

[श्री कृष्ण दत्त]

में बड़ी भारी निराशा है। हिमाचल के पर्वतीय क्षेत्र में आलू, सेव का उत्पादन अधिक मात्रा में होता है। परन्तु भारत सरकार की ओर से इस क्षेत्र के किसानों को अपनी पैदावार को मंडियों तक पहुंचाने में भारी समय लगता है और बहुत सा माल क्षतिग्रस्त हो जाता है। यही नहीं, इस प्रदेश के अन्दर जो रेलवे का सर्वेक्षण किया गया जिसमें पीटा-राजबन्द लाइन जो जगाधरी से मिलाने का सर्वेक्षण किया गया तथा इसी तरह कालका से मरमानू को रेलवे लाइन देने का सर्वे कराया गया, मगर अभी तक इस क्षेत्र की दोनों सर्वेक्षणों पर रेलवे लाइन का कोई कार्य भारत सरकार की ओर से शुरू नहीं किया गया, जिससे लोगो में भारी निराशा है। नालागढ़ क्षेत्र में रोपड से अंग्रेजी समय में 20 किलो मीटर से ऊपर लाइन हिमाचल क्षेत्र में बिछी हुई थी, परन्तु वह भी उखाड़कर बरबाद कर दी गई। हिमाचल निवासियों का यह कहना है कि आजादी के बाद किसी भी संसदीय क्षेत्र में कोई रेलवे लाइन नहीं बिछाई गई। इस क्षेत्र के लोगो को वचित रखा गया है। अतः मैं भारत सरकार से माग करता हूँ कि इस क्षेत्र की आर्थिक स्थिति को उन्नत करने के लिए शिमला से रामपुर तक रेलवे लाइन बिछाई जाय तथा नालागढ़ में उखाड़ी हुई लाइन को दोबारा लगाया जाय और जिन दो सर्वेक्षणों का रेलवे ने सर्वे किया है उन पर रेलवे लाइन बिछाने का काम तुरन्त किया जाय।

SHRIMATI PRAMILA DANDA-VATE: Mr. Deputy-Speaker, Sir, we want a statement.

(Interruptions)**

MR. DEPUTY-SPEAKER: I am very sorry. I am not permitting it. Both of you are lady members. Without my permission any interruption made here will not go on record. I am very sorry I am not able to give you permission.

(Interruptions)**

14.56 hrs.

STATUTORY RESOLUTION RE: DIS-APPROVAL OF MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) ORDINANCE, 1980—
Contd.

AND

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: Now the House will take up further discussion of the Statutory Resolution, already moved by Mr. Chitta Basu on the 27th November, 1980, namely:—

“This House disapproves of the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1980 (Ordinance No. 14 of 1980) promulgated by the President on the 13th October, 1980”

Now Shri Chitta Basu will speak. He has just moved his Resolution. He has to continue his speech. We take up Items 14 and 15 together. Shri Chitta Basu.

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker, Sir, I have just moved. I have not spoken. I have moved my Resolution seeking disapproval of the Ordinance on certain major grounds. Firstly, you would agree with me, Sir, that the Government is resorting to an extraordinary step of rule by ordinances. Even legislations which are related to the economic policies of the country are being legislated by resorting to Ordi-

nances and Parliament is being side-tracked. This is one ground for my seeking disapproval of this ordinance.

The second ground for my disapproval of the ordinance is this. This is not in conformity or in consonance with the spirit of the Constitution of our country. The third ground for my seeking disapproval of this ordinance is this. If this Bill is made into a law—I say this emphatically and I am duty-bound to say this—it will signify the beginning of the end of some of our nationally-accepted economic policies of this country, particularly in relation to public sector enterprises, curbs on monopoly houses, etc. Therefore, these are some of the main grounds on which I seek the disapproval of this particular Ordinance. I just want to elaborate it.

Sir, this whole Ordinance has to be viewed in the background of certain very significant developments which have taken place very recently in respect of policy formulations of the country, particularly in economic matters. Sir, as you might recall, the signal was given for the reversal of the nationally-accepted economic policies in the Economic Survey of 1979-80 which was placed before the House. The Economic Survey said that the economy should be based on export; it should be export-oriented. 'Export or perish'. That was the policy which was introduced by the Economic Survey of 1979-80. Sir, as you might also recall, the World Bank has recommended certain recipes for the revitalisation of our economy. The economy is in bad shape, there is no doubt about it; and they recommended certain recipes for its re-vitalisation.

15.00 hrs.

The thrust of the recipe is to give the entire economy of our country on a platter to the private sector, to the monopolists, to the multinationals. The World Bank suggested that the private sector should be allowed shares in the management of the public sector. They suggested for management

tie-up between the private sector and the public sector, particularly in vital areas, namely, power, coal, steel etc. Therefore the whole thrust was that there should be more and more concessions for the monopolists, multinationals and public sector should be eroded, should be shrunk and it should not be further expanded.

Then comes the suggestion of the FICCI. As you know, Sir, FICCI is the mouth-piece of monopolists of India. Immediately when Mrs. Gandhi's Government was installed, they placed a Memorandum suggesting 20-point programme for the revitalisation of the economy of our country and the main thrust of the 20-point action programme was that the Government should remove the hindrances placed by the Government of India in the way of private sector since independence. They say that the economy revitalisation can be possible if the Government removes all the hindrances placed by the Government laws, in the path of their free loot and plunder. That was their suggestion and they specifically mentioned that the public sector is to be reduced and it should not be further expanded. While we want that the public sector should attain a commanding height of our economy, the FICCI says that the public sector be further shrunk. That was the spirit behind their suggestions. Therefore, they suggested that the curb put by the MRTP Act should also be removed. This has got some relevance with the Ordinance itself.

Now, Mr. Venkataraman, our good friend, the Finance Minister of our country, approached the House with the Budget proposals and those budget proposals were also aimed at removing certain restrictions as demanded by our people. Then there was a policy statement. The Industrial policy was announced by our friend, Dr. Chanana. These two policy announcements, one in the budget proposals and the other the new industrial policy statement have been aimed at further satisfying, further granting of concessions after conces-

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sions to these monopoly houses and multinationals.

If you look at the budget proposals which we have also passed, to our misfortune, you will find that the House as expected, had to adopt it by its brutal majority. The drastic changes were introduced in the convertibility clause and the big industrial houses and the monopolists are given loans by the financial institutions. Is it not in the interests of the monopoly houses? Is it not in the interests of the multinational Corporations? Is it not in the interest of those who want to pile up their profits? As you know, Sir, a tax holiday was given to the corporate sector to a large extent by the budget proposals. They have been allowed a hike in the depreciation allowance on new machinery and plants, and there was raising of the limit for wealth-tax purposes. I have just cited some of the instances for the benefit of the House to prove how the Government is sliding away from the basic policies or certain avowed policies.

I have already mentioned about the new Industrial Policy Statement made by Dr. Chanana. Some people say that he is a great patron of a monopoly house in our country. For dignity's sake, I would not like to mention the name; we all know, even Shri Shiv Shanker knows that he represents the interests of that particular industrial house. What is the new industrial policy statement? The new statement on Industrial Policy is based on certain prime pillars. One pillar is regularisation of excess capacity, and another pillar is automatic expansion. Which are the classes which are deriving benefit out of this Industrial Policy. In order to drive home my point, I would like to quote certain figures, and show how the monopoly houses and multinationals are deriving benefits from the new Industrial Policy announced by Dr. Chanana. Shri S. K. Goel, in a very quick study, has pointed out that there are 565 units in our country which have excess installed capa-

city. Out of these 565 units, 200 are multinationals and 169 are large industrial houses. Therefore, 65 per cent of the excess installed capacity belongs to the multinationals and big industrial houses of our country. Whose interests has he served and whose interests has the Government served? It is eloquently clear from these very simple facts. Similarly, the advantages for the automatic expansion are also being derived by these multinationals and these big industrial houses. The reconstituted Planning Commission. I understand, issued a secret circular to the economic ministries suggesting that public sector is to be eroded, that there should be management tie-ups between the public sector and the private sector and that the curbs of the MRTP Act should be removed. They have started following those instructions. Sir, just I would conclude. Lastly, in this connection, I have to say that the Finance Minister, a good friend of ours, is on record to suggest that hindrances as demanded by FICCI have been removed. But, while hindrances for the monopolists are being removed, they are trusted to play the game and help to revive the national economy. I do not accuse personally Mr. Venkataraman. Mr Venkataraman reflects what his Government policy is. Government policy is to remove the hindrances as demanded by FICCI, as demanded by the multinationals, as demanded by the monopoly houses, and this Government cannot but surrender to them. Sir, these surrenders are taking place at a time when the private sector is in boom.

Sir, I just quote two or three figures. You will understand them. Sir, the *Economic Times* of March 10, 1980, writes in a Research Note that for the top 101 Indian Industrial giants in the private sector, rank in terms of assets, 1978-79 was an excellent year. Profits were absolutely sensational. Gross profits rose by 15.3 per cent, a five-fold increase over the previous year's profits. This is the picture of the private corporate sector, big industrial houses apart.

Sir, the total assets of the top 101 companies expanded by 9.4 per cent against 8.4 per cent in the preceding year.

Sir, let us take the case of 1979-80. It was equally excellent. What *Economic Times* itself had to write was "The Corporate sector seems to have fared exceedingly well. During 1979, an indication of the sharp rise in corporate earnings is available from a quick study of 23 companies. Pre-tax profit of these 23 companies show an increase of 29.2 per cent at Rs. 143 crores, against Rs. 111 crores for 1978. Of these, 21 have shown a rise in their profits ranging from 4 per cent to 265 per cent. The list of 23 companies includes industrial giants."

Therefore, Sir, these concessions are being granted at a time when the private sector is in boom. They have got excellent and sensational profits.

Therefore, Sir, my accusation against the Government is that they are surrendering to the big monopoly houses, multinational corporations and defeating the very basic objective of our Constitution.

Sir, now coming to the Bill—1 will be brief now—the Bill says that it would provide that the goods produced in India by an Undertaking and exported to a country outside India, shall not be taken into account in computing the total goods of that description produced in India by that Undertaking or the total goods of that description produced, supplied or distributed within the country.

Therefore, as I have mentioned on an earlier occasion if a particular industrial house produces or expands its capacity for export, that additional capacity will not be taken into account while determining as to whether that particular industrial Undertaking is dominant or not under the provision of the MRTP Act. Now, in these circumstances, I want to pose two questions which need clarification.

The whole House understands what is the basic object of this Bill. Does not this expanded capacity for export create wealth? Does it not create an asset? Does it not go to fuel the concentration of wealth and asset in the hands of a few? It does; whatever might be the sophisticated or long-winding argument, it increases the asset. It increases the concentration of wealth in the hands of a few people thus creating a vast gap between the common man and the vast multitudes of our country. This is the object of the Bill.

Knowing full well, you should also know that they will enjoy certain subsidy from the Government; they will get tax relief. These industrial houses which are going to expand their capacity will get this relief. It is the Government which is creating this disparity between the rich and the poor and increasing the gap. My second question is what will happen if the goods produced for export lose market in the foreign markets in future? The capacity expanded is meant for exporting goods; that is not meant for domestic consumption. But at a certain point of time, the competition in the international market will increase. There is every likelihood that those goods lose the competitive market. My point is that the additional capacity is created for export. Then certain goods will be produced and manufactured. They are for export purposes, for external market. If those goods are not competitive in the international market, then they will lose that market. Then what will happen? They will come back to our country and be dumped in the domestic market. Therefore, the reasons given in the Bill are not proper, are not correct; they are misleading. As a matter of fact, I can quote the recommendation of a committee. The Minister has sought to create an impression that it is not meant for domestic market and, therefore, it will not lead to monopoly and restrictive trade, because it is meant for external market. When

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these goods lose the external market, they will come back to the country. And what does the Agarwal Committee say? It says, "it should be allowed to come back for domestic market." And there should be a ten per cent allocation, over 10 per cent of the total production should be marketed within the domestic market on the grounds that those goods should be tested. For testing purposes, it should be placed before the controller; that if it is really for testing they could have decided by consulting some organisation or institution like the Indian Standards Institute, or similar specialised body, as to whether these goods are in terms of the specifications, in terms of the export needs or the export requirements. That they are not going to do. As a matter of fact, the Agarwal Committee recommended that those goods produced for export market should be allowed to be market up to the extent of 30 per cent, within the country I think the Government is also going to accept that recommendation. If that recommendation, 10 per cent you have already agreed—if they accept the 30 per cent content, then Sir, this will be also done within the domestic market leading to restrictive trade practice. And by the amendment of this; they are being kept away from the ambit of the M.R.T.P. Act.

Finally, Sir, I conclude, it is therefore, a pernicious Bill. It is an example of misuse of Ordinance making power under Article 123. So it is again, I say, the beginning of the end of the nationally accepted economic policy of our country. It will lead to further economic legislation which shall erode into the independent and sovereign development of our economy. With these words, I implore upon the House to accept the disapproval of the Bill moved by me.

AN HON. MEMBER: Even if he wants, he cannot. . . . (Interruption).

MR. DEPUTY-SPEAKER: You move.

The Resolution moved:

"That this House disapproves of the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1980 (Ordinance No. 14 of 1980) promulgated by the President on the 13th October, 1980."

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Deputy Speaker as has been clarified in the Statement of Objects and Reasons appended to the Bill to amend the Monopolies and Restrictive Trade Practices Act, 1969, it is intended to remove certain problem being faced by the industry in boosting production for export. The Committee on export strategy for 1980-81 appointed by the Government of India under the Chairmanship of Shri Prakash Tandon, popularly known as the Tandon Committee, *inter alia*, had recommended that in order to meet the changing balance of payments problem, the overall exports of the past three years should be deducted from the total production capacity by industrial units for the purpose of the Monopolies and Restrictive Trade Practices Act. This recommendation of the Committee was examined in the light of the balance of payments deficit which is likely to arise from increased import prices of crude oil and oil products. Having regard to the urgency of the problem and to step up our export earnings, to meet the unfavourable balance of payments the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1980 was promulgated. The present Bill is intended to replace the Ordinance by an Act of Parliament. This Bill has a very limited application inasmuch as it proposes to exclude the quantum of value of goods exported while computing the total goods produced, supplied and distributed in India or any substantial act thereof for the purpose of determining

whether an undertaking is a dominant undertaking or a monopolistic undertaking or not. I have already had the occasion to explain the matter while introducing the Bill. Keeping in view the object proposed by this Bill, I request through you, Sir, this august House to take into consideration this Bill.

I beg to move:

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

MR. DEPUTY-SPEAKER: Motion moved:

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

Shri Mool Chand Daga.

SHRI MOOL CHAND DAGA (Pali): I move that the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969 be referred to a Select Committee consisting of 11 members, namely:

- (1) Shri Satish Agarwal
- (2) Shri Bheekhabhai
- (3) Shri Narayan Choubey
- (4) Shri V. N. Gadgil
- (5) Shri R. P. Gaekwad
- (6) Shri Ashok Gehlot
- (7) Shri Y. S. Mahajan
- (8) Shri Arvind Netam
- (9) Shri Chintamani Panigrahi
- (10) Shri Shiv Shankar; and
- (11) Shri Mool chand Daga.

With instructions to report by the 1st January, 1981.

MR. DEPUTY-SPEAKER: Smt. Geeta Mukherjee: She wants to go.

(Interruptions)

SHRIMATI GEETA MUKHERJEE: (Panskura): Sir, I thank you for giving me this opportunity.

(Interruptions)

MR. DEPUTY-SPEAKER: Now, the discussion will be on both the items, the Bill and the Amendments.

SHRIMATI GEETA MUKHERJEE: (Panskura) Sir, actually this Bill would have been better named had it been worded "The Monopolies and Restrictive Trade Practices Rewarding Bill" instead of amending Bill, because this in reality begins completely new trend in this sector of legislation. The original Bill which is sought to be amended was adopted on 27th December, 1969. That was the time when Shrimati Indira Gandhi's Government was in a minority and was largely dependent on the Leftists also the support. That was the time when this original Bill was passed. Since then much water has flowed down the Ganga and actually measure after measure is forthcoming like torrential rain to dilute the spirit of the original Bill. I have little time and I shall not repeat the points already mentioned by Shri Chitta Basu with regard to certain concessions given during the budget.

In the name of export, these concessions to monopolies have started soon after the present Government came to power—not that the earlier Government was very alert. But we are now concerned with the present Government. Relaxation in terms of export were indicated in the announcement of the Import and Export Policy on April 15. The observations of the famous Tandon Committee, which mainly comprised of private sector representatives, came in June. Soon after this, on July, 23 came the Industrial Policy Resolution. It is also not an accident that Shrimati Indira Gandhi, our Prime Minister, in her talks with leaders of industry on 16th August said that the Government would to the extent possible meet whatever the industry felt was neces-

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sary to boost production and utilise capacity fully. I emphasise the words "Whatever industry felt necessary". This is how we see that one after another, the concessions are coming.

In the statement of Objects and reasons, the Minister has said that this is a very innocuous Bill and it is in consonance with the original Bill. He says:

"In actual fact, however, what has to be prevented is dominance or monopoly only in relation to goods made available within the country. The original intent of the Act was to reduce monopolistic and restrictive trade practices within the country."

Wherefrom does the hon. Minister draw the conclusion that dominance was meant only in respect of the goods within the country? The preamble to the original Act of 1969 clearly says:

"An Act to provide that the operation of the economic system 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 therewith or incidental thereto."

Do you find anything here indicating that this restriction is only or even mainly in relation to the internal market? It covers the entire economic system. Mr. Chitta Basu has ably pointed out that these new concessions will surely give rise to concentration of wealth. That was the main thing to be prevented. It has nothing to do with the internal or external market.

With all this, I would say that the justification given here is absolutely dishonest, to say the least. He could have said clearly that they are not the same as in 1969. In 1980, it is a clear

case of total collaboration with foreign multi-nationals and indigenous monopolists. That is no secret now. Everybody is aware of the position that with regard to multi-nationals the door has become so much wide open in this year within 9 months 351 foreign multi-national corporation deals have been signed while last year it was 160. This is up to September and up to December, it must be more. So, this is a clear signal to do away with any real restriction on the monopolists and their restrictive trade practices. I would have understood if this would have at least helped in what they are saying that the export will be boosted. Will the Minister kindly inform the House in how many cases in the past, these favourite multi-nationals and indigenous monopoly houses of his, failed in fulfilling their export commitments? Did they or did they not? So far as I understand, they failed several times and you cannot deny that. I would like to have a statement from the Minister on this. With what high hopes you are plunging into such things that you are giving concessions galore to these people? Do you think that they will really honour your commitments? Only the other day, by a governmental order it was stated that those who would make hundred per cent export, they would be given many facilities. There is no time for me to elaborate on that. But after that, what does the FICCI say? They say that they would export 60 per cent and would like to have all those facilities. I know you have not said 'yes' to this up till now. But what is your practice? You do not say 'yes' in the beginning. But in the long run you put your seal of your approval on the violations. That is exactly what you have done all these days. They operated additional capacity and you have put your seal on it.

MR. DEPUTY-SPEAKER: These multi-nationals have attracted the socialist states also.

SHRIMATI GEETA MUKHERJEE: They are socialist states, workers' states. There, no profit accrues to

private individuals. Kindly guarantee that first and then we will give any amount of laxity to do whatever you like. Here, the profits are accruing to the private sector.

Do you expect that this will really do away with imports? I say, no. Because, look at our import situation. What is the reality? The reality is that 48 to 50 per cent of our total import value is on account of oil imports. This being the case, what do these multi-nationals and other monopolists want to export? Tata's surf, Hindustan Lever's oil, somebody's nail polish, tooth paste and what not. These are the consumer goods items. What do they really want to export? This is the place where they want to fleece. Do you think that with the present economy in the western world where you may be thinking—some of you, not all—that these imperialists are your great friends and they will have an open door policy with regard to all the consumer goods coming in their countries? That is another matter altogether, but unfortunately the god-fathers will not do it, as you know from the multifarious counterveiling duties that have been imposed by the United States of America and certain others. So, in reality you are giving concessions to the monopolists and multi-nationals for fattening them and unfortunately you have been giving them by Government orders so long, now you also want the Parliament to put its seal on them. How will they really change your trade balance? Your balance of trade can be only changed if there is a vigorous State-to-State export and not with the western world so much because they will not only not want to get your things, but they themselves are seized with great economic crisis, great recession. You know that. So, even from the practical point of view, this is a big concession to the monopolists and multi-nationals which is truly to accumulate or concentrate more wealth in their hands, there is no denial of that fact. You even cannot deny this. If that be so, if you want that exports should really be boosted up, then that should

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be State-to-State on all items such as core sector items, high value items, steel, engines etc. on the one hand, and on the other hand you should really invigorate your oil prospecting and oil production. In this oil prospecting and oil production fields also you are running after a big mirage. I want to warn you in time. You have thrown open the door to all the western monopolies for oil prospecting and you are inviting them on such terms as are very dangerous for the future. I know, sometimes it becomes somewhat necessary to invite foreign countries, but the other way, not this way. You must be very careful about to whom you are giving this oil prospecting and what conditions you are laying on them. As I understand, in your hurry to balance this budget which you are not in a position, in any case, to do at the moment, you are not looking at the things as you should not and so you should be careful about it. They will not be the people who are the best friends for oil exploration. You should look to our own technologists and also technologists from other countries who are genuinely friendly to us, with whom we have got the best of economic and political relations because they are friendly, for this oil exploration.

With these two things, Sir, I would say that I think that was the way how you could really boost up your exports to the extent possible now. But the World Bank slogan of export-oriented economy and giving concessions one after another to these multinationals and monopolists will lead you nowhere. That is my firm opinion. Therefore, I oppose this Bill and implore you not to press for these Monopolies 'reward' Bill in 1980 in all fairness to the Act of 1969. I do support Mr Chitta Basu's Resolution.

13.35 hrs.

[SHRI CHANDRAJIT YADAV *in the Chair*]

MR. CHAIRMAN: Of course, it is already supported.

SHRI JAGANNATH RAO (Berhampur): Mr. Chairman, Sir, I support the Bill. (*Interruptions*) You listen to

[Shri Jagannath Rao]

me and you will agree with me. I will make you agree with me towards the end.

In recent months Government have announced four major concessions to industry to boost industrial growth and economic development. The first one was regularisation of excess capacity which was done by the industries without the permission of the Central Government. Under Section 21 of the MRTP Act, where any dominant undertaking or a monopolist undertaking expands either by expansion of capital, expansion of capacity or expansion of equipment, they have to take prior permission of the Central Government, who may send the application to the Monopoly Commission and on receipt of the report, the Central Government may give permission or refuse it. This was done with a view to see that industrial growth goes up in an accelerated way.

The second concession was that this Ordinance was passed to exclude the dominant undertakings and monopolist undertakings by not taking into account the value of goods produced by them, wholly for export purposes out of India. This requires an amendment.

The third concession that was given by the Government was the income tax rebate on expenditure incurred by these undertaking for research and development purposes if they are of national character.

The fourth one was, they have permitted oil exporting developing countries to invest in Indian equity upto 40 per cent as in FERJA.

These four major concession are very good concessions. They are required for accelerating growth. But then the question comes—under section 21 as I said permission of the Central Government is required for expansion.

I do not agree with the reasons given in the Statement of Objects and Reasons that dominance is only in respect of goods produced for domestic consumption. That is not so.

If you read Section 2(d).....

(Interruptions)

SHRI JAGANNATH RAO: He has interpreted in his own way. I interpret in a different way.

MR. CHAIRMAN: You have to persuade the Minister and not the Members on this side.

SHRI JAGANNATH RAO: My task is to persuade the Opposition and not the Minister. That is my difficulty

Section 2 (d) says—

Whosoever produces not less than 1/3rd of the goods produced, supplies or distributes... or substantial portion thereof

Supposing an undertaking produces 33 1/3 of the demand of the country. Only 27 per cent is distributed. The rest is exported. Does this undertaking cease to be a dominant undertaking? The dominance is there. Production itself is sufficient. It need necessarily not be 1/3rd production and supply and 1/3rd distribution. It may be. But whatever may be there, the dominant undertakings, monopolist undertakings while boosting production and industrial growth, at the same time add to the value of assets of the Company. MRTP Act was passed in 1969 on the recommendation of the Monopolies Commission which identified some business houses which have assets of over value of Rs. 20 crores, as large monopolistic house and their activities have to be curbed. This Act was passed in 1969. During all these ten years, what effect did it have? Could we curb concentration of wealth and power? We succeeded only in hampering production. We have to see while we have more production in the country in the

industrial sector we have to take countervailing measures to see that the wealth and economic power is not concentrated in a few houses.

I have some suggestions to make.

SHRI AJIT KUMAR SAHA (Vishnupur): There is no quorum.

MR. CHAIRMAN: Let the bell be rung. Now there is quorum. Shri Jagannath Rao to continue his speech.

SHRI JAGANNATH RAO: We have to examine the question from national perspective. We have passed the Industrial Policy Resolution, 1956, which divides the whole industrial sector into two Schedules, Schedule A and Schedule B. Schedule A is exclusively reserved for the public sector and Schedule B for the private sector and public sector also enters that field.

I would put a question: Are any of these dominant undertakings proprietary concerns of the business houses? They are all public limited companies where there is shareholding by others also. Now, the financial institutions which lend money to these undertakings, under the convertible clause, have 26 per cent equity. Thereby, these concerns become joint ventures of the financial institutions and the promoter companies which have other shareholders also.

Secondly, the private sector companies are Indian companies. They are not foreign companies. The private sector industries are less capital-intensive with less gestation period and high profitability whereas the public sector industries are largely capital intensive with long gestation period and less profitability. But still the Government has to build up infra-structure for economic development and industrial growth.

The best way of controlling concentration of economic power and

wealth is for the public sector to go in a big way to enter the field even in Schedule B industries. That is what the public sector is doing. It has taken over so many textile mills, some sick jute mills and engineering firms in Calcutta. That is the best way to effectively control the concentration of economic power and wealth.

MR. CHAIRMAN: I agree with you. But they should not take over only sick units.

SHRI JAGANNATH RAO: They should come in a big way so that the public sector can attain commanding heights of economy and control the economy. This is what the public sector is doing now.

Thirdly, I would suggest, let these public sector undertakings be asked to throw open another 26 per cent of equity to the workers, the employees, of the industry, and the general public so that 52 per cent of shareholding will be owned by others and not by the promoter companies so that the equity is broad-based and the profits that are earned are shared by all these people, so that the value of assets of the company is not the value of the assets of the business house who promoted a particular company.

Then, I would also suggest that the workers' participation at all levels in the industries should also be thought of so that the workers also can have representation on the board of directors. The financial institutions have their representation on the board of directors. When the equity is broad-based, certainly, there will not be concentration of economic power and wealth. Wealth should naturally increase. If there is no wealth, where is the question of distribution of wealth? Therefore, we should see that our industrial production increase in an accelerated way and at the same time we should broad-base our equity, so that the profits are shared by many.

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I would also suggest that we should impose a social obligation on these companies to utilise a certain percentage of their net profits for the economic development of the area in which the industries are located; By law, we should compel them to spend a certain percentage, whatever it may be, for the economic development of the area.

There may be some other points which Government should consider. I do not know what are the recommendations of the Sachar Committee; the report has not seen the light of the day. If there are recommendations which seek to achieve the object of diluting the ownership of wealth and economic power, they should also be pursued. Most of the industrialists are very philanthropic; they have started so many educational institutions, research institutes and charitable institutions. I am sure that they will also agree. They will also have the feeling that they are also partners in the great task of nation-building.

Therefore, while supporting this Bill, I would request that the suggestions that I have made may be considered by the Government as a countervailing measure to see that there is no accumulation of wealth or economic power, the wealth is widely distributed and we have economic growth, because the trade deficit is about Rs. 4000 crores or more; we will recoup the deficit and at the same time the wealth will belong to the nation.

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Chairman, Sir, this Bill seeks to replace an Ordinance which was promulgated on 13th October, this year. As you are aware and as the House is aware, an Ordinance can be promulgated if an immediate action is necessary and the House is not sitting. I would like to know from the hon. Minister, knowing that the House was going to sit within a month, what immediate

action was called for so that this unusual method of legislation was adopted, namely, by Ordinance. I believe that Government owes a duty to the House and to the country to tell them what extra boost in export has been achieved by this. There are two aspects: how it has been conceived and what has been the justification for issuing an Ordinance.

This Bill seeks to give certain concessions to the monopolists with the alleged or proposed object of boosting exports. Therefore, this matter should ordinarily be within the jurisdiction of the Commerce Ministry. But the hon. Law Minister, being in charge of MRTP, has piloted this Bill. I am sure that, on his own, he could not have conceived of this type of an aberration. I sympathise with my good friend, Right Hon. Member from Secunderabad, that he has to breast-feed a deformed and illegitimate child born out of the unholy union of the Commerce Ministry and the big business, and he has to carry the baby.

AN. HON. MEMBER: The test tube!

SHRI SOMNATH CHATTERJEE: As he says, he is probably the test-tube.

The position is like this. The matter is very serious. I would like to impress upon the hon. Members of this august House that what appears to be the object is not the real object. I am sorry to say that the Statement of Objects and Reasons clearly attempts to mislead the Members of this House. The Bill and the Ordinance which precedes clearly establish the hegemony, the great control and the stranglehold of the monopolists over the government in this country and these monopolists have made the government to surrender to them. These monopolists, everybody would admit, are undoubtedly holding the country to ransom, building up huge financial empires at the cost of the common man. I do not think anybody would dispute that. At the same time, it exposes

the subservience of this government to their good friends who have stood by them through thick and thin and who are presumably substantial contributors to their election fund and are now getting their return by means of concessions like the one provided in this Bill.

So far as this problem of the monopolists or the deleterious effect it has on the economy of the country is concerned, you are aware and the House is aware that a Commission was constituted. The Monopolies Commission had laboured on this and given a report. It also submitted along with its report the form of a draft Bill which, by and large, was adopted and it became the Monopolies and Restrictive Trade Practices Act of 1969. As has been correctly pointed out by my distinguished friend, Mr. Jagannath Rao, the law as framed and the Act as it is to-day, does take into consideration very much the quantities which are to be manufactured, produced and distributed for the purpose of export also. It is very essential to know that Section 15 of this Act which is not sought to be amended, has expressly excluded those monopolistic practices or restrictive trade practices which ordinarily would be such practices. They are excluded from the ambit of this statute if they manufacture goods only for export and exclusively for export. Therefore, the Parliament considered that. The Monopolies Commission considered that and they made an express provision for that in Sec. 15(c) which says:

“No order made under this Act with respect to any monopolistic or restrictive trade practice shall operate so as to restrict—

(c) the right of any person to export goods from India, to the extent to which the monopolistic or restrictive trade practice relates exclusively to the production, supply, distribution or control of goods for such export.’

Now, to-day although there is a provision that if one wants to export and for that purpose if he wants to manufacture, it shall be outside the ambit of the Act, what is happening? It is being said solemnly in the statement of Objects and Reasons. If you see, how misleading it is. I am very sorry. Probably the hon. Minister has been a party to it somewhat unwarily. It says—para 2:

“In actual fact, however, what has to be prevented is dominance or monopoly only in relation to goods made available within the country.

Now here such an object is indicated, because this Act deals with concentration of economic power in the country. Now these manufacturers will manufacture in this country. They will acquire more and more economic power because the profits they will be making on exports will not be exported outside. That will be here and add to the concentration of economic power.

Now the second sentence says:

“The original intent of the Act was to reduce monopolistic and restrictive trade practices within the country; and, to that extent, the portion of the production exported does not become relevant for the domestic consumer.’

16.00 hrs.

Nowhere that intention is expressed. If one goes even cursorily through the main recommendations of the Monopolies Commission, he will find that even they have shown the greatest concern for the effect of the growth of concentration of economic power. They have talked about the industries-wise concentration of power. There is a productwise concentration of power. In a particular industry, Engineering Industry, in the name of exports, they go on increasing the capacity. Exports are taken out but the income comes to them. They control the market here. The small scale industries which are outside the ambit

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of this Act cannot possibly compete even if they want to export. If the multi-nationals or monopolistic undertakings manufacturing goods want to export, how can the small scale industries compete with them even if they want to export?

Now, a special concession is being made. In para 3 you see how misleading it is when it says that with a view, therefore, to make explicit the original intention of the Act, it was decided to amend the act—what is the original intention?

On the other hand the intention is to the contrary. I would request the hon Minister to show from any provision or even from the Monopolies Commission Report that the original intent was to exclude the exported quantity. That is not shown anywhere. Where the export was thought of, it has been specifically provided

The other day the Finance Minister of this country had said that you could never satisfy these big business people. The other day he said that if you give them 10 per cent they will ask for 15 per cent; if you give them 20 per cent they will ask for 30 per cent. That is what is being said by the Finance Minister of the Government of which the Law Minister is a Member. Now they are getting export subsidies, all sorts of encouragements, tax benefits, tax holiday and what not. Over and above this, today, this Government has exposed itself to a complete inactivity or complete bankruptcy. They cannot get the goods exported outside this country unless they fall at the feet of the big business people. They are now dictating terms to-day. This is an economy which is carried on on the terms dictated by these big business people. Otherwise, there is no justification. I may draw your kind attention to one of the portions of the report of the Monopolies Commission which says that this stranglehold of monopolists in this country has accentuated but it has not diminished. It

is more and more active to-day. To-day the Finance Minister is openly saying that you can never satisfy them and they are never satisfied; they go on making more and more demands. Therefore, I say that the Government owes a duty to the House and the country to state how they expect such concessions to bring about an improvement in the balance of payment situation.

What are the items of export on which the concession is to be given? What is the position now? What is the meaning of a dominant undertaking? As you are aware, a dominant undertaking is the one which controls one-third of the production. A monopolistic undertaking means an undertaking which controls half of the production in the country out of the quantum of the total availability of production of the country. They are not satisfied with that. Half of the goods produced in this country is controlled by one business undertaking. They are not satisfied with it. They can now produce another hundred per cent goods more in the name of export. They do not have to go to the Government to seek approval.

As you are aware, I am sure, the House is also aware, the M.R.T.P. Act does not seek to reduce the concentration of power. There is no such provision. It should be known. May be, there are some misapprehensions or misunderstandings; but this does not seek to reduce the concentration of power; it only seeks to confer certain powers on the Central Government alone to see that there is no further concentration of power. If they have to expand more and more, over and above the permitted amount, then they will have to go to the Government. The Central Government will see whether it is in public interest or not or whether it is not to the common detriment to sanction. If it is not to the common detriment to then they can give sanction. Many of the Monopoly Houses have been given sanction for expansion. Therefore, the only object of the M.R.T.P. Act is not

concentration of power but to stop further aggravation of monopolistic holding.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, may I seek one clarification from the hon'ble speaker? What is the kick-back and how much was the consideration for it?

SHRI SOMNATH CHATTERJEE: Sir, in a Review which has been published as early as in 1948 by a bank operating in the capitalist world, namely, Llyods Bank, if I may read with your permission a portion of their report,—it has been observed:

“the exercise by the monopolists of their monopoly power is always harmful, for they can turn it to their advantage only by increasing scarcity; that is by raising prices and selling less. If they do not do this, their monopoly is of no use to them. They concentrate their restriction on demand from which they can extort their greatest profit. To gain, they must restrict somewhere.”

Even if they want to gain by export, they must restrict the domestic market. This is the observation made in the Llyods Bank Review of 1948. I want the hon'ble Minister to tell us whether the situation is much more aggravated or not. What we find. Sir, in this country today is that with the sole object of saying that unless we do this there cannot be greater export, these monopolistic and dominant undertakings are being set in motion. It necessarily means that the entire export industry today is coming in the clutches of these dominant and monopolistic undertakings. The country can be held to ransom any moment.

Sir, we appreciate that our import bill is increasing day by day. There are certain compulsions which cannot be avoided. There are certain world events with which we have to swim. But the question is how to solve that. Shall we continue to suffer and in this vital sector of export be under the mercy of the big business? Will this continue? The Finance Minister

said the other day that they can never be satisfied even when you give them subsidy give them tax reduction or tax holiday or even bring them out of the control of MRTP. Therefore, what control will remain over them?

Sir, I would like to know, if they export everything what they manufacture what will happen to the domestic market. This is nothing but a hopeless surrender against national interests. During the Janata government a committee was appointed consisting of eminent people under the Chairmanship of Justice Sachar of the Delhi High Court. I do not know whether they are considering the recommendations of that Committee on merits or because it has emanated during Janata regime they have thrown it to the waste paper basket. Dominant undertaking or monopolistic undertaking consists of one-third or one-half of production in the country. I would like to quote what their observations are. They say:

“In our country a particular share of the market does not involve any question or presumption of ‘illegality’. It does not imply that further growth of such a dominant undertaking in the same field will be subject to regulation in the public interest.”

—and then they say this—this is very important. I quote:—

“...Having regard to the vast size of our country the large number of entrepreneurial class available and the level of industrial growth already achieved, we are of the view that for purposes of determining dominance, the existing criterion of one-third should be reduced to one-fourth share of the market.”

And then they say—

“We therefore recommend that the expression ‘not less than one-third’ occurring in sub-clauses (ii) and (iii) and in Explanation-III of Clause (d) of this Section should be

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amended to read 'not less than one-fourth.'

So, that is what has been their recommendation. A high-powered committee, with eminent people have gone into it. They have said, already there is a great stranglehold of monopolists in this field and it should be brought down to one-fourth instead of one-third and one-half. Instead of accepting that recommendation, what is it that the Government has done? Instead of curbing the concentration of power in the hands of a few, what they have done is, with the help of the ordinance-making power they are bringing in vital changes in the economic policies of this country. Instead of curbing this sort of monopoly which is a curse, they are giving more and more concessions to the monopolists. Parliament is not taken into confidence by the Government. We are being told today that there is a Committee, called Tandon Committee. Sir, we don't know what this Tandon Committee was about, when they were appointed, who were the members, what justification is there, what are their projections, etc. On all these matters, we have not been told anything. If these undertakings are taken out of the scope of the MRTP Act by this ordinance, we do not know what are the reasons for the same. The Law Minister says that these undertakings could be expanded. Now, what is the explanation? The ordinary explanation given is: 'I want to export these goods which will be manufactured by this expansion, by this expanded capacity; this is only for export'. That is what the person says, therefore, it is accepted. He need not come within the purview of the MRTP Act. Just by this process, he comes out of the net of ordinary investigation by the Central Government and from the purview of the MRTP Commission. He avoids all public investigation and inquiry by a statutory commission. He also avoids a discussion and debate in Parlia-

ment. We are not being given all the facts. Even today the justification is not known. What is the projection for export, we do not know. This country is just being taken for a ride. The Law Minister has been asked to pilot this Bill. Maybe, it has been prepared by the Commerce Ministry or the Prime Minister's Secretariat. Suddenly the Law Minister is being asked to pilot the Bill. I do not know what the Law Ministry has to brute majority they have got, they do with it. I do not know whether any representations have been made by the FICCI and other people. Should the House not be taken into confidence? No, not at all. On one fine morning you feel, an ordinance is needed, and you bring that ordinance, making more and more concessions to the monopoly houses. I have no time, otherwise I would have read out extracts from the report of the Monopolies Commission. Even 20 years back their recommendations were made; but even today they are very relevant to us. Instead of accepting those recommendations, instead of making necessary law, instead of accepting what Sachar Committee has said, this is what they have done. They are making this Parliament an ineffective body. They are coming before it with something which has been achieved. Mischief has already been done but with the brute majority they have got, they come and bulldoze everything. I thought that the most respected and distinguished Member like Shri Jagannatha Rao would support but he did not speak one word in support of this Bill. He does not support this Bill. He cannot. (Interruptions) How can he support? The hon. Minister is only able to read out the statement prepared by the Commerce Ministry. Sir, we demand from the Hon. Law Minister that he should candidly tell us and the nation the real justification for this Bill, the effect of this and let him not read out only the statement prepared by the Commerce Ministry, the misleading statistics. With these words, I

strongly object to this pernicious, obnoxious, anti-people and anti-national Bill. It is nothing but abject surrender to the monopoly houses and we register our strong protest against this Bill.

MR. CHAIRMAN: I think the hon. Minister will take into consideration certain points made by the hon. Member. When he replies, if possible, he may try to explain the points raised by him, that is, about the Sachar Committee's report.

SHRI Y. S. MAHAJAN (Jalgaon): Mr. Chairman, Sir, I rise to support the Bill and oppose the resolution moved by Mr. Chitta Basu. Sir, the Monopoly and Restricted Trade practices Act is an important landmark in the evolution of our industrial law. Its origin can be traced to certain provisions of the Constitution which require the State to so direct its Policy as to secure the ownership and control of the national resources of the community are so distributed as to subserve the common good, and secondly that the operation of the economic system does not result in the concentration of wealth and the means of production to the common detriment of the people at large. The Industrial Policy Resolution of 1956 reinforced the urgency of reducing the disparities of income and wealth which exist today and to prevent private monopolies and concentration of economic power in their hands. Apart from these two objectives, the M.R.T.P. Act seeks further to encourage new entrepreneurs as a counter-vailing force to the concentration of economic power which is not in the best interests of the community. With these objectives in view, the M.R.T.P. Act defines a dominant firm and monopolistic firm. A dominant undertaking is one which as the Act defines, produces, distributes or supplies 1/3 or more of the total commodity in India or a substantial part. This was forgotten by the Members of the Opposition. (Interruptions). A monopolistic undertaking is

similarly defined as one which produces, supplies or controls not less than 1/2 of the total commodity of any description produced in India.

SHRI SOMNATH CHATTERJEE: Export goods produced in India also... Your senior Member and colleague has admitted it.

MR. CHAIRMAN: I think Mr. Mahajan is not conceding that.

(Interruptions)

The interruptions are all right. These are parliamentary interruptions.

SHRI Y. S. MAHAJAN: Since the point was made by no less a person than Shri Somnath Chatterjee, an eminent advocate, I would like to read out the relevant provision of the MRTP Act, 1969 which specifically states that production in India is to be taken into consideration for determining whether a particular undertaking is 'dominant' or not.

SHRI SOMNATH CHATTERJEE: What is meant by production in India? Export goods will be produced in India.

SHRI Y. S. MAHAJAN: Section 2 says:

“‘dominant undertaking’ means an undertaking which either by itself or along with inter-connected undertakings,—

Provides or otherwise controls not less than one-third of any product or services that are rendered in India or any substantial part thereof.”

That clarifies the original intent of the bill, namely that a dominant undertaking is to be defined by reference to its production inside the country. I am surprised that eminent members of the opposition should have lost sight of this point and resorted to misleading arguments.

[Shri Y. S. Mahajan]

Once an undertaking comes under the definition of a dominant or monopolistic firm, it attracts the provisions of this Act and if it wants to increase its capacity for production even for export purposes, naturally it has to go to the MRTP Commission and it is our experience that such applications with the MRTP Commission remain pending for one year or even two years. Sir, two years is a long period and much water would flow under the bridge during such a long period. In order to overcome this difficulty, this ordinance was promulgated by the President. The Statement of Objects and Reason of this Bill states:

"It is significant that for determining dominance in the matter of supplies, imports are added. However, exports are not deducted, even though exported products do not affect supplies in the domestic market."

It was with the object of removing this anomaly and hindrance in the industrial growth and exports that this Bill was necessary and the ordinance was promulgated by the President.

I am surprised that though there were many eloquent speeches by the hon. Members, nobody pointed out the very precarious position in which the country remains today economically. Shrimati Geeta Mukherjee did admit fortunately that economically we are in a bad condition, but how sad the condition was, nobody bothered to explain. Now, I am going to give certain figures in this regard. With great difficulty, we achieved a balance in our international trade in the year 1976-77 and we had a surplus of Rs. 72 crores. The conditions deteriorated and in 1977-78, we had a deficit of 621 crores; in 1978-79 it increased to 1072 crores and in 1979-80 it went upto 2262 crores and with the present reckoning this year, the

deficit is likely to be not less than Rs. 4000 crores. So, the country is in a very precarious and distressing economic condition. We are about to become bankrupt in international economic life. Under these conditions, the Government would have failed in its duty if it had not taken certain corrective action. It was, therefore, only proper that the Government promulgated this ordinance and it has now come forward before this House with this Bill. It has also taken certain other steps to increase our exports. To mention a few, the facilities which were available at Santa Cruz and Kandla port for exports have now been made available to all 100% export oriented units irrespective of their location within the country... (Interruptions). The hon. Members spoke irrelevently as though our whole economic policy was under discussion, as if this country was born today and we were just considering how to develop our economic resources, trade and industry. We have a Government sector. We have also a private sector and the private sector works in conformity with the principles and priorities of our economic planning. With regard to this private sector, it is an integral part of our economy just as there is also a cooperative sector

Sir, as regards this MRTP Act, I must say, that this Commission which works under the MRTP Act, cannot really fulfil its functions. In its report it has said that it is conscious of the fact that it is not able to carry out the objectives of the Act. The simple reason that though so far as restrictive trade practices are concerned, it is an autonomous body and functions as a court and can impose its decisions as regards monopolistic practices, the reference has to be made by the Government, and enforcement also remains with the Government. Secondly, why the Commission cannot function satisfactorily is that it has a very small infra-structure. It has one Director of Investigation and one Registrar of

Restrictive Trade Practices and a small office and its annual Budget is not more than Rs. 22 lakhs. Such a small body, without any big organisation, cannot possibly cope with the vast subject of monopolies and restrictive trade practices in this big country and, therefore, I suggest that Government thinks afresh on this whole issue and brings forward a comprehensive Bill to deal with our policies regarding monopolies, restrictive practices and the way of enforcing them satisfactorily. With these few words, I support the Bill.

श्री जयपाल सिंह कश्यप (आंवला) : माननीय सभापति महोदय, मुझे इस बिल के विरोध में यह कहना है कि पूँजीवादी तरीके को, एक ऐसी नीति में, एक ऐसी कानून के ढर्रे में शक्ति प्रदान की जा रही है जो देश की आर्थिक हालत पर एक बहुत बड़ा प्रभाव डालेगी। कानून में इस तरह का परिवर्तन कर के जो दूसरे देशों के लिए हम एक्सपोर्ट करते हैं, उसको इस नीति की परिधि से अलग करके, जिस तरह से यहां के पूँजीपतियों को या उन व्यक्तियों को जिनके हाथ में बड़े उद्योग हैं, उनको बहुत बड़ा बल और शक्ति मिलेगी और यहां की अर्थव्यवस्था उन चन्द-लोगों के हाथ में आ जायेगी, जो इस देश पर बहुत बुरा प्रभाव डालेगी। इस समय भी जो कानून व्यवस्था थी, जो भी उत्पादन होता था, चाहे वह देश के इस्तेमाल के लिए या विदेशों को भेजने के लिये हो, जिन लोगों का एक तिहाई उत्पादन पर प्रभाव रहता था, जिन के हाथ में रहता था, अब उनके हाथ में सारा उत्पादन दे देना, एक्सपोर्ट के नाम से, मैं समझता हूँ इससे कुछ बड़े घरानों को ही लाभ होगा और इससे इस देश की अर्थ-व्यवस्था पर बहुत बुरा प्रभाव पड़ेगा।

इस देश में आज जो एक्सपोर्ट का माल तैयार होता है और जिस ढंग से तैयार होता है, मैं चाहता हूँ सरकार उस पर थोड़ा ध्यान दे। आप कच्चे लोहे को लीजिए जो खान से निकलता है—वह मशीनों के जरिये निकाला जाता है। इस काम में हजारों लोगों को रोजगार मिल सकता था। मैंने स्वयं गोआ और अन्य जगहों पर देखा है कि आयरन-ओर की खानों में मशीनें काम कर रही हैं, इन्सान काम नहीं कर रहे हैं, जहां पहले हजारों लोग काम करते थे, वहां चन्द पूँजीपति अपने फायदे के लिये आटोमेटिक मशीनें लगा कर काम करा रहे हैं, जहां हजारों लोगों को काम दिये जाने की क्षमता थी, उमका इस्तेमाल नहीं हो रहा है और मशीनों के द्वारा माल निकाल कर विदेशों को भेजा जा रहा है। अगर उम आयरन-ओर को मजदूरों के द्वारा निकलवाया जाये तो उमसे हजारों लोगों को काम मिले और साथ ही अगर उम 'ओर' का स्टील अपने ही देश में बने तो देश में लोहे की कमी दूर हो सकती है। लेकिन हो यह रहा है कि 30 साल पहले कभी जापान के साथ कोई समझौता हुआ था, उस के तहत सस्ते दर पर लोहा उनको भेजा जा रहा है और यह काम कुछ पूँजीपतियों को सौंप दिया गया है, जो खानों से लोहा निकलवाते हैं और बाहर भेजते हैं, जबकि इस देश के लोगों को स्टील नहीं मिल रहा है, हर रोज कीमतें बढ़ती जा रही हैं। इस तरह से कुछ उत्पादन करने वाले पूँजीपतियों का फायदा हो रहा है।

इस के अलावा मुझे एक चीज और कहनी है और वह यह है कि इस कानून का खुल कर दुरुपयोग होगा। यह कहा गया कि हम एक्सपोर्ट के लिए

[श्री जयपाल सिं: कश्यप]

उत्पादन कर रहे हैं और इसका देश में इस्तेमाल नहीं होगा लेकिन अगर विदेशों में उस चीज की खपत नहीं होगी, तो उस को कहां ले जाएंगे, किस मार्केट में ले जाएंगे, कहा फेंकेगें, कहां पर रखेंगे? नतीजा यह होगा कि एक्सपोर्ट की आढ़ में वह जो उत्पादन होगा, उस का उपयोग वे मनमाने तरीके से करेंगे, उस का उपयोग कुछ अन्डरटेकिंग्स मनमाने तरीके से करेंगी और उसको एक्सपोर्ट न करके डोमेस्टिक कन्जम्शन के लिए उस का इस्तेमाल होगा। इसलिए मैं समझता हूं कि इस एक्ट के जरिये जो एक तरीका अपनाया जा रहा है, एक पर्दा डाला जा रहा है, जिस को अगर एक कानून पढ़ने वाला सामान्य आदमी देखे, तो वह इसके महत्व को नहीं समझेगा, लेकिन इस का एक बड़ा असर हमारी अर्थ-व्यवस्था पर पड़ेगा। अर्थ-व्यवस्था पर कितना असर पड़ेगा, कितना उत्पादन बढ़ेगा, कितना एक्सपोर्ट होगा, कितनी कीमत का एक्सपोर्ट होगा, कितना मुनाफा मिल मालिकों का बढ़ जाएगा, इस तरह के सारे आंकड़े अगर हमारे सामने आएँ और देश की जनता के सामने रखे जाएँ, तब इस की विभीषिका और विनाशकारी मनोवृत्ति का पता चलेगा। देश की अर्थ-व्यवस्था पर कितना असर डालेगा और पूँजीवादी को कितना बढ़ावा देने वाला यह है, इस बात का लोगों को पता तभी लगेगा जब ये आंकड़े सामने आएँ। इसलिए पूँजीवादी को बढ़ावा देने वाला, कुछ बड़े घरानों को और कुछ अन्डरटेकिंग्स को बढ़ावा देने वाला जो यह विधेयक लाया गया है, उस का मैं विरोध करता हूँ और आप ने जो मुझे बोलने के लिए समय दिया है, उसके लिए आप को धन्यवाद देता हूँ।

MR. CHAIRMAN: Shri Janardhana Poojary.

SHRI HARIKESH BAHADUR (Gorakhpur): It is the responsibility of the government to maintain quorum in the House. There is no quorum in the House.

MR. CHAIRMAN: I think this question of quorum is being raised. So, people should ensure that members are present in the House. Otherwise, we are unnecessarily wasting the time of the House. Let the quorum bell be rung ... Now, there is quorum. Mr. Poojary will continue his speech.

SHRI JANARDHANA POOJARY (Mangalore): I heard the arguments advanced against this Bill. I fail to understand the contention of the Opposition parties that they are not able to understand the object of the Bill, because it is a very simple Bill. I may be permitted to submit one thing. It is very clear in the minds of the people not only inside the Parliament but outside the Parliament also—a hue and cry has been raised through the country—that the production has come down; the foreign exchange has come down. That is the hue and cry raised outside Parliament and inside Parliament, day in and day out. Here is an answer. The Bill is very simple. The changes are intended to produce more and to export more. That is the object of this Bill.

(Interruptions)

SHRI SOMNATH CHATTERJEE: It is educative to you.

SHRI JANARDHANA POOJARY: I will face your argument.

(Interruptions)

I will draw your attention to Clause 2 of the Direction No. 349 of the Speaker.

(Interruptions)

Please don't interrupt. I have not interrupted also.

(Interruptions)

I may inviting your attention to Sections 2 and 3 of the Bill. As per the amendment, the object of the Bill is to widen and strengthen the export production base. It is a simple answer given in India, in this House and also to the people outside this Parliament. Now, so far as the main Bill is concerned, I agree there are some loopholes. Those loopholes have to be plugged. I fully endorse the view expressed by Mr. Mahajan so far as Section 10(B) is concerned. As per Section 10(B) of the Act the Commission can *suo motu* inquire into any monopolistic and restrictive trade practices, but unfortunately there is no provision for follow up action in Section 31. So a provision has to be made in the Bill to plug this loophole. I admit it, I agree with it.

Now, the second suggestion is regarding quasi-judicial powers. Now the M.R.T.P. Commission must be invested with more quasi-judicial powers to deal with the disputed questions of companies and inter-action. My further submission, that is the third submission would be that the M.R.T.P. Commission must be armed with real powers to curb unfair trade practices like misleading advertisements and also false representation. Now my submission will be that this monopolistic institutions cannot be controlled, only by the provision for that purpose. I am just making one suggestion, that is, the M.R.T.P. Commission must be armed with real powers to curb the unfair trade practices like misleading and false representations, as I submitted earlier. Last one, Sir, you know there are aggrieved parties also which have moved the Commission but the Commission must be capable of fighting the damages of the aggrieved party. Coming to the arguments advanced, so far as the public sector is concerned, I have heard the speeches of some agitated hon. members of this House like Shri Somnath Chatterjee and also Smt. Geeta Mukherjee. I

can understand that there is an impression in the country and outside the Parliament and inside the Parliament that our party is against socialism. (Interruptions)

I heard with rapt attention. I did not interfere. You may agree, you may not agree. (Interruptions)

MR. CHAIRMAN: Listen to the Hon. Member.

SHRI JANARDHANA POOJARY: Now, Sir, so far as this recommendation is concerned, Sir, it is the result of the recommendation of the Tandon Committee on Export Strategy. Now, that has been introduced, this Commission has been appointed, if I am not mistaken, during the Janta rule.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Which Commission? (Interruptions) ..

SHRI JANARDHANA POOJARY: This Tandon Committee (Interruptions) ..

AN HON. MEMBER: It is Sachar Committee. 'SACHAR'.

SHRI JANARDHANA POOJARY: That is why, I submit, I am subject to correction. Now, Sir, so far as the socialism is concerned, now my submission would be there are views expressed inside the House during the Sixth Lok Sabha and outside the Parliament also. During the Janata rule, particularly Dr. Subramaniam Swamy expressed anti-public sector views. There was an impression during that period that the country was being taken from socialism to capitalism and the views expressed by Dr. Subramaniam Swamy and others were not in tune with the planned growth of the Indian economy. Those proposals were there aimed at strengthening the hands of a few monopoly private individuals. During Janata rule, CPM was supporting the Janata Party. We know the paramount importance of the public sec-

[Shri Janardhana Poojary]

tor in bringing about social reformation. That cannot be under-estimated. The people from the opposition, including the CPM, need not teach us about it. We know and we can understand how much could be done if the huge resources that are in the hands of private individuals today are put under the public sector. We know that for a poor country like India with a growing population of 65 crores struggling under exploitation, unemployment, social insecurity, diseases, etc., capitalist system is not the answer. It is not the monopoly of CPM or Mr. Jyotirmoy Bosu. We also know that glaring disparities are a curse on society and socialism alone can bring benefits to the masses. Mr. Somnath Chatterjee and others suspect today that there is an attempt at liquidation of the public sector. No, our party is not going to do it. Our party stands for socialism. We are going to infuse the spirit of discipline into the public sector. Socialism is not the monopoly of CPM. I thought that CPM and CPI are parties of the poor people. But that impression has been taken away from my heart. When legislation was brought here against hoarders, black-marketeers and smugglers I thought that CPM would support it. But what a surprise I had when I found that they did not support it! You, the members of CPM, have been claiming that you are the champions of poor people. You know that black-marketeers and smugglers are sucking the blood of the people. Still you did not support that legislation. You are playing a dual role. The National Security Ordinance has been brought against blackmarketeers, smugglers, and hardened criminals, but you are opposing that ordinance. Don't be under the impression that the people of the country cannot understand that you are playing a dual role. Don't play that role. The people will realise it. The people have voted for us and given us a massive mandate. We will work for the people of this country.

SHRI K. P. UNNIKRIISHNAN (Badagara): Mr. Chairman, this is an important measure which heralds a new process of dismantling the regulatory framework elaborately built up over the years. It is also beginning of unfolding a new perspective of the ruling party. This perspective, I would like to submit, is alien to the concept of social control and regulation which has been the Congress policy placed before the Nation by the late Prime Minister, Jawaharlal Nehru. This perspective had a social basis and it had its own social roots and economic logic. This came up from the basic articulation of our hopes and fears and our design for the future build up by Mahatma Gandhi and Jawaharlal Nehru through the medium of Indian National Congress. But according to the Statement of Objects and Reasons what is obviously presented here is seemingly an innocuous Bill. It is claimed by the Law Minister that the original intent of the Act was to reduce monopolistic and restrictive trade practices within the country and to that extent, the portion of the production exported does not become relevant for the domestic consumer. An undertaking is supposed to produce either for domestic consumption or for export or both. It is an impossible task that the Law Minister has placed before the industry. And in an extra-ordinary performance I would say, by any yardstick, he has added something new to economic thinking by elaborating this concept in the Statement of Objects and Reasons. As far as we have understood it, it is the total volume of the production of goods which determines dominance or otherwise and its impact on concentration of economic power or on the national economy.

The M.R.T.P. Act did not come up in a vacuum, social or political. It came up not only because of the socio-economic perspective of the national liberation movement and subsequently of the Indian National Congress and all the democratic forces in this country but also we had initiated a planning process. There is a logic, and

design behind the planning process. That is why, we adopted the Industrial Policy Resolution of 1956. And there the matter did not rest. We had any number of objective, fact finding teams to understand what was going on in the national economy. We had Mahalonobis Committee on concentration of income. The Industrial Licensing Policy Committee built up an elaborate data on how concentration of economic power was taking place in our economy. It was in these objective conditions that this MRTP Act was put on the statute book. It did not come in a vacuum. It is too late in the day for the Law Minister to come and say that what was originally intended in the Act was only the domestic production. I hope, the distinguished Law Minister will forgive me if I say that it amounts to economic absurdity. It is on the basis of the objective analysis in addition to the larger social purpose that we have put this Act in the statute book. Now, we have a new Industrial Policy Resolution which dilutes and distorts the original purpose of the policy laid down by Jawaharlal Nehru. And now, it is in the same chain of events that the Law Minister has come before the House with this measure.

16.50 hrs.

[MR DEPUTY-SPEAKER *in the Chair*]

I wish this Government had shown greater honesty about it and straight-away said that 'we want to change and dilute this MRTP Act or abrogate it or we will take away the concept of dominant undertaking'. Even if I had differed from this approach because it is against national interests, I would have certainly welcomed that honest, straightforward approach. Now, he says that this is limited in scope and it is only to boost exports. I am conscious that this Government or country has an enormous task facing this on the balance of payments question as well as on the question of boosting our exports because of the trade deficit threatening to increase, which may also endanger basically our concept of self-reliance. Rs. 45,000

crores of trade deficit is, I do concede, by any yardstick a great deficit and you will have to deal with it, but the question that I want to pose before you is: Is this the way to boost exports? If you go through the export statistics for the last few years, you would find that whenever there has been a new export break-through in any commodity or group of commodities, it has always been achieved primarily by small-scale entrepreneur and small-scale sector whether it is in Government or whether it is in engineering goods or whether it is in XYZ sector. What is the contribution of monopoly sector? What is the contribution of multinational sector? The multinationals have a global plan not only to achieve their international aim, but they have a multinational international global marketing strategy. So, what they would say is: 'If you permit us to produce XYZ goods, then we invest'. That is why there has been no investment taking place, not because we do not dilute this Act, but because the type of goods and services they want to produce; and export cannot be permitted without basically altering the entire regulatory framework that we have built up in this country.

The same is the story of our large Indian houses who have now large joint ventures abroad. There has been a fantastic growth in the rate of savings in this country, about 23 per cent. What is happening on the investment side when the savings are going up? Economists are finding it difficult to explain this phenomenon that no investment is taking place. It is only because they are not permitted to export.

There is undoubtedly a case for boosting exports, but not for diluting this Act, but they have chosen to tamper with the MRTP Act and I would like to warn this House that this would ultimately take you somewhere else to the concept of export led growth which the World Bank and the IMF have been advocating.

[Shri K. P. Unnikrishnan]

That would be undoubtedly a new version of the socialistic pretensions of this Government.

Sir, nothing more exposes this case than the recent decision of this Government to permit 5 per cent domestic sale for the units which are producing in the free export trade zones of Kandla and Santa Cruz in Bombay. They are unable to export. So, now they are permitted to enter into the domestic market. I am told that a decision has been taken to permit 5 per cent. To-morrow it will go to 10 day after to-morrow to 15/20 and 25. I do not want to take much of your time. I am sure this measure will also lead you along the same path—a perilous path. I want to warn that that will be the dismantling of the entire regulatory framework and ultimately it will take us to a different path of economic development, a path which would be suicidal for this country.

SHRI RATANSINH RAJDA (Bombay South) The objective of the Amendment, in my humble opinion, would be self defeating: It is our experience that right from 1969 when this Act was promulgated the objective was that the operation of the economic system does not result in concentration of the economic power to the common detriment, control of monopolies, prohibition of monopolistic and restrictive trade practices, etc. All these years our experience has been that that objective has not been achieved at all. On the contrary Government has been fighting a losing battle year after year against all this monopolistic trend prevailing in our country

In the present Bill they say and they profess that the goods produced by an undertaking for exports should not be taken into account in computing the total goods of that description for the purpose of determining the dominance of that undertaking in relation to such goods. The question is whether this objective would be achieved with the present restrictions

imposed by the Government (Interruptions) I want to have your undivided attention.

During the period 1969-77 the assets of the top 20 houses rose at an annual rate of 20 per cent per year while the national income increased at 3.50 per cent per year. This is how the Act has worked all (these years. Now Government wants to boost up the export and safeguard as far as the situation of balance of payment deficit is concerned. There are certain snags. Unless the Government plugs those loopholes, I think it will be very difficult for the Government to achieve the objective of this Act.

In the clearance of MRTP and their projects, undue delay is being caused. There has been inordinate delay. It has become a routine practice. I would cite an example. A 500 MW power project mooted in 1972 at an investment of Rs. 75 crores was cleared only in 1977 when the project cost escalated to Rs. 175 crores. All the snags are working. There are instances where Government prefers FERA companies to MRTP undertakings for investment and expansion schemes. There is a slump in industrial production in the year 1979-80 There is danger of the recent policy liberalisation on capacity expansion and export not fractifying in the face of Government restrictive approach to MRTP units. Having said this, I have my own doubts whether Government would achieve their objective, looking to the past experience. From this 17.00 hrs.

point of view, I say, of the loopholes are plugged, then and then only something could be done. But as far as the objective to restrict monopolistic trends in the country are concerned, the Government has miserably failed and I have my own doubts so far as this amendment is concerned, the Government would be able to achieve their objective.

श्री मूलचन्द डगम : (पाठी) : उपाध्यक्ष महोदय, आज कल हमारे विधि मंत्री जो भी भयष्य देते हैं, मैंने जितने भी उनके भाषण देखे या सुने हैं उस में हर जगह वह दो बातें कहते हैं :

The directive principles should have an overriding authority over the Fundamental Rights; that the Minerva case has been wrongly decided by the Supreme Court and that the Fundamental Rights are superior to the Directive Principles.

कहीं भी हमारे कानून मंत्री गए हैं तो वहां उन्होंने यह बात कही है। वह बात तो बहुत ठीक कहते हैं, लेकिन मैं आर्टिकल 39(2) की तरफ ध्यान आकृष्ट करना चाहता हूँ :

"that the operation of the economic system does not result in the concentration of wealth and means of production . . ."

लेकिन अब आप यह क्या कर रहे हैं ? मैं इसलिए इसे सेलेक्ट कमेटी में भेजना चाहता हूँ, मेरा विभाग यह कह रहा है कि उस आदमी को ज्यादा पावर देने के बाद कंसेन्ट्रेशन आफ वेल्थ और कंसेन्ट्रेशन आफ मीन्स होगा। आप बता दें कि यह कंसेन्ट्रेशन आफ वेल्थ और कंसेन्ट्रेशन आफ मीन्स उस से होगा या नहीं ? अपना उत्तर देने के पहले वह यह बहाना न दें कि क्रूड के लिए इतना पैसा देना पड़ता है। आप के आब्जेक्ट्स में ऐसी कोई बात नहीं है। आप आर्टिकल 39 में जो आप के डायरेक्टिव प्रिंसिपल्स हैं उन पर स्ट्रेस कर रहे हैं और इधर प्रीएम्बल में जो साफ लिखा है उस के खिलाफ जा रहे हैं।

"We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and

to secure to all its citizens justice, social, economic and political?"

एम आर टी पी ऐक्ट को लाने का कारण क्या था। पहले सच्चर कमेटी या और कमेटियां बैठों और यह महसूस किया गया कि कुछ लोगों के पास सम्पत्ति इकट्ठी हो रही है। आज भी राजनीति पर पूंजीवादी हावी है। इस को अगर कोई इधर बैठने वाला या उधर बैठने वाला नहीं मानता है तो वह गलत कहता है। ये पूंजीवादी अपनी सत्ता पर हावी होते हैं और आज नौकरशाही पर भी ये हावी हैं। तो क्या यह इस पूंजीवाद को बढ़ावा देने का काम नहीं करेगा ? आज लाखों इंजीनियर हमारे बेकार हैं।

श्री हरिकेश बहादुर : (गोरखपुर) : डागा साहब, आप सच्चर बोलते हैं, इसी लिए क्या आप कालिग अटेंशन के समय नहीं आए थे ?

श्री मूलचन्द डागा : मैं उदयपुर में था इंटक के सेशन में, इसलिए नहीं आ पाया। मैंने पूरा पढ़ा था और मैं आना चाहता था लेकिन मेरा दुर्भाग्य है कि मैं हाजिर नहीं हो सका, वरना मैं जरूर आता।

मैं एक बात कहना चाहता हूँ कि जो एम आर टी पी ऐक्ट के मुताल्लिक सच्चर कमेटी ने रेकमेंडेशन की उसको आप देख लें। मैंने क्यों यह प्रश्न रखा ? क्योंकि महालनवीस ने जो रिपोर्ट दी है और 1969 के अंदर जो कुछ अमेंडमेंट्स हुए हैं सब यह कहते हैं कि एम आर टी पी ऐक्ट के अंदर अमेंडमेंट होना चाहिए। जितने अर्थशास्त्री हैं उन्होंने राय दी है कि इस में अमेंडमेंट होना चाहिए। कंसेन्ट्रेशन आफ वेल्थ बढ़ेगा इस तरह से, इस में कोई दो राय नहीं हैं। क्या आज लाखों इंजीनियर

[श्री मूल चन्द डागा]

हिन्दुस्तान में बेकार नहीं है ? क्या उन पर हमारा पैसा खर्च नहीं होता है ? किन्तु जैसा कि मुझे आंकड़ा याद है, शायद 55 प्रतिशत कैपिटल आज कुछ आदमियों के हाथ में है । 75 प्रतिशत लैण्ड 15 प्रतिशत लोगों के हाथ में है । सारी सम्पत्ति का एकीकरण करने के लिए आप स्माल स्केल इंडस्ट्री को बढ़ाये और जो इंजीनियर्स आज बेकार हैं उनको बढ़ावा दें । आज सारे फाइनेंशियल और बैंकिंग इंस्टीट्यूशन्स का कम से कम 62 प्रतिशत लोन उन्हीं लोगों को दिया जाता है । इसलिए आप जब इण्डस्ट्रीयल पालिसी बनाते हैं तब ऐसा न हो कि संविधान को ही आप भूल जाये जिससे कि कुछ लोगों को ही लाभ मिले और वे अपनी पूंजी का विस्तार करते जायें । जब कन्सेन्ट्रेशन आफ वेल्थ होगा तो गांवों के लोग शहरों में आयेंगे । परिणाम-स्वरूप शहरों में और स्लम्स बनेंगे । इसके अलावा बड़े लोग उत्पादन बढ़ाने के लिए साफिस्टिकेटेड मशीनरी बाहर से इम्पोर्ट करेंगे । आज लुधियाना में घर घर में काटेज इण्डस्ट्रीज चल रही हैं जिनका माल एक्सपोर्ट होता है, हैण्डिक्रैफ्ट का माल एक्सपोर्ट हो रहा है इसलिए स्माल स्केल इण्डस्ट्रीज को लोन भी मिलना चाहिए ।

आपने इस में एक आब्जेक्ट लिख दिया कि क्रूड आयल के लिए एक बड़ा वजट पेश करना है, ठीक है लेकिन इसका वास्तव में आब्जेक्ट क्या है । एम आर टी पी ऐक्ट को पास करने का पर्पज यही था कि कुछ लोगों के हाथों में वेल्थ इकठ्ठा न हो जाय लेकिन क्या इससे उन लोगों के पास भीन्स नहीं बढ़ेंगे । आप रोज फण्डामेंटल राइट्स जो

हैं उनकी जगह पर डायरेक्टिव प्रिंसिपल्स पर जोर दे रहे हैं । आज आप कह रहे हैं कि हम एक्सपोर्ट बढ़ाना चाहते हैं तो 65 करोड़ की आबादी वाले जो 6 लाख गांव हैं उनमें जो हाथ से छोटे छोटे काम करने वाले लोग हैं उनकी तरफ हमें बढ़ना चाहिए परन्तु आप चाहते हैं कि एक जगह पर ही पूंजी इकठ्ठा हो जाय । मैं समझता हूं एक तरह से इस बिल में पूंजीपतियों की राय ही मालूम होती है । इसलिए मैं कहूंगा कि आप इसमें जल्दी न करें, सेलेक्ट कमेटी में बैठ कर हमें इस पर फिर से विचार करना चाहिए कि कहां हमारा आब्जेक्ट जो है उस को हम फस्ट्रेट तो नहीं कर रहे हैं, जो हमारा उद्देश्य है उसको हम प्राप्त कर रहे हैं या नहीं ? मैं एक बार फिर कहना चाहूंगा कि समाज में जितने साधन होंगे उनका अगर समान वितरण नहीं होगा तो फिर वह समाजवाद कहां होगा, वह तो पूंजीवाद हो जायगा । इसलिए हमें इस बिल पर फिर से विचार करना चाहिए और विरोधी दल वाले भी अगर कोई बात कहते हैं तो उसपर भी विचार करना चाहिए । हररीडली इस बिल को पास नहीं करना चाहिए ।

अगर आप कहते हैं कि क्रूड आयल के लिए यह पालिसी है तो फिर मैं कहूंगा कि इसका सेक्शन (66) जो है उसको आप देखें ।

आप के सेक्शन (66) में लिखा है—

“The Commission may make regulations . . .

और कमेटी आन सबोर्डिनेट लेजिस्लेशन ने कई बार कहा है कि आप मेहरबानी कर के अपने प्राबीजन को बदलो, खास तौर से जब आप कोई नया ऐक्ट बनायें । अब आप यह एम० आर० टी० पी० ऐक्ट बना रहे हैं, लेकिन आप ने उस कमेटी

की बात को इग्नोर किया है, आप ने कह दिया है कि जरूरी नहीं है। उसमें यह था कि रूल्स और रेगुलेशन्स सारे के सारे सदन के टेबिल पर आने चाहिए—

“The Committee reiterate their earlier recommendations on the subject and desire that like rules, regulations should also be laid before Parliament.”

आज आप कानून को अमेंडमेंट करने जा रहे हैं और सबोर्डिनेट लेजिस्लेशन कमेटी की जो हिदायत थी उस का अनुपालन नहीं हो रहा है।

The rules are laid but not the regulations.

हिदायत करते करते 15 वर्ष हो चुके हैं। पांचवीं बार हिदायत की गई—

The committee reiterated their earlier recommendation and desired that there should be a provision to this effect in the relevant statute.

नया लेजिस्लेशन ला रहे हैं, लेकिन वह वह भूल गये। ला डिपार्टमेंट कहता है कि हम को रिमाइण्ड किया है—

“Likewise, there should invariably be a provision in the relevant statute for publication of regulations to be framed thereunder. With this end in view, the committee desire that the Ministries/Departments of the Government of India to examine all Acts delegating power to make regulations, with which they are administratively concerned and to incorporate suitable provisions for publication and laying of regulations in those Acts which do not contain such provisions.”

अब आप क्या कानून ला रहे हैं और ला मिनिस्टर साहब ला रहे हैं। उस के

बाद किसको कहेंगे कि आप के रूल्स अमेंड होने जरूरी हैं।

MR. DEPUTY-SPEAKER: Please conclude.

श्री मूल चन्द डागा : उपाध्यक्ष महोदय, पार्लियामेंट को आप ही देख सकते हैं।

You can protect our rights. If an amendment is brought in a particular Act and if it does not contain a provision for which a committee has recommended six times, Sir, it reflects a sorry state of affairs.

MR. DEPUTY-SPEAKER: Mr. Daga, your English speech is better than your Hindi speech.

श्री मूल चन्द डागा : मैं समझता हूँ—मैंने जिस भाषा में वोट लिया है, उसी भाषा में बोलू। यह मुझे अच्छा नहीं लगेगा कि वोट मैंने हिन्दी भाषा में बोल कर लिया और यहां मैं अंग्रेजी में बात करूं। उन लोगों से मैंने जो बात की थी वह हिन्दी में की थी, अंग्रेजी में नहीं की थी।

मैं यही कहना चाहता हूँ—सिलैक्ट कमेटी को भेजने की जो मैंने मांग की है उस का परपज यही है कि इस पर सही तरीके से विचार होना चाहिए मैं यह नहीं कहता कि आप सिलैक्ट कमेटी के पास इसे ज्यादा दिन रखिए, सिर्फ एक बौक के लिये सिलैक्ट कमेटी को भेज दीजिए और पांच दस अर्थ शास्त्रियों को बुला लीजिए, कुछ और लोगों को बुला लीजिए, आप बैठ जाइये और इस पर विचार कीजिए।

आप इसके आब्जेक्ट को देखिए—आप कह रहे हैं कि अब तो बिड़ला और डालिमया ज्यादा माल बाहर भेज सकते हैं। उन पर कोई रोक नहीं होगी, करोड़ों और अरबों का भेज सकते हैं। दूसरी तरफ जो हमारा उद्देश्य रहा है कि हमारी स्माल स्केल इंडस्ट्री बड़े,

[श्री मूल चन्द डोगा]

हेण्डी क्राफ्ट बड़े-उस में ग्राप फैल हो रहे हैं :4 इस लिए मैं कह रहा हूँ कि कन्सेन्ट्रेशन ग्राफ वेल्थ को दृष्टि में रखते हुए इस पर गौर किया जाय ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Deputy-Speaker, Sir, quite a large number of hon. Members were pleased to make diverse observations with regard to this amendment. The misfortune is this, Many of the speeches are highly distorted without perhaps even understanding the purport of the amendment itself.

SHRI JYOTIRMOY BOSU: No I.Q.

SHRI P. SHIV SHANKAR: Which you possess.

Particularly what is most important is the speech by one very respected member from the other side who is an eminent lawyer. Perhaps, either he wanted deliberately to mislead the House or did not want to understand the amendment itself.

Now, Sir, before I come to answer the various objection raised by the hon. Members, I would like to state the purport of these amendments and how they would be effective. The first amendment is sought to be made in Section 2(d) which defines the dominant undertaking. While it defines the dominant undertaking in a particular manner, it is clear by the clause itself that what is sought to be excluded from the purview of that expression is by the addition of Explanation Number VII to the Clause after Explanation VI which would read:

"Where goods of any description produced in India by an undertaking have been exported to a country outside India, then the goods shall not be taken into account in computing for the purposes of this clause. Then, it gives the details. That is, for the purpose of reckoning, whether that would be treated as dominant undertaking within Clause 2(d) and if so, whether that portion of the exported goods have to be excluded. Likewise, when it comes to Clause 2 (J)—the definition of monopolistic undertakings—an Explanation is sought to be added as Explanation V, after Explanation IV to exclude the above from the purview of the expression 'Monopolistic Undertakings'.

So far as that portion of the goods which are sought to be exported is concerned, this is a simple purport. The question is: what effect has this over the various provisions of the Act and whether the argument that has been advanced in manifold fashions could be sustained if this amendment is sought to be brought in within this Clause?

As on to-day, the position is that with reference to the dominant undertakings as also the monopolistic undertakings, when it comes to the question, of Chapter III dealing with concentration of economic power, Section 21 makes out a case that where a particular undertaking is, on date, falling within the sweep of dominant undertakings or monopolistic undertakings, it would like to extend the manufacturing goods, the process is still mentioned in Section 21. The procedure takes a long time. It is this procedure which is sought to be obviated in the case of those goods which are manufactured for the purpose of export only. It is not as if that something novel has been or something is sought to be done

in a fashion which is going to affect the various provisions. I will certainly meet the points raised by the hon. Members from Jadhavpur. I had noted them down. But I thought that, at the outset, I should explain the purport of the amendment itself.

Now, the whole question is: having regard to the balance of trade being unfavourable for the country because of the recent trends which are prevailing all over the globe, should the various undertakings be directed to go through the process of Section 21 even for the purpose of the goods which are sought to be exported or having regard to the facts and circumstance of the case could we not obviate this whole procedure by bringing in a process by which you can avoid all these procedural formalities but none the less achieve the end itself. Sir, government in their wisdom thought that they should follow the latter course.

Now, the arguments that have been addressed are: One of my friends has very critically attacked us on the language of paragraph 2 in the Statement of Objects and Reasons and I am only sorry that he has not been able to concentrate on the expressions used. Sir, he said that in the Statement of Objects and Reasons in paragraph 2 it has been incorporated:

"The original intent of the Act was to reduce monopolistic and restrictive trade practices within the country;"

He said that this is a novel thing which has been said and he was rather surprised. May I bring to the notice of the hon'ble Member that there is nothing to be surprised. What perhaps he has overlooked is the expressions 'monopolistic trade practice and restrictive trade practice'. If you kindly look up there are the two expressions which are used in that paragraph whereunder we have said that in order to reduce these within the country .

SHRI K. P. UNNIKRISHNAN: You read the whole sentence. Don't try to mislead the House. If you had followed my trend of argument you would not have cut a sorry figure. You are picking up the first half of the sentence. (*Interruptions*).

SHRI P. SHIV SHANKAR: I will read the whole sentence for your consumption so that you do not get up unduly warmed up and again try to explain. You can rest assure that I can meet your point. I will read the whole sentence:

"The original intent of the Act was to reduce monopolistic and restrictive trade practices within the country; and, to that extent, the portion of the production exported does not become relevant for the domestic consumer."

I have read the whole sentence. The latter part has no bearing but none the less I will still explain that also. The stress is on the expression 'monopolistic and restrictive trade practice'. What we said was that so far as paragraph 2 is concerned in order to reduce this within the country and to that extent the portion of the product exported is to be avoided. That is how we connected both in Section 2. My friend has unfortunately not understood what is contained in the Act itself. If he were to read that perhaps the thing would be clear. If he were to read the definition of monopolistic trade practice, the expression used in that para as also the expression restrictive trade practice it would be clear that it operates within the country. That position makes the whole thing clear. If these two definitions are read it would be clear that the operation would be restricted, only within the country. (*Interruptions*).

Now, the position is this. Monopolistic trade practice is explained in Section 2(i). Sir, 'monopolistic trade practice' means 'a trade practice which has, or is likely to have the effect of (i) maintaining prices at an un-

[Shri P. Shiv Shankar]

reasonable level by limiting, reducing, or otherwise controlling the production, supply or distribution of goods of any description or the supply of any services or in any other manner; (ii) unreasonably preventing or limiting competition in the production, supply or distribution of any goods or in the supply of any services; (iii) limiting technical development or capital investment to the common detriment or allowing the quality of any goods produced, supplied or distributed or any services rendered in India to deteriorate.' All these operations would only take place within the country. Likewise, if you go to "restrictive trade practice" it means 'a trade practice which has or may have the effect of preventing, distorting or restricting competition in any manner and in particular' and so on and so forth. That will also be within the country. And it is this which is sought to be stressed in para 2 of the Statement of Objects and Reasons. If somebody reads it without reading the definitions of these two expressions it would certainly appear to him to be novel, and also surprising. The expression used in para 2 of Objects and Reasons has a definite relation to the expression used in the Act itself. One friend of mine has relied on Section 15(c) and he said, look, already section 15(c) is there, why are you resorting to this amendment? Now, I can very well read for his benefit the opening part of section 15 which is a supervening portion covering clause (c). This section falls within the ambit of the jurisdiction, powers and procedures of the Commission. It is in Chapter II relating to 'Control by the Commission'. It says, 'No order made under this Act with respect to any monopolistic or restrictive trade practice shall operate so as to restrict...' etc. Again I may bring to the notice of the hon. member that the order which will be passed by the Commission will be with reference to monopolistic trade practice or restrictive trade practice and it has nothing to do with the dominant

undertaking or monopolistic undertaking. It is precisely this which has not been appreciated by my friend. In respect of an order that would be passed, if one again goes to the definition of monopolistic trade practices and restrictive trade practices, that would have nothing to do with the definition which has already been incorporated and the amendment which is sought to be brought in. It is with reference to such expressions and such definitions, when the order is passed, 15(c) governs. My friend brought into this sweep the dominant undertaking and monopolistic undertaking which expressions unfortunately do not find a place within the sweep of 15(c) Section. It has also been arranged 'Look, the Commission is sought to be taken for a ride; powers of the Commission are sought to be restricted, so far as the Commission is concerned, the Commission would become practically meaningless.' That was the argument which was advanced if this amendment was sought to be pushed through. Now, Sir, I invite the attention of the House to Section 10 which deals with the powers and jurisdiction of the Commission. I would like you to consider whether the powers and the jurisdictions are in any manner restricted by the amendment that is sought to be ushered in. Now again Section 10 deals with this. It reads like this—

"The Commission may enquire into

(a) any restrictive trade practice..."

That action, as I said, would fall within Section 2(b) which reads like this:

"(b) any monopolistic trade practice..."

That would again fall under 2(i). The position is that it would have nothing to do with either 2(d) or with 2(j). This is where we have brought in the amendment. I can understand if just expression "a dominant undertaking

or a monopolistic undertaking" is sought to be deleted in one form or the other and the argument will have certainly some base. This argument has nothing to do with the two expressions which dominated the whole sections. My friend, as I said, has only sought to distort the whole argument and tried to put forward his views without any basis.

SHRI SOMNATH CHATTERJEE: What is your objective of the amendment?

SHRI P. SHIV SHANKAR: If you have applied your mind, then the intent is very clear. Let me go to the extent of saying "the production in the country will rise, more workers will be employed and that portion of the manufactured goods would be exported." Now, where is the flaw? You would not like to say anything in regard to the flaw. You were making a jugglery of some sections without any basis. How does the Commission come into the picture? The Commission is only concerned with respect to monopolistic or restrictive trade practices.

SHRI SOMNATH CHATTERJEE: The Central Government has such powers...

(Interruptions)

SHRI P. SHIV SHANKAR: You argued a wrong case. I am glad that you are accepting it now. *(Interruptions)*. I compliment you for your rare honesty to accept sometimes. *(Interruptions)*.

SHRI SOMNATH CHATTERJEE: Sir, now the hon. Minister's remuneration is hardly adequate to make him work, to read out the statement and make his speech. It is not adequate. *(Interruptions)*.

SHRI P. SHIV SHANKAR: My friend can claim the privilege from the other side to speak either without reading the amendment or even refusing to understand the amendment. But I cannot do it. *(Interruptions)*.

Now, Sir, my friend sought to rely on the Sachar Committee's report and one of the hon. Members has even brought to the notice of this House certain points of this report and the Chairman mentioned that the Law Minister might explain those points. That was with reference to Section 2(d) and 2(j) for reckoning dominant undertaking and a monopolistic undertaking. Under these two clauses, as at present, the Monopolistic and Trade Practices Act reckons 1/3 of the goods and services, or whatever it may be. Sachar Committee was relying on the recent trends in Britain which have been quoted, as also the U.S.A. and I am glad that my friend at least, for once has relied on the United States of America and the British precedents. I am glad about it. *(Interruptions)*.

SHRI SOMNATH CHATTERJEE: Even in a capitalist country banks like Lloyds Bank has commented upon the dangers of monopolies. Lloyds Bank's comments were ignored. *(Interruptions)*.

SHRI P. SHIV SHANKAR: In that passage Mr. Justice Sachar and his Committee relied on the 1/3 manufactured goods concept that is accepted by these countries and my friend has very well read it. That is why I paid the compliments to him. I am paying a right-handed compliment and he is taking a left-handed compliment. How can I help it? Therefore, this is a matter which, in my submission, has nothing to do with the amendment. Today it is one-third. By this amendment, we are trying to carve out an exception for purposes of export. Even if it is brought to one-fourth, it makes no difference for purposes of this amendment. What is sought to be done by this amendment is to carve out an exception for those goods which are exported.

So far as the question of coming forth with an amendment and accepting this report is concerned, that is

[Shri P. Shiv Shankar]

a different issue and I can assure my friend that shortly I am going to come with a full of amendment of the Act itself. That would, of course, be a different thing.

SHRI SOMNATH CHATTERJEE: All this time the loot will go on. What is the effect of this ordinance on the export performance? Why was the ordinance promulgated? What great impact has the ordinance created on the export performance which promoted the Government to bypass the Parliament.

SHRI P. SHIV SHANKAR: At the time when the ordinance was brought into force, the oil prices were going up in the global market and we were fearing that the entire foreign exchange will be totally drained out and it will not be possible for us to raise sufficient foreign exchange for purposes of meeting the situation that was fastly developing. Having regard to the factors that were developing, a policy decision had to be taken for purposes of a favourable balance of trade. It is purely in that context that a clear approach and a sudden view had to be taken. It is in that context that a decision was arrived at and an amendment was issued so that the exports could be boosted up. As to the figures, it is not possible for me to give those at this stage.

SHRI SOMNATH CHATTERJEE: It is because you are holding somebody else's baby. It is not your Ministry.

SHRI P. SHIV SHANKAR: Even if it is somebody else's baby, I will not allow you to hold it. I will hold it myself.

These are the broad points which have been raised by the hon. Members. As I have submitted, the amendment is to advance the cause of the Act and its objectives. It is within the

interest of the country that the exports should increase and to that extent, the definitions of Section 2(d) and 2 (j) are sought to be amended. It is in this background that I oppose the resolution of Shri Chitta Basu. It is not possible to agree that the matter be referred to the Select Committee for the simple reason that this is an ordinance and if within six weeks of the Parliament assembling, this Bill is not passed, then that would become otiose and meaningless. With these words, I thank the hon. Members who have participated in the debate on this Bill.

MR. DEPUTY-SPEAKER: The Business Advisory Committee has allotted two hours for this and we have already taken 2 hours and 40 minutes. I would, therefore, request Shri Chita Basu to be brief.

SHRI CHITTA BASU (Barasat): Sir, certain basic issues have been raised during the course of the debate. One of the basic issues was, what was the necessity of promulgating an ordinance on the economy. One of the grounds of my disapproval, one of the main grounds, was that there was no necessity which warrants an Ordinance for that purpose, particularly on an issue which relates to economic policy of the country. The point was raised that before Parliament met, a fait accompli, has been placed. You have observed whether the Minister has replied to that point or not.

MR. DEPUTY-SPEAKER: Balance of Trade was dwindling. Therefore, immediately we have got to take a decision. I have observed. He has already replied.

SHRI CHITTA BASU: It is for you to judge.

(Interruptions)

MR. DEPUTY-SPEAKER: We have got to take a decision. For the information of the Hon. Members I have to say that the Business Advisory

Committee has allotted only two hours. We have already spent 2 hours and 40 minutes. You have to be short.

SHRI CHITTA BASU: Sir, immediately a question arises what has been the increases of export and by that these depletion of unfavourable balance of trade.

MR. DEPUTY-SPEAKER: That is what he said. Please, Mr. Unni-Krishnan, you can go through the proceedings, if you question it.

SHRI CHITTA BASU: I know at this stage the object was to narrow the gap. The object is to narrow the gap of import and export. How much it has been narrowed during this period after the 13th October to date by the promulgation of this Ordinance? That can justify the urgency of the situation or that can justify the promulgation of the Ordinance, Sir, that point he has not replied. We should go on record.

Secondly, Sir, very vital issues on economic policies were also raised. Would it not increase the asset of an industrial house? Would it not increase the wealth of the house? Does not the increase in asset and increase in wealth lead to further concentration of wealth and further widening of the disparity of income between a few and vast multitude of people? If that takes place, is it not against the Article or against the spirit of the Article 39-C?

SHRI K. P. UNNI KRISHNAN: He has not answered before.

SHRI CHITTA BASU: Instead of answering these basic issues, he is talking on some legal points. Sir, therefore, again I reiterate the Government object is not to narrow the gap of unfavourable balance of trade. But the major objective, Sir, I can say is to surrender to the big industrial houses of our country. They have been demanding the concession, some concessions have already been given.

AN. HON. MEMBER: In lieu of what?

SHRI CHITTA BASU: In lieu of the consideration, in view of the fact that very big sums were given to them for electoral purposes.

MR. DEPUTY SPEAKER: Let us not discuss about party funds in this House.

SHRI CHITTA BASU: This is a policy of surrender. This is a policy of giving more and more concessions to the big industrial houses. I have already referred to the figures how the automation expansion has benefited the big industrial houses, how the excess capacity has benefited the multi-national corporations. I have already produced the figures. I leave it to you. Did he answer all these things? I know he cannot answer because his government is committed to...

MR. DEPUTY SPEAKER: To the people.

SHRI CHITTA BASU: You are mistaken.

MR. DEPUTY SPEAKER: Because you stopped and therefore I had to complete it.

SHRI CHITTA BASU: I hope it is not your ... (Interruptions).

MR. DEPUTY SPEAKER: His party is a majority party. That is why I said, they must be committed to the people.

SHRI CHITTA BASU: I hope it is not your conviction; it is a mere expression because you are there.

MR. DEPUTY SPEAKER: I am here with some principle.

SHRI ATAL BEHARI VAJPAYEE: You should be careful about your remarks.

MR. DEPUTY SPEAKER: He stopped there. Therefore, I had helped him.

SHRI CHITTA BASU: They are committed to the monopolists and multinationals and not to the people. Therefore, it is needles to argue because they have got their closed mind and allegiance to some persons. We have got allegiance to the people; we are committed to the people. They are committed to the enemies of the people.

MR. DEPUTY SPEAKER: Now, you do not stop at 'to'.

SHRI CHITTA BASU: Therefore, we shall fight here and outside also I like to go on record that these basic issues have not been replied by the Government, and they have, once again, betrayed their real intention.

MR. DEPUTY-SPEAKER: I shall now put the Statutory Resolution to the vote of the House. The question is:

"This House disapproves of the Monopolies and Restrictive Trade Practice (Amendment) Ordinance 1980 (Ordinance No. 14 of 1980) promulgated by the President on the 13th October, 1980."

The motion was negatived

MR. DEPUTY-SPEAKER: Now, before I put the motion for consideration of the Bill, there is an amendment by Shri Mool Chand Daga for referring the Bill to a Select Committee which has to be disposed of.

SHRI MOOL CHAND DAGA: withdraw my amendment.

MR. DEPUTY-SPEAKER: Has Shri Mool Chand Daga leave of the House to withdraw his amendment?

SEVERAL HON MEMBERS: No,

MR. DEPUTY SPEAKER: Now, I shall put amendment no. 1 moved by Shri Mool Chand Daga to the vote of the House.

Amendment No. 1 was put and negatived

MR. DEPUTY-SPEAKER: Now, I shall put the consideration motion of the Bill to the vote of the House. The question is:

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

The motion was adopted

MR. DEPUTY SPEAKER: Now, we shall take up clause-by-clause consideration of the Bill. The question is:

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

The motion was adopted.

Clauses 2 and 3 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS, (SHRI P. SHIV SHANKAR): Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed."

MR. DEPUTY SPEAKER: Now, Shri Jyotirmoy Bosu, Only three minutes, you have. Third reading.

(Interruptions)

SHRI JYOTIRMOY BOSU (Diamond Harbour): No, No, Sir.

(Interruptions)

Sir, I am surprised.. *(Interruptions)* Sir, I am surprised that this is a Bill where it was a must for the Industries and the Commerce Minis-

er to remain present, and the Law Minister could have assisted them in the matter of legalisation.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Giving a facade of legality to an illegal thing.

(Interruptions)

SHRI JYOTIRMOY BOSU: This Ordinance and the Bill.

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Chatterjee, You are not walking out on this?

(Interruptions)

SHRI JYOTIRMOY BOSU: This reminds me, Sir, what happened in 1974.

(Interruptions)

When American private sector multi-nationals—their uni-nationals to be more correct—had demanded certain, fantastic concessions including the release of FERA, Income-tax Act, Customs shackles and so on so forth, this Act is nothing but a Trojan Horse and the indecent haste with which the matter has been handled in the matter of promulgation of this Ordinance and this enactment makes any right thinking person highly suspicious. The whole thing is nothing but a shaky operation. Sir, where are they working? This will only benefit the multi-nationals to the most and what are they aiming at? They are aiming at areas of low priority consumer goods, which are highly profitable. Even time will tell you slowly Sir. And the Government I would not say that they are living in a fool's paradise—for this purpose they are taking the country for a ride because we know, Sir, what consideration this sort of Ordinance and Bills passed in this House would get. I have heard the name of Tandon Committee. How many of our friends know that Tandon was the Chairman of the Hindustan Lever which is a multi-national

private plundering and private agency in this country? (Interruptions).

Therefore, Sir, the country will be put into the hands of the same multi-nationals and the multi-nationals will go and do as they have done in Latin America, in Chicago. We have seen that the multi-nationals will consume the administrative machinery and that is what is happening and it will be a collaboration of pirates and economic criminal to open the flood-gates for them for looting, Sir.

(Interruptions)

MR. DEPUTY-SPEAKER: There are one or two others of your party representatives. Shri Somnath Chatterjee (Interruptions).

SHRI JYOTIRMOY BOSU: I have nothing to do with Shri Chatterjee.

(Interruptions)

MR. DEPUTY SPEAKER: They are your party representatives.

(Interruptions)

SHRI JYOTIRMOY BOSU: You are laughing at this. Mr. Chatterjee has nothing to do with this party. (Interruptions). When you are wanting to nationalise import and export they are now opening the floodgates to the multi-nationals for all sorts of things. (Interruptions). This MRTP Act is amended. They are amending the MRTP Act. Why do not they throw the MRTP Act, the books, the documents and the whole set up into the river holy water of Jamuna because I know how the MRTP Commission is functioning. One Chairman had issued a statement, a public statement, that the Government are not sending monopolies cases to us so we are unemployed Amending is a facade but the facade even this they do not want to do; they do not want to make any amendment but they talk about export, etc. etc. (Interruptions). As the Hon'ble Minister (Interruptions).

Disapp. of M.R.T.P.
(Amdt.) Ord. 1980 and
M.R.T.P. (Amdt.) Bill

(Shri Jyotirmoy Bosu)

Now, they are doing exactly (*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Bosu, time... (*Interruptions*)

MR. JYOTIRMOY BOSU: So, don't keep on worrying.

MR. DEPUTY SPEAKER: You go on speaking. (*Interruptions*).

MR. JYOTIRMOY BOSU: Sir,.... (*Interruptions*)

MR. DEPUTY SPEAKER: You have completed. .? (*Interruptions*) You have taken more than an hour. (*Interruptions*)

MR. JYOTIRMOY BOSU. Then, I don't want to speak. (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Arakal. He does not want to speak (*Interruptions*)

MR. JYOTIRMOY BOSU. The Deputy Speaker got. (*Interruptions*) I don't want to speak like this. (*Interruptions*).

MR. DEPUTY-SPEAKER: Shri Arakal.

SHRI XAVIER ARAKAL: I do not want to speak.

AN HON. MEMBER: Let him complete his speech.

MR. DEPUTY-SPEAKER: He does not want to speak. I cannot compel him.

(*Interruptions*)

MR. DEPUTY-SPEAKER: You said you are not speaking. (*Interruptions*)

AN HON. MEMBER: He cannot browbeat like this. (*Interruptions*)

MR. DEPUTY-SPEAKER: We have already crossed the time of more than one hour.

SHRI JYOTIRMOY BOSU: You are making a misuse of the powers.. (*Interruptions*)

MR. DEPUTY-SPEAKER: Now are you speaking? No. (*Interruptions*)

SHRI JYOTIRMOY BOSU: How much time is given for the third reading?

MR. DEPUTY-SPEAKER: Now, the question is:

"That the Bill be passed."

Those in favour will say 'Aye'

SOME HON. MEMBERS: Aye.

MR. DEPUTY-SPEAKER: Those against will say 'No'.

SOME HON. MEMBERS: No.

MR. DEPUTY-SPEAKER: The Ayes have it.

SHRI ATAL BIHARI VAJPAYEE (New Delhi): The Noes have it. If you do not allow opposition members to speak, the House will be divided.

MR. DEPUTY-SPEAKER: Let the lobbies be cleared. (*Interruptions*)

MR. DEPUTY-SPEAKER: Let all these things not go on record

18.00 hrs.

MR. DEPUTY-SPEAKER: The lobbies have been cleared.

SHRI K. P. UNNIKRIISHNAN: On a point of order. It is already past six now.

MR. DEPUTY-SPEAKER: It is not past six.

SHRI K. P. UNNIKRIISHNAN: It is already past six.

MR. DEPUTY-SPEAKER: This started earlier. This 'lobbies are being cleared' and then asking for division, etc. all that started earlier. I cannot stop it in the middle. I would complete the voting. Now, the lobbies have been cleared.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.01 hrs.

PAPERS LAID ON THE TABLE—
Contd.

NOTIFICATION UNDER CUSTOMS ACT, 1962 AND CENTRAL EXCISE RULES, 1944