवादी तरीका अपनाना चाहते हैं, मगर एक खिचड़ी पकाई जा रही है और देश को भ्रम में रखने की कोशिश हो रही है। सभापति महोदय, यह भ्रम एवं जयते नहीं, भ्रम एवं जयते है। अब देश में न सत्य की जीत होगी और न भ्रम की जीत होगी। अगर जीत होगी, तो भ्रम की जीत होगी। बात की जाएगी मोनोप्लीज और रेस्ट्रिक्टिव ट्रेड प्रैक्टिसेज को कंट्रोल करने की ...

PROF. K. K. TEWARI (Buxar) : Devil quoting the scripture !

श्री अटल बिहारी वाजपेयी : और संशोधन लाया जायेगा बड़े घरानों को छूट देने का। आज तिवारी जी नहीं बोलेंगे। आज तिवारी जी का समाजवाद बेनकाब हो गया है।

प्रो० के० के० तिवारी : आप जैसे लोग समाजवाद की रक्षा के लिए बोलें, तो कुछ शक होने लगता है।

श्री अटल बिहारी वाजपेयी : आप की जुबान खुल नहीं सकती। खुली छूट देने का फैसला कर लिया गया है और मैं चाहता हूँ कि मन्त्री महोदय इस आरोप का खंडन करें

कि क्या जो बड़े घरानों को छूट दी जा रही है, वह इन्टरनेशनल मोनीटरी फंड की ऋण देने की अनेक शर्तों में से एक शर्त नहीं है ?

SHRI JAGAN NATH KAUSHAL : Mr. Chairmam, I am sorry to say that the opposition to this Bill is based on misconception and misunderstanding of the provisions of the Bill, and also the objects underlying the Bill. Is anybody is under *bhram*, it is Shri Vajpayee who is under a *bhram*, we are under no *bhram*. Because, so far as we are concerned, we are satisfied, and we are coming forward with this Bill for the purpose of increasing production in the country and for the purpose of increasing exports from the country. If my friends opposite want to convey that by increasing the production of the goods, which the country needs, and by increasing the export of goods from the country to earn the badly-needed foreign exchange, we are going to help large houses, and not the common man, obviously they are under a *bhram*, and nobody can help them.

So far as the International Monetary Fund phobia is concerned, nobody can help them. This point has been cleared in the House again and again. Can they point out any provision in this Bill, which has even a remote connection with the Fund? I just do not understand it. I thought that when we debate points here, we do not debate only on political grounds; we debate on more substantive grounds.

So far as the objects of the Bill are concerned, they are clearly stated in the various provisions of the Bill itself. Our object in bringing out this Bill is to secure some socio-economic objectives in a fuller measure and in the context of the need for higher productivity and output for encouraging exports in the interests of the economy of the country and for removing certain constraints

[Shri Jagan Nath Kaushal]

in achieving higher productivity. These are our objectives. My friends say that on the pretext of these we are bringing forward this Bill. I am trying to assure the House that we need no pretence, because we are on solid grounds.

I need not read all the provisions of the Bill because, I am quite sure, the friends who have spoken here have gone through the Bill. In some respects, somebody might say, we are trying to liberalise some policy. But, equally, we are trying to tighten them in some other respects. But my friends will not refer to them.

If there was more time, I could have tried to analyse the various provisions of the Bill, but I thought that at the introduction stage those things are not relevant. It is said that this is against the socio-economic policy, the basic policy. That is the main difference between you and us. I say it is going to help the common man, it is not going to bring about common detriment, the reason being that unless there is more production, unless there are exports, all other arguments are meaningless. This year has been declared as a Year of Productivity and we are quite sure that with the various measures that we are adopting, we are going to help the common man and the idea of helping the bigger houses is not there even remotely in this because the main provision in this Bill, if you have seen, is that the Government is being given the power to issue a Notification and the Notification would be with regard to those industries which have a high national priority and my friends think that we are bringing this Bill for the purpose of helping the large houses. So, if they try to read something into the Bill which is not there, well, that is not going to help them and as I said, I would not like to go more into the details.

PROF. MADHU DANDAVATE : I would like to know from you, why even goods of high national priority should be in that sector which is controlled by the big houses. For that you are not giving any reply. We do not disagree with you about the national priority.

SHRI JAGAN NATH KAUSHAL : My reply is, even under the existing law, the MRTP Act, when we sit for the purpose of determining any application under the MRTP Act, we always take this point into consideration that they are not allowed to expand or set up new industries in those sectors which are meant either for small or medium industries or where they are meant for public undertakings. In every case that is the exercise which is done, not at one level, this is done at a number of levels and ultimately at my level, and we always see the interests of the backward areas, the interests of the small and medium industries and the interests of the public undertakings. That is the paramount consideration with which we go into before disposing of any application under the MRTP Act and as I said, it is not customary to discuss all the provisions because this is not a debate on the merits and we will certainly have opportunity when we go into the merits of the case. Therefore, Sir, I crave for leave to introduce the Bill.

SHRI AJOY BISWAS : Sir, one clarification.

MR. CHAIRMAN : No, no.

SHRI AJOY BISWAS : I want to know whether it is a fact that in the Industrial Policy statement it is provided for automatic expansion of the monopoly houses...

MR. CHAIRMAN : No, no. It is not allowed.

The question is :

"That leave be granted to introduce a Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969."

The motion was adopted.

SHRI JAGAN NATH KAUSHAL : Sir, I introduce the Bill.

13.34 hrs.

MATTERS UNDER RULE 377

(i) COW HEADS FOUND IN FRONT OF TEMPLES IN AMRITSAR.

SHRI R. S. SPARROW (Jullundur) : It is reported in the newspapers dated 27-4-82 that a few cow heads were found to have been placed before some temples in Amritsar. And, this has resulted in precipitating communal tension.

Such a happening in Punjab is unprecedented. And, whosoever may have done it, in my opinion, could never be a Sikh. All Sikhs and our revered Gurus always stood and sacrificed themselves, when necessary, to protect the cow and the Hindu religion. Our teachings and actions have historically all along been such.

Any individual or group who committed the heinous crime by beheading such a respected and noble animal as Gao Mata, could not be any one else but a rabidly mad, non-nationalist and most probably a paid agent of some anti-Indian Force.

On behalf of all my friends and supporting admirers and Ex-Servicemen at large, I strongly condemn the foul action of the criminal or group of criminals concerned.

I urge the Central and the Punjab Governments to work on Immediate basis to bring the criminals to

book and expose this wanton and heinous action and inflict on them exemplary punishment.

(ii) TRAFFIC PROBLEMS IN DELHI

SHRI BHEEKHABHAI (Banswara) : Under Rule 377, I make the following statement :

Unlike other metropolitan cities traffic problems in Delhi, particularly within the walled city, have assumed such greater and graver dimensions. A little effort and determination on the part of Government would certainly ease the situation a great deal. Efforts are, therefore, required to be taken immediately particularly in view of the coming Asian Games. Following suggestions, even if implemented partially could ease the situation :—

- (1) All parallel roads must be declared one-way traffic roads.
- (2) All link roads, particularly those connecting the main roads, must be kept free of commercial activity, like rikshawalas standing on each side of the road, pavement scooter/cycle repairers, etc. have to be strictly kept off.
- (3) Slowly all the pedestrian pavements must be cleared of all commercial activity.
- (4) Transport Companies/Truck-bus repair shops may immediately be taken out of the walled city areas. Traffic of trucks will have to be strictly controlled.
- (5) Tongas, cycle-rickshaws, Bullock-cart, etc. movement must be regulated in a way so that the flow of the traffic is not hindered.
- (6) All crossing traffic lights must be seen working;