

14.43 hrs.

# MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL

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

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

The Monopolies and Restrictive Trade Practices Act, 1969 has been on the statute book for 12 years now. The question of undertaking its comprehensive review, in the light of the experience gained during more than a decade of its working, and introducing necessary changes therein, on the basis of such a review, has been under the consideration of the Government for quite some time past. A high-power expert Committee, which under the Chairmanship of Justice Shri Rajendra Sachar, reviewed the working of this Act, along with the Companies Act, as made a number of useful recommendations in its report, submitted in August, 1978, with a view to streamlining it and removing unnecessary snags and irritants. The need for modification in the provisions of the Act has become more pronounced in the context of our goal of achieving higher productivity during 1982, which has been declared by our esteemed Prime Minister as the Productivity Year. While I propose to introduce, in the course of next

few months, a comprehensive bill in the light of this review of the functioning of the Act, as a whole, I have, for the present, sought leave of the House to introduce this short Bill, touching mainly upon the provisions of Section 21 and 22 of the Act, which deal respectively with the question of ‘substantial expansion’ and ‘establishment of new undertakings’. The main aim is to give quicker fillip to production for which sanctioned capacities already exist but which have not been fully installed and also to enable Government to move faster in certain critical sectors of national economy, including exports, where acute shortages prevail which are inhibiting the growth of economy and causing hardship to the common man. Simultaneously opportunity has also been taken to remove certain lacunae and loopholes brought to surface in the actual implementation of these two legal provisions and to establish a more harmonious relationship between them and the corresponding provisions in the Industries (Development and Regulation) Act, 1951. The amendments also seek to reflect in certain areas, the current thinking on monopolies legislation in other countries whose experiences could be usefully shared by us.

Before I deal with the various substantive modifications sought to be made by the legislation before you, let me clearly and categorically affirm our total commitment to the basic objective of the MRTP Act which is to ensure that the operation of the economic system does not result in the concentration of economic power to the common detriment. In fact, it is our clear view that the proposed amending legislation seeks to reinforce this cardinal tenet. I should respectfully submit that misapprehensions in this regard expressed by some Hon. Members on the floor of the House when this Bill was introduced are based on misunderstanding of the aims of the legislation. In fact, a closer study of the provisions of

the proposed amendments would demonstrate that efforts have been made only to fortify the socio-economic philosophy enshrined in the Preamble of the Act and Section 28 thereof. Let me also reassure the Hon. Members that this Government is fully and unequivocally wedded to the philosophy that growth of large houses should be curbed if they cause 'common detriment', and militate against the over-riding consideration of 'public interest'. This approach constituted an integral part of our election manifesto, continues and would continue, to be our guiding principle in future too.

I am sure Hon. Members of the House on all sides would readily share the view that there is paramount need for augmenting and speeding up production facilities in the country and more particularly in the core sector since they have a multiplier effect on the growth of the national economy and ultimately affect the welfare of the people. The short Amendment Bill before you seeks to channelise the skills and the resources of the large houses in this direction without in any way diluting the basic objective of containment of concentration of economic power to the common detriment. This measure, when implemented, should give an impetus to the economy and ensure self sufficiency and self-reliance. The proposed measures are motivated by these considerations and nothing in them should be construed as an overt or covert invitation to the big business to acquire any unfair advantage let alone a stranglehold on our economy.

**SHRI SOMNATH CHATTERJEE** (Jadavpur): You are anticipating arguments. (*Interruptions*)

**SHRI JAGANNATH KAUSHAL:** Some fears were expressed at the time of the introduction of the Bill that the proposed legislation may adversely affect the interests of the public sector

and the small scale. I am confident that the public sector is big and strong enough to take care of itself in areas where it operates. However, let me assure the House that it is Government's firm policy not only to safeguard the interests of the small scale but to encourage them in every possible manner so as to enable them to enter newer and bigger areas of production. Nothing would be allowed to come in the way of their legitimate demands for expansion or maximisation of their production.

The amendments, proposed in the Bill, seek to provide, among other things, the revised definition of 'dominant undertaking'. Taking into account the vast size of the country, as also the thinking in some other countries of the world as to what share of the market should give rise to 'dominance', it is proposed, in line with the recommendations of the Sachar Committee, to lay down one-fourth share of the market or productive capacity as the criterion for determination of dominance. At present 'dominance' is determined on the basis of control, supply, production, etc., of one-third of total goods, services, etc., in organised sector. While the existing criteria for determining dominance on the basis of its share in production, distribution, supply or rendering of services are proposed to be retained, the Bill seeks to lay down a new criterion for determining dominance in the case of undertakings which are required to obtain licence under the Industries (Development & Regulation) Act. In other words, in the latter case, an undertaking will be deemed to be dominant so long as its licensed capacity for the production of goods of any description is one-fourth or more of the total installed capacity in the country for the same goods.

It is also proposed to adopt 'licensed capacity' as the test for determining substantial expansion of undertakings insofar as those undertakings come within the purview of the In-



[Shri Jagannath Kaushal]

dustries (Development & Regulation) Act. At present, even where the Government have sanctioned capacity to an undertaking and the undertaking concerned has only installed a part of the capacity so sanctioned, it cannot proceed to instal further capacity without further approval under the MRTP Act if such installation would lead to increase in production by more than 25 per cent or increase in value of assets by more than 25 per cent. It is felt that a capacity having already been sanctioned with due regard to the demand for the relevant goods and the availability thereof there would be no additional concentration of economic power if such capacity is sought to be installed upto the extent approved. Consequently approval under the MRTP Act may not be insisted upon.

As stated by me at the time of introduction of this amending legislation, we in the Government, have also availed of the opportunity of plugging some loopholes in the present enactment. It has thus, been proposed to take away the exemption under section 21 (4) of the Act that is now available for expansion to any extent in the manufacture of 'the same or similar type of goods' which an undertaking (not a dominant one) may be producing is however small quantity now. This tended to distort and defeat measures of Government to keep large houses away from certain areas where their presence was not considered expedient from the overall view of the national economy. Since production of goods in such conditions has the effect of unnecessarily tying up physical, monetary and material resources which could be deployed elsewhere to better advantage of the economy, it is considered desirable that this exemption is done away with. Accordingly, the exemption under section 21 (4) *ibid* as now available for the additional manufacture of same and similar goods so long as they are not dominant in that item is sought to be taken away. This, I

presume will be welcome to the House.

At the same time, it is proposed to give an important dispensation to all undertakings in regard to the proposals for modernisation, replacement, etc.—a point strongly urged by Sachar Committee. Accordingly, the proposed sub-section (4) of section 21 provides for exemption to proposals relating to replacement, renovation or modernisation of the whole or any part of the machinery or other equipment of the undertaking or by the installation of any balancing equipment. The proposed change is in conformity with the policy of the Government of encouraging wholeheartedly modernisation, updation of technology and adoption of more modern and improved techniques for stimulating production.

The existing provision contained in Section 22 of the Act is at present not applicable to 'dominant' undertakings covered by section 20 (b) of the Act with the result that expansion proposals of dominant undertakings by way of establishment of new interconnected undertakings for production of same or similar type of goods in which they are dominant are not covered by the provision. This is a serious lacuna as a dominant undertaking can assume even more economic power without scrutiny by the Government. This situation is now proposed to be met by providing that Section 22 (1) relating to establishment of new undertakings would be applicable to both types of undertakings covered under Section 20 (a) as well as Section 20 (b) of the Act.

It has also been proposed to seek power under the Bill to exempt, for a specified period and subject to specified conditions, such industries as are notified by Government from seeking approval under the MRTP Act for substantial expansion (Section 21) or setting up new undertakings (section 22). It is felt that such industries which are of high

national priority or meant for 100 per cent export etc., should be so notified with a view to speeding up production in the related item which would help meet the need and demands of the common man and the country. The power to notify such industries and services is proposed to be vested in the Government with a view to meeting the fast changing needs of the economy and the extreme desirability of taking expeditious action when necessary. All the same, Parliament would have ample opportunity of examining and discussing these decisions of Government in this regard as the proposed Bill also stipulates laying down of notifications before it as soon as these are issued.

Now, I move that, the House be pleased to take up consideration of the Bill.

Now, 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 Chitta Basu, are you moving your amendment ?

SHRI CHITTA BASU (Barasat):  
Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1982".  
(1).

MR. DEPUTY-SPEAKER: The main motion and the amendment are before the House for discussion.

Shri Somnath Chatterjee. Your Party has been allotted 15 minutes minus one minute. i.e. 14 minutes.

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, Con't allow them to monopolise in every thing.

The introductory speech, I am very sorry to say, the Hon. Minister has made a long speech and like the Bill it is quite in tune with the political attitude of the present Government regarding the industrial policy and it also shows the hiatus between what this Government preaches and what its Government practises. I know, why he made a long introductory speech because he is feeling very unhappy about the Bill which he seeks to carry through. Because, I believe that he has understood that this Bill is another example of and I say, the greatest example of surrender of this Government which now works only for the big business and against the common people. It has surrendered to the dictates of rich patrons in the industry and now there are international patrons and international Monetary Fund. This is quite evident in keeping with the concessions which are being made one after another. Since the new agreement, IMF agreement under which loan has been taken, one of the conditionalities is giving more and more concessions to the big business, the monopoly business and the multi-nationals. This is quite clear. They are now being whipped by the IMF to bring such legislation. This is one example of that.

If we trace the history of the applicability of the MRTTP laws since 1970 when it came into force, we shall find that this is being diluted more and more—on every occasion it is being diluted—in favour of the big business, in favour of those business which are concentrating greater and greater economic power in their hands. Now, Sir, the M.R.T.P., if I may be

[Shri Sannath Chatterjee]

allowed this liberty to say so, it can well be described as the *Monopoly Reward and Trade Protection Act*. No longer any restrictive provision is there. Sir, from the regulatory and restrictive legislation, it has gradually become a legislation for expansion and for providing greater concentration of economic power by means of executive patronage.

15.00 hrs.

In 1969, a Committee was constituted to go into the question of industrial licensing. It made its report. You remember, Sir, those were the days when our present Prime Minister took a very radical posture so far as the economic policy, the industrial policy, of this country was concerned. She had to take that attitude in the context of the split in the Congress Party in 1969. She nationalised the banks; she abolished the privy purses; she declared a war against poverty. The *Garibi Hatao* slogan was taken up, not the *Garibi Hatao* programme, and on various platforms she roared like a lioness against big business, monopolists and multinationals and the result was—it was said, “Yes, here is the MRTP Act, I have introduced. See how I am against big business and monopolists”. Now, that roar of a lioness has almost become the mewling of a cat, of course, with a grin.

This Committee gave its report in 1969. With your kind permission, Sir, I would like to read only certain very important extracts. It says, on p. 384:

“It may, therefore, not be considered surprising that during a large part of the period of our inquiry, not only was no attempt made to use licensing to prevent the further growth of the larger industrial Houses, but the process actually worked in their favour”.

That was the licensing policy of the Government upto 1969. Then, it says:

“Licensing failed to prevent the growth of capacity in less essential industries; and it could not be expected directly to ensure the creation of capacity in the more essential ones”.

It further says:

“Our studies, however, show that when there was a choice between the public sector on the one side and the private sector on the other, the licensing authorities in some important cases took decisions in favour of the private sector.

Finally, what can be clearly stated about the licensing system is that even within the limits of the system, the attempt to ensure the attainment of its specific objectives was half-hearted. Licences were issued in excess of capacity targets even in non-essential industries. Influential parties and Large Houses were permitted to pre-empt capacities”.

Again, it says:

“To recapitulate our general conclusion in the earlier Chapters, the licensing system worked in such a way as to provide a disproportionate share in the newly licensed capacity to a few concerns belonging to the Large Industrial Sector. The maximum benefit of all this went to a few Larger Houses”.

Lastly, I quote from p. 391:

“We hope that as a result of this proposed legislation, a Monopolies Commission will be set up with sufficient powers and adequate organisation to deal with the problems of concentration of economic power as well as product monopolies”.



That was the hope expressed and that seemed to be the basis of the Monopolies Commission and the M.R.T.P. Act.

Then, the Hon. Minister has himself referred to the Sachar Committee Report. Recently, the high-powered Sachar Committee went into the matter. With your permission, Sir, I would read out only a few passages.

On p. 248 of the Report, it says :

"The need to prevent concentration of economic power which may lead to common detriment did not suddenly emerge from the Act".

Then, it refers to the other committees reports, etc. It goes on to say:

"The Monopolies Inquiry Commission had also found that top 75 business houses (comprising 1,536 companies) had total assets of Rs. 2,605.9 crores which constituted as much as 46.9 per cent of the total assets of non-Government companies (being Rs. 5,522.14 crores). It also found that the paid-up capital of these houses was Rs. 646.32 crores which was 44.10 per cent of the total paid up capital of the private sector which was Rs. 1,465.46 crores".

15.05 hrs.

[SHRI CHINTAMANI PANIGRAHI *in the Chair*].

When the question of the activities of the MRTP Commission came up, the Sachar Committee has to say:

"As you are aware, it depends on the Central Government whether they will refer any matter to the Commission to look into or not. The matter initially goes to the Central Government. It is in the statistics of the Central Government that the Commission gets authority to look into or not".

What was the situation ? It says:

"Over the period, the Government has authorised relaxation of procedure in certain types of cases, in the public interest, according to the provisions of the Rules. Out of 618 effective applications received by the Central Government from 1st of June 1970 to 31st December, 1977, under certain Sections, only 59 cases were referred by the Govt. to the Commission".

Therefore, the hope that was expressed that the Commission will look into these matters and come to their own decision keeping in view certain basic economic and industrial policies preventing large concentration of economic power in the hands of the few or allowing them more and more dominance, was frustrated because out of 618 applications only 59 are referred to the Government.

Then it says in paragraph 20.16:

"Whatever may have been the reasons underlying the disposal of almost overwhelming number of cases by the Central Government itself, without making a reference to the Commission, it cannot be imagined that when in the Act a provision was made of giving discretion to the Central Government whether or not to refer the matter to the Commission, it would lead to the situation of almost total elimination of the role of the Commission. Criticism, therefore, that the Commission has ceased to play an effective role in the consideration of matters relating to concentration of economic power, as visualised in Sections 21, 22 and 23 cannot but be held to be justified. No doubt. On the other hand, sometimes to say that there is an inbuilt resistance to allow expansion or setting up an undertaking on the part of the Government.."

I am sure that in the assets of large business houses, there has been consi-

[Shri Somnath Chatterjee]

derable increase right through all the period. The Monopolies Enquiries Commission had estimated that in 1963-64 the assets of non-Government and non-banking companies amounted roughly to Rs. 5,552 crores. The latest figures for top 20 business houses which are registered under the MRTP Act shows that the assets have risen from Rs. 2,430 crores in 1969 to Rs. 4,465 crores, in 1975, the percentage of increase of assets between 1970 to 1975 being 68.6% when there was a *Garibi Hatao* slogan. It is interesting to know that in 1975, the first two large industrial houses of this group of 20, has assets of Rs. 1,760 crores which works out roughly to 40% of the total assets of the top 20 industrial houses. The percentage of increase in value of assets of the top 20 large industrial houses shows that from 1969 to 1975 it varied between 29.9% to 83.7%.

This has been the result of the working of the MRTP Act. This has been the result of the Central Government's attitude in dealing with the applications. This is supposed to be in keeping with the preamble of this Act, namely, the 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.

I have been reading from the report of the High-Powered Committee on which the Hon. Minister has himself relied. This is the position.

"A well-known author, Prof. Goyal in his book had said:

"With the rapid growth of business concentration in the Indian private sector....."

"....As also the phenomenal expansion of the top business Houses, basically has been possible not in spite of the government policies and

radical pronouncements but because of the 'high level' decisions authorizing deviations from the Economic Programme Committee Report of 1948 and the Industrial Policy Resolutions of 1948 and 1956".

This has been the contribution of the Government. Instead of checking economic concentration, their policy is directly resulting in greater and greater concentration of economic power in the hands of fewer and fewer people.

If you look at page 112 of this book, a very authoritative book, you will see what is role the nationalised banks are playing. It says on page 112:

"The total amount of financial assistance to the private sector extended by the public sector financial institutions, since their inception upto the end of March, 1977, stood at more than Rs. 5,182.3 crores sanctioned and Rs. 3,649.7 crores disbursed".

You can see for whose benefit our nationalised banks' resources are being utilised. A farmer will not get money, a small businessman will not get money; they have to find out security. This is the position.

I will show the results further. The figures which are ready in my hand are these. The Tatas' assets from Rs. 10.46 crores in 1937 came up to Rs. 980.77 crores in 1976, the Birlas' from Rs. 1.79 crores in 1937 has come up to Rs. 974.63 crores in 1976. Now they have got the four-digit figures—more than Rs. 1,000 crores.

Therefore, I submit that the whole object of this Amendment is not what the Hon. Minister says. It is nothing but the result of your complete surrender to these big business houses, your obligation to carry out the desires of the IMF.

The time allowed for me is short, although this Bill is very important ; there are many facets of the Bill we have to go into. Kindly look at the Statement of Objects and Reasons. The Hon. Minister has said in his opening speech that some sort of a comprehensive Bill will come. Then why this piecemeal legislation ? For whose benefit ? I hope to establish here that the whole object is taking power in the hands of the Government to give exemptions, to give political patronage, in return for obvious things. This is nothing but opening the flood-gates of political corruption which is now eating into the vitals of the body politic of this country. If there is an exercise going on for a comprehensive legislation, why has this piecemeal legislation come ?

There are one or two welcome moves in this Bill, there is a reduction from one-third to one-fourth in the proportion ; we welcome that. But by the change in the definition of 'dominant undertaking', we want to know, how many undertakings, which are now out of the net of the MRTP, the Hon. Minister expects will come within the ambit of this legislation.

MR. CHAIRMAN: Please try to conclude.

SHRI SOMNATH CHATTERJEE: I am very sorry, I have to hurry up. The time is very short. Kindly see Clause 3 (b) of the Bill which seeks to make a change in sub-section (4) of Section 21. It is very important. The Hon. Minister has said that previously the law said that, if there was an expansion relating to production of the same or similar type of goods, the question of non-applicability of the Act came which was a sort of deterrent factor. Now they are providing that nothing in this section shall apply to undertakings where there is replacement, renovation or modernisation of the whole or any part of the machinery or other equipment or installation of

balancing equipment. Our experience is rather unfortunate. In the name of modernisation nobody knows what type of machines will come and what will be the result of the modernisation and what will be the increase in the capacity and in the production out of the machines. Once there is modernisation it goes out of the Act and modernisation may result....

MR. CHAIRMAN: The Hon. Member's time is up. He has already taken 18 minutes.

SHRI SOMNATH CHATTERJEE: The position is this. We know in the name of modernisation what happens. If I may read only one extract....Sir, if I am to hurry up in this matter which is a very important one....You have been making a close study and you know how important it is.

The position is this. Recently in a very important journal there is an article and I hope the Hon. Minister will have some time to read it. Of course, if he is not allowed to read, I do not know. In *The Economic and Political Weekly* of 5th June issue a very instructive article has come and I do request the Hon. Minister to go through it. It says that in the name of modernisation and in the name of balancing equipment what happens is that there is a tremendous increase in the production potential and modernisation brings about a three-fold increase which otherwise brings it under the MRTP Act. Now clause 21 says that nothing will apply if there is modernisation. Otherwise it will have come within the Act. They will be outside this the Act because of this. There is no guideline. No guidelines have been given. What is balancing equipment—the explanation tries to give a meaning. But this modernisation and expansion, modernisation, replacement, renovation may mean any new machines of unlimited value. Nobody knows. It gives a



[Shri Somnath Chatterjee]

tremendous impetus to extra production. Because you are operating within this system you are not allowing me more time.

Before I sit down, I may record my emphatic protest and objection to the Central Government arrogating power to itself. I mean Clause 22-A. Clause 22-A now gives power to grant complete exemption to a number of industries on the plea of national priority, on the plea of export and on the plea of establishment of a free trade zone. Let us take the exports. How do you ensure that every quantity is exported? Already, the industrial policy of the country has been diluted by providing that if there is 60% export, then they are allowed to expand and increase the production. 40% goes to the domestic market. There is no control whatsoever and there is no assurance and there is no scheme of seeing that really there is an export of the entire quantity. They know how to get out of this.

Then the free trade zone—we are yet to develop. So many benefits will be given. I do not know how the benefits will be utilised.

Then come to national priority. There is section 28 of the Act. The Hon. Minister himself has referred to Section 28. It lays down guidelines to decide in which cases the Government will apply the standard and not apply the standard. Then under Cl. 22-A they are taking the power to grant blanket exemptions to any businesshouse they want. They can favour any large businesshouse or multinational they want on the ground that there is so-called high national priority. No salutary guideline is being laid down. Under Section 22-A you are assuming this power to itself. We say and we charge this has been brought post-haste when there is a comprehensive examination going on into the working of the Act and also the provisions of the Act to see what changes can be made.

A comprehensive report has been given by the Sachar Committee. They have picked up the one which nobody has recommended because, before the election, it would open the floodgates. This will be utilised further for political purposes, for the political corruption and economic corruption in this country. Therefore, they are satisfying the two masters in the same stroke — one is the IMF Master and the other Master is the big business houses in this country. Out of them, they want to make money and that is why the power is given.

As already stated, out of more than 600 applications, only 59 are referred to the Commission. The Commission has almost become an ineffective one. The Central Government wants this power in their hands which in the name of controlling the concentration of economic powers they would utilise for their own political purposes. That is the real object of this Bill. We are strongly opposing, particularly, Clause 5 of this Bill.

MR. CHAIRMAN : Shri Bhiku Ram Jain.

SHRI BHIKU RAM JAIN : (Chandni Chowk) Mr. Chairman, Sir, I rise to welcome the amendment that has been proposed by the Hon. Minister in regard to the Monopolies and Restrictive Trade Practices Act and now my friends have laughed at that.

15.21 hrs.

[SHRI SOMNATH CHATTERJEE *in the Chair*]

Have I a right to say something about what you said? I hope I will not be misunderstood by you.

MR. CHAIRMAN : Most welcome. So long as you do not bring in the Chair, you are most welcome to do so.

**SHRI BHIKU RAM JAIN :** I only wanted to say this. What you were saying about this amendment was in the context of the M.R.T.P. Act of 1969. When the Act came into force in 1970 the language used was that this act was to provide that the operation of the economic system did not result in the concentration of economic power to the common detriment....

**SHRI INDRAJIT GUPTA** (Basirhat) : That is a Directive Principle in the Constitution.

**SHRI BHIKU RAM JAIN :** That is also in the Constitution. But, what he was talking of was about the industry, business and the monopoly houses and, unfortunately, he was only talking about the Tatas and Birlas and about the other large houses and had not talked as to how it had been detriment to the common man.

India was a country which before Independence, had been importing even the most ordinary things from other countries. We were just an importing country and all the traders and merchants, whether they were in Bombay or Calcutta or Delhi used to write on the sign boards as importers and wholesalers. Recently, in the last thirty-five years after Independence, due to the policy pursued by the Government, this country is now put on the map of the industrialised countries in the world. Probably, if I remember aright, we are the seventh in the world as an industrialised country and I think that it is this policy which has made us to enter into this category. Sir, India is a large country and it is a consuming country. Now, India is an exporting country. Unless we produce, we can never solve our domestic problems nor can we solve our export problems. Therefore, I would submit that let us keep two things in mind—have we produced according to our own needs or have we continued

to remain dependent on the imports ? Has our import bill to remain as it was before? Mr. Chairman, Sir, I am of the opinion that the policy that had been pursued in collaborating with the foreign countries was very much national, very much belonged to all of us. You may say that this is Tata's company or Birla's company but I would say that they belong to thousands and thousands of people—the shareholders. If we do not allow them to expand or if we do not encourage them and if we do not encourage them to modernise then how shall we be put on the map of the industrialised countries ? We are already very much behind ; we have been sold used machines by these foreign countries who collaborated with us. Since we did not know anything, we had to buy them ; we had to go in for their collaboration agreement under duress because none of us knew anything about the production.

Now that we are in a position to understand what production is and what modernisation is. If we want to modernise our factories then can it be called against the national interest or will it be taken as against the principles mentioned in our Constitution or in the Act ?

Mr. Chairman, Sir, I only wish that we forget for a minute that there are 63 or 64 large monopoly houses but let us think that when our teeming millions in this country need certain things which are in shortages, what should be done ? We have been complaining that such and such a thing is not available in this country and, therefore, there is a black-market and unless, therefore, we solve these problems through production we shall always remain in that dilemma.

Sir, I do not know how much should I appreciate the licensing policy—You have been criticising it by

[Shri Bhiku Ram Jain]

yourself—but it has not given us the progress as we should have made in these thirty five years. I would like to submit that along with the progress made by Birlas and Tatas and other big houses there is side by side great progress made in the small scale and cottage sectors. There are thousands and thousands of small-scale manufacturers in the country. These people provide ancillary goods to these big manufacturers to be made available to the consumer. Sir, we are proud of the fact that earlier what we were importing now we are exporting and our goods are in great demand abroad. What is there which is not demanded? But we cannot produce as much as there is demand. If we cannot produce as much as there is demand both internally and outside then I would submit that the tempo that has been built in the country will go waste and we shall go backward.

Sir, there are quite a large number of sick mills and these sick mills are due to paucity of funds and due to uneconomic working of the mills because there is an embargo that they cannot produce beyond a certain quantity of goods. I think ours is the only country where there is embargo on production. Every other country wants there should be as much production as there can be and in this country there is embargo on production and that too in the name of common good.

Sir, you were talking about the party in power and that the Minister has brought in this Bill for certain obvious reasons, viz., election and political reasons, etc. Unfortunately I did not hear anything about the intention of this Act which has not been fulfilled so far in your opinion, and that it is for the common detriment. How is that going to be fulfilled? What is the proposal that the common detriment is being affected and it should be done in such a manner so that productivity

does not suffer and it is not detrimental to the common people.

Sir, I represent Delhi and we have a problem in Delhi. There are 75,000 small scale and cottage industries units within the walled city or in the non-conforming area. They have sprung up during the past 25 years and they are manufacturing to such an extent that they are satisfying the needs of the people to a large extent. I, therefore, wish to say...

AN HON. MEMBER : This Bill does not concern that.

SHRI BHIKU RAM JAIN : This Bill concerns the large industries, viz., about sixty-five industrial houses called monopoly houses only but then it is a matter regarding productivity and, as such, we should look it up from that angle. In my opinion, during the last 12 years after MRTP Act came into force the progress in Industry has suffered. It could have been better if there were no restrictions. I am appreciating the measures that have been taken in this amending Bill. This amending Bill would enable the manufacturers to go upto 25 per cent more of their present production and if they are wholly export-oriented then to any extent. Everybody will welcome this measure.

Therefore, Sir, my only suggestion would be let us not look it up from a political angle but let us look it up from productivity angle, employment angle and financial angle. I am afraid if we do not look it up from these angles then the things would be different and expansion would suffer. India is a large country and will be on top of the industrialised countries because of the acumen of its workers and if the Government does not give proper opportunities and incentives then, I am afraid, things would be difficult. There is Indian Companies Act and the Industries (Development and Regulation) Act having all the controls... and with this MRTP Act,



much larger control is now being enforced on industries. I therefore submit that if we can give them more concessions in order to see that productivity goes up, it will certainly be for the benefit of the people. We have to see that certain essential things needed by them are made available to them. More production will result in reduction of the consumer price all round. It will give them better quality things, and Indian things.

These are the few points which come to my mind. I submit for the consideration of the honourable House that the Amendment now proposed by the Hon. Minister may be accepted. Thank you.

प्रो० अजित कुमार मेहता (समस्तीपुर) : सभापति महोदय, एम आर टी पी एक्ट आर्थिक सत्ता के विकेंद्रीकरण का एक बहुत बड़ा औजार हो सकता था। एम आर टी पी एक्ट के तहत बने हुए कमीशन ने अपने प्रशासनिक प्रतिवेदन में जो कुछ कहा है, मैं उसको उद्धृत करता हूँ। इससे पता चलेगा कि वह कमीशन कितना प्रभावशाली है और इस एक्ट की कितनी उपादेयता है।

“The Commission will have very little role to play in the matter of checking the concentration of economic power as it can enquire into only such cases which are referred to it by the Central Government.

Such references are going to be very few in future in view of the position mentioned by the Government.”

मुझे प्रसन्नता है कि मंत्री महोदय या सरकार ने यह समझ लिया है कि एक्ट में त्रुटियाँ हैं। इसी कारण इसके संशोधन की व्यवस्था की गई है। किन्तु यह व्यवस्था

खण्डों में क्यों की जा रही है? जब सरकार समझती है कि इस बारे में एक कांस्पिरेंसिव बिल लाने की आवश्यकता है, तो फिर यह संशोधन छोटे-छोटे खण्डों में क्यों किया जा रहा है?

श्रीमती कृष्णा साहो (बेगूसराय) : माननीय सदस्य की आवाज सुनाई नहीं दे रही है। वह माइक पर बोलें।

श्री जयपाल सिंह कश्यप (आंवला) : इनको देश और पब्लिक की आवाज सुनाई नहीं देती। यहां पर एम० पी० की आवाज सुनाई नहीं देती।

प्रो० अजित कुमार मेहता : “डामिनेंट ग्रंडरटेकिंग” की जो परिभाषा की गई है, उसको और सुद्ध करने की आवश्यकता है। नई परिभाषा में उत्पादन को आधार माना गया है। इसमें कहा गया है कि यदि लाइसेंस कैंपेसिटी का एक-चौथाई उत्पादन हो, तो वह इस एक्ट के तहत आयेगा। वह काफी नहीं है, क्योंकि सरकार अपनी औद्योगिक नीति के अनुसार, जिन कम्पनियों और कारपोरेशन्ज ने असंवैधानिक तरीके से अपनी लाइसेंस कैंपेसिटी से अधिक का इनस्टालेशन कर लिया था, उसको रेगुलराइज करने जा रही है। तो जो लाइसेंस कैंपेसिटी का एक-चौथाई हिस्सा उत्पादन होगा, उसके अनुसार परिभाषा करना किसी प्रकार उचित नहीं है।

अगर केन्द्रीय सरकार की इच्छा हुई, तो किसी उपक्रम के विस्तार अथवा बड़े घराने के द्वारा किसी नये उपक्रम को स्थापित करने के आवेदन को कमीशन के पास रेफरेंस के लिए भेजने का प्रावधान है। इस प्रावधान के कारण ही इस एक्ट की सारी उपादेयता समाप्त हो जाती है और आयोग केवल

[श्री अजित कुमार मेहता]

सिफारिशी आयोग में परिवर्तित हो जाता है। अतः सुभाव है कि इस प्रकार के सभी आवेदनों को स्वतः अनिवार्य रूप से आयोग के पास भेजने की व्यवस्था होनी चाहिए। यदि ऐसा संशोधन आपका होता तो व्यापक रूप से उसका स्वागत किया जा सकता था।

आयोग पर आर्थिक सत्ता केन्द्रीयकरण रोकने में असफल होने तथा इण्डस्ट्रियल ग्रोथ को रोकने का आरोप लगाया गया है। इस को दूर करने के लिए कुछ ऐसे प्रावधान करने चाहिए थे और जो एन्टरप्रिन्योर (आवेदक) हैं उन्हें अधिकार दिया जाना चाहिए था कि वे अगर यह पावें कि वेस्टेड इन्ट्रेस्ट, यानी बड़े घराने या एकाधिकार वाली जो कम्पनियां हैं, वह नौकरशाही को मैनिपुलेट करके उनके रास्ते में रोड़ा अटका कर उन्हें निरुत्साहित कर रही हैं तो सीधे आयोग के पास अपना आवेदन कर दें और आयोग निष्पक्ष रूप से जांच-पड़ताल करके अपनी सिफारिश दे। अभी जो प्रावधान है उसमें आयोग को केवल एक सिफारिशी संस्था के रूप में परिणत कर दिया गया है। यदि आप पिछले रिकार्ड को देखें तो पता चल जायेगा कि आयोग के पास बहुत कम कम्पनियों को रेफर किया गया है और इसमें बहुत कम काम हुआ है जबकि वहां पर कम से कम समय में अधिक से अधिक केसेज का निपटारा होना चाहिए था।

इसके अतिरिक्त 22-ए में जो प्रावधान किया गया है :

“22A (1) The Central Government may, by notification in the Official Gazette, direct that subject to such terms and conditions as may be specified in the notification all or any of the provisions of Section 21 or Section 22 shall not apply to any proposal—”

यह जो धारा है :

“Provided that no industry or service shall be so specified unless the Central Government is satisfied having regard to all relevant factors that it is of high national priority ;”

सेन्ट्रल गवर्नमेंट ने जो सारे अधिकार स्वयं ही अधिग्रहीत कर लिए हैं उसके उपरान्त इस आयोग की आवश्यकता ही क्या रह जाती है ? केवल जांच करने और जांच करके अपनी सिफारिश देने के लिए ? इस आधार पर मैं खास तौर से इस प्रावधान का विरोध करता हूं वैसे तो पूरा संशोधन विधेयक ही स्वागत-योग्य नहीं है। जब आप काम्प्रिहेंसिव बिल लाने की बात करते हैं तब आपको काम्प्रिहेंसिव बिल यहां पर लाना चाहिए।

इन शब्दों के साथ ही मैं अपना वक्तव्य समाप्त करता हूं।

धन्यवाद।

SHRI CHINIAMANI PANIGRAHI (Bhubaneswar) : Mr. Chairman, Sir, from this side of the House, we always look to the objective conditions of our economy prevailing at a given time and also we look always to the bright side of the thing, not see gloom all around. Sir, it is very assuring that our Hon. Minister while introducing this amending Bill in this House, has strongly reaffirmed our party's and our Government's commitment to prevent concentration of economic power in the hands of a few monopoly houses in this country, because, Sir, this M.R.T.P. Act has a very long background and the Congress Party had fought one of the bravest battles during 1965 to 1975 and the entire country knows it and the Congressmen today should be inspired by those days of 1971 when

the M.R.T.P. Commission's Bill was brought forward before this House. We can never forget this glorious past.

As a student of history and economics, sometimes I fail to understand why our progressive-minded people and the left-wingers of our country, whom we always think that they stand for progress, should have a phobia that we are doing everything under the direction of I.M.F. We are a free country and a sovereign country and this House is the sovereign body of our country. If we say that we do everything in this House from 11.00 a. m. to 6.00 p.m. because the IMF wanted us to do that, that does not speak well of a sovereign country and the citizens of a sovereign State. We know very well that even countries like China are trying their best to get assistance and aid from IMF to build their country, and China is not to the right; it is left-adventurist, or it has come to the left of centre. Therefore, we should not always be very much worried about this.

There is no doubt that at present we urgently need modernisation of our countries. And as the trade deficit is rising, we urgently need to increase our productivity and to expand our exports, because today our trade deficit comes to about Rs. 5000 crores. We want to make it up. We have also to decide our national priorities and in this background, this small amending Bill is welcome; it is a step in the right direction. However, I would like to plead one thing with the Hon. Minister. There was a proposal to bring forward a comprehensive Bill for amending the MRTP Act; perhaps about 600 amendments were proposed. I do not know, why an amending Bill with only three-four amendments has been brought forward. But I hope that in the new few months, a comprehensive Bill will be brought

forward and all the objectives that we want to achieve will stand vindicated.

The other welcome feature of this Bill is the revision of definition of dominant undertakings. This would bring a few more companies in the list of dominant undertakings. Today, the number of such undertakings is about ninety. Because of the proposed revision of the definition of dominance, from one-third to one-fourth, another thirty to forty more companies will come in the definition of dominant undertakings.

At present, under the provisions of Section 22 of the MRTP Act, dominant undertakings are permitted to set up new undertakings for new lines of production without the prior approval of the Centre. However, with the proposed amendment to Section 22, even the dominant undertakings will have to obtain the approval of the Centre. In such a situation, we can have a choice whether to allow them or not, and in which sector we can expand and we cannot expand. This would help us considerably.

So far as the export-oriented industries are concerned, I do not know how far the Hon. Minister has tried to get information, but I have my own information about them. The scheme for having hundred per cent export-oriented industries was started in 1980 and 110 units were to be started, but so far in these two years only two units have been set up, and the cash compensatory allowance that we were paying to compensate for the losses leads to a huge trade deficit. Now, industries having national priority and hundred per cent export-oriented industries will be exempted for expanding their production. These are welcome amendments.

As I said in the beginning, our party stands committed to certain progressive ideas, and we look at



[Shri Chiniamani Panigrahi]

things always from that point of view. I was glad, Mr. Chairman, that you read out from the report of the MRTP Commission, and how the Commission received a few applications. All these things are being reviewed, looked into and examined.

The Directive Principles of State policy enshrined in Article 39(b) of our Constitutions enjoin on the State to ensure that the ownership and control of the material resources of the community are distributed as best to subserve the common good. It further directs that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

SHRI MOOL CHAND DAGA :  
What is the achievement after this ?

SHRI CHINTAMANI PANIGRAHI : Their speaking and our speaking are quite different. I am speaking from the objective point of view and you are speaking from subjective point of view. Therefore, I would request the Hon. Minister that these things may be looked into very thoroughly.

I give below the assets of such industrial houses in 1979 and 1980 to make my point clear.

Name	Assets in 1979 (crores)	Assets in 1980 (crores)
Tata	1309	1538
Birla	1309	1431
Mafatlal	371	427
J. K. Singhanian	352.53	412
Thapar	291.01	348.06
I.C.I.	235.55	343.01
Sarabhai	249.52	317.94
A C.C.	211.96	274.51
Bangur	244.20	264.33
Sri Ram	208.65	241.00

In 1969, the assets of twenty large industrial houses were Rs. 2,430.61 crores. In 1975, it rose to Rs. 4465.17 crores and in 1980 the assets of 10 large houses increased to Rs. 5596.85 crores. The other ten houses have not been included.

The total number of undertakings that different industrial houses have are given as under :

Tatas—40 undertakings  
Birlas—62  
Mafatlal—24  
J. K. Singhanian—32  
Thapar—31  
Sarabhai—13  
Bangur—45  
A.C.C.—5  
I.C.I.—7  
Sri Ram—13.

There is no limit. Once they have started rising, they start rising. There is no limit.

We have given a commitment in our election manifesto that we are determined to cut the power of monopoly houses and I am sure that our Government is fully determined to do it and our Party stands by the ideals which we have to follow.

Therefore, in view of all those objective conditions and in view of our announcements and commitments to the people, while I welcome this amending Bill, I also plead with the Hon. Minister that he must bring forward a comprehensive Bill as promised so that our main objective of preventing concentration of economic power in the hands of a few large industrial houses is achieved and more and more wealth goes into the hands of the people at large.

You know very well, Sir, that our whole programme is to uplift the people from below the poverty line

and we have helped millions of people to come up economically. Why did we nationalise the Banks? It was because we wanted that the wealth should pass on to the villages. That is what is our commitment and our objective.

Therefore, while strongly supporting the Bill that has been brought forward by the Hon. Minister, I must also plead to him that he must look into the objective conditions so that we remain strictly true to our ideals that we have practised from 1971 onwards and that we live up to that spirit which really combines all the right and progressive forces in the country and that we could stand and fight the forces of reaction and defeat them in all battles that they fought against us.

SHRIMATI GEETA MUKHERJEE (Panskura) : Before I go in for discussing the Bill, I will just like to remind myself and all the other Hon. Members of the House about the report of the AICC's Economic Programme Committee which came out as long back as in January 1948. That Committee was Chaired by Nehru Ji. In that Committee, Hon. Ranga Ji was also there. He will remember that it recommended nationalization of all key industries, including banking and insurance. That Committee defined monopolies as industries in operation in more than one province. It even recommended that this nationalization be done within the next five years.

So, I am sure that those who were in the Committee, and those who swear by the name of Congress, all of them, have totally forgotten about this ill-fated resolution. If I remind them of this, I will be told that nationalization is now a phobia of Communists. Anyway, I would like just to remind them of that.

Why have I taken recourse to this? It is because many things may

be written in our legislations. But the test of the pudding is in the eating, viz. how a legislation is put into effect. That is the most important thing.

My time is very limited. I shall not go in for again repeating the great increase in the assets of the monopoly houses. Not only the monopoly houses, but also the other non-monopoly big houses which are not included under the so-called MRTIP Act, but which for all practical purposes are monopolies. So, that has been already stated by you, Sir, and also by Shri Chintamani Panigrahi.

Mr. Chintamani Panigrahi with his tongue in his cheek defends this Government's policies. The first half of his speech was really enjoyable ; it is only in the second half that he has brought out these points. So, I need not repeat them.

SHRI CHINTAMANI PANIGRAHI : You must read the whole speech, not one half of it.

SHRIMATI GEETA MUKHERJEE : But we must not forget that a huge increase has taken place in the assets of monopolies and of the top houses.

Now about the specific Act, viz. the Monopolies and Restrictive Trade Practices Act, and the related Act, viz. Industries (Discipline and Regulation) Act. Frankly speaking, about this particular Bill, you have all pointed out as to why it is being brought in, before a comprehensive legislation. I feel that this is being done, on the one hand to give some rush to the performance ; and on the other, to give a clean stamp to what they will be doing in future. Both are rolled into one. Mr. Panigrahi, everything can be seen rolled into one. So also your points. Your first clause and the last clause are vastly different.

[Smt. Geeta Mukherjee]

But before I go into it, I would like to say that it is really better to do away with the entire Monopolies and Restrictive Trade Practices Act, officially, because for all practical purposes, it is not there. Rather, it should be said that it was never operated upon. You see how the licensing policy has been effected. I have no time to trace all the stages of the licensing policy—how it has been diluted and what has been done. I will only refer to the last act of Mr Tiwari, viz. his statement of 22nd April in the House.

As the heads of the industries have put it, the Minister has really taken the reality into consideration, that is, he has clearly stated that practically all the excess capacity will be endorsed: and moreover, automatically 25 per cent capacity will be there. Then there will be again another 25 per cent capacity. That comes for the other things, that is, equipments, etc. And then on top of this, the excess capacity which is already generated plus 33 of the excess capacity.

Some economists have worked out, the economists of great repute, from Mr. Paranjpe to Mr. Gogal, whom he referred to, that in this way, every one of these people who have violated this capacity limitation, now under the present rules, will be able to produce legally at least 200 per cent and some others say, 400 per cent more than the licensed capacity that they have. What is the situation? You see on page 115 of INDIA TODAY, June 30, 1982, It says:

“Hindustan Lever has a licensed capacity of 70,018 tonnes of soap, but has recorded a production of 1,62,278 tonnes. Similarly, J. L. Morison's licensed capacity for medicated toothpaste is 31,250 kg. but production has been 67,196 kg.”

Now these are small scale sector things—soap and medicated tooth-

paste. But have you at any point of time penalised anybody in the last 30 years? Not a single case has been prosecuted for this excess capacity. Now they have regularised it. What a beautiful thing? Your entire licensing thing has been made into a farce.

Now, with the present situation, the Bill that you are bringing forward, you are saying that now “we have taken into consideration the recommendations of the Sachar Committee; that is way we have made it into one-fourth instead of one-third. How progressive we are, etc.” Even for this one-fourth, the Sachar Committee has made other recommendations which have not been given a thought to at all. It cannot be just an oversight; it is intentional. You see what the Sachar Committee's recommendations are in paragraphs 19.4 to 19-7. It has pointed out many other lacunae. For instance, how do you get the data? Who produces it and what is being produced and so on? It says as follows:

“The Department of Company Affairs which administers the MRTP Act has no mechanism and machinery for the collection, maintenance and publication of the relevant data of the goods produced of services rendered by these companies. Instead it depends on like other departments and agencies DGTD,.....”

Really speaking, they have no reliable data. On what basis do you proceed? Have you put into effect all the recommendations of the Sachar Committee in this regard? Are you finding out some mechanism for upgrading the data or making it real. No. There is another recommendation of the Sachar Committee which says as follows:

“Under the present definition of MRTP goods the investment companies which deal in stocks and



shares and other activities like mining or processing e.g. fish and animal products are not covered in this definition."

The Sachar Committee wanted those things to be included in the definition. Why were they not brought under the purview of this definition? This is also the recommendation of the Sachar Committee? You kept quiet about that. The MRTP and IDRA Acts have been reduced to a mockery already.

Then there is a last clause about the discretionary powers.

16.00 hrs.

The whole purpose of the Bill is to take away that discretionary power from the executive hands. But all the concessions they have given have not sweetened the palm—of Lady Macbeth, you know, I have no time to go for Shakespeare now—and still more is needed. All the more that will be needed, without going in for any further legislation so that this can be done in a fiat, so that as you yourself pointed out, all this weighing and balancing about monopolist compaines have not been handed over to the Commission and it has been done by the Government earlier.

Lastly, the Commission also has been robbed of its glory, if it had any at any time. Never in the Commission were all the stipulated member there; sometimes there were two, sometimes one, some times less than half were there. That was the attitude taken towards the Commission. At least earlier some Chairmen wanted some powers. Now the present Chairman who has been selected by the Government has really fallen in line with them. The present Chairman, Mr. Justice Madhusudhan said, "Why should the Act, i.e. the M.R.T.P. Act, have more teeth? I do not want to bite anybody." How do

you restrict the monopoly without biting? This is really a not a non-violent way which nobody on earth can perform, and if you think you will be performing it, then you are living in a fool's paradise. I want to tell the gentlemen on the other side.

I am nobody's fool. They are fully conscious of what they are doing. They want to violate all the principles stated in the Directive principles of State Policy, and that is really at the base of this proposal. Therefore, we reject the proposal lock stock and barrel.

SHRI Y. S. MAHAJAN (Jalgaon): Mr. Chairman, the Monopolies and Restrictive Trade Practices Act is a very important part of our legal machinery for regulating and controlling not only monopolies, but dominant enterprises and for preventing the restrictive trade practices. It has been in operation for over 12 years and a comprehensive review of its working has been done by the Sachar Committee, which in its voluminous report has made certain suggestions for enforcing it strictly and for streamlining its administration. Pending a study of these recommendations the Government have come forward with certain amendments in this Bill.

Now, this Bill, appears to have very limited objectives, namely, to achieve increased exports, to see that productivity increases in this year of Productivity and to see that certain socio-economic objectives are achieved. The Bill appears to be semantic in character, that is concerned only with words and definitions. It is not so. It will have far-reaching consequences. It is not necessary for me dilate on the provisions of this Bill. They are few and clear. But there has been some misunderstanding about making licensing capacity the yardstick

[Shri Y.S. Mahajan]

for determining dominance. There are some difficulties in using this concept for this purpose, because licensed capacity does not often materialise in the expected manner; and there may be delays which are unavoidable, with the result that even a number of enterprises have not converted their licensed capacity into actual capacity. If many firms are in such a situation a few enterprises can dominate the industry.

The object of the provision in making the licensed capacity the yardstick and installed capacity the base for determining dominance is exactly the opposite, i.e. it seeks to prevent the emergence of oligopolies, i.e., concentration of production in a few hands, in the hands of a few manufacturers who can come together, regulate production and influence prices to their advantage.

It is a matter of common knowledge and experience that licences are often not utilised in time, the delays are deliberate and that they are acquired to pre-empt production capacity. This militates against the achievement of our Plan targets i.e. it prevents us from achieving planned targets of increased production.

It is exactly to prevent this sort of situation that this amendment has been brought forward. It will compel manufacturers to utilise licences speedily and add to productive capacity rather than misuse them for pre-empting capacity and defeating the objectives of planning.

With the spread and growth of industrialisation and the adoption of new technologies, firms are getting bigger and bigger. The minimum economic size of a firm in any industry today is really bigger than what it was ten or twenty years ago. There was a time, for instance, when 10 tonnes of production per day was considered to be economic in the paper industry. Today no unit can

be economic unless its production is at least 100 tonnes per day. There has been such a tremendous change in the technology. This has happened in the case of most of the industries. So, where proportion of total production is the measure for determining dominance, it is necessary to lower the proportion as the Government have done from one-third to one-fourth of the total goods of any description that are produced, supplied or distributed in India or any substantial part of it, by the undertaking or by the undertaking along with its inter-connected units.

This will bring a larger number of undertakings within the purview of the MRTP Act and enable greater regulation and control in the interest of the society. This lowering of the proportion should not be allowed to come in the way of the establishment of minimum economic size units, because in this way alone it is possible to reap the benefits of modern technology and the economies of scale. In this connection, it is said that the data for the minimum economic size units compiled by the DGTD is out of date and faulty. But I believe, this can be easily corrected, if necessary.

The amendment to sub-section 2 of Section 21 defines substantial expansion as an increase of not less than 25 per cent in the licensed capacity of the undertaking which comes under the purview of the Industries Act and has a licensed capacity for production of goods of any description. In the case of other undertakings it is defined in terms of the production, supply, marketing or distribution of goods or services or in terms of an increase in the value of its assets. I hope, the word 'assets' here refer to productive assets. Such a substantial expansion would require the approval of the Central Government i.e. clearance from the MRTP Commission. Such a restriction is necessary

in the interest of planned growth and development.

Amendment of sub-section 4 of Section 21 of this Act provides that nothing in this section shall apply to any undertaking in so far as the expansion is effected by the replacement, renovation and modernisation of the whole or any part of the machinery or other equipment of the undertaking or by the installation of any balancing equipment. The words 'balancing equipment' have also been defined and clarified in the Bill.

Changes by way of replacement, renovation and modernisation are of an urgent nature in these days of fast changing technology. The rate of obsolescence is very high in industrialised countries. It is reported that in USA machinery is changed within two or three years. Unless we keep with this process, consistent with our limited resources, it will not be possible to develop and maintain modern industry in a state of efficiency with reasonable costs. Take the case of the motor car industry in India. This industry produces cars, which are the most expensive in the world. It is an out-dated industry. Why? Because, it is completely protected. It can charge any price it likes and bring out any quality product it likes. If this is to be prevented, if the industry is to be made competitive in the world market, if it is to adopt the most modern technology, if it is to be made more productive then you must allow it to replace old machinery by new and renovate. Therefore, in our view, this provision is very important to ensure that there is modernisation in industry so that it becomes competitive.

Finally, the amendment provides for exemption from sections 21 and 22 of any proposal for expansion and establishment of a new undertaking if the Government is satisfied

that it is of national priority, or is necessary for boosting exports. No licence or approval will be necessary for such proposals. These amendments are extremely necessary in view of the precarious conditions in which we find ourselves in international trade. Last year our deficit in the balance of trade was Rs. 5,000 crores. This year also it will be the same unless the price of petroleum and petroleum products comes down rapidly and steeply. We cannot earn more foreign exchange unless our exports increase at a rapid rate. This is a very difficult task: because the industrialised countries are raising higher their walls of protection and putting greater restrictions on exports from this country.

Therefore, in this position, let me say again, we are in mortal danger of sabotaging the whole process of planned growth and development of our country, if we cannot improve our international position. Sir, I congratulate the Government on its perception and assessment of the internal and international situation and for bringing forward this Bill, which is likely to have far-reaching consequences, in improving our economic position. With these words, I support the Bill.

16.13 hrs.

[SHRI CHINTAMANI PANIGRAHI *in the Chair*]

श्री रीत लाल प्रसाद वर्मा (कोडरमा) :  
सभापति महोदय, एम० आर० टी० पी०  
एक्ट 1969 में जो 22 (क) नई धारा जोड़ी  
जा रही है उसका विरोध करता हूँ और  
ऐसा इसलिए कि आपका जो मूलभूत उद्देश्य  
रहा है कि हम देश में राष्ट्रीय उत्पादकता  
को बढ़ाएँगे और साथ ही साथ औद्योगी-  
करण में वृद्धि लायेंगे और निर्यात में बढ़ावा  
और प्रोत्साहन देंगे, तो जहाँ तक एम० आर०



[श्री रीतलाल प्रसाद वर्मा]

टी० पी० कमीशन का सवाल है, पहले से जी कार्यवाही रही है उसके अनुसार कमीशन को काफी शक्ति पहले से उपलब्ध थी। लेकिन इसको लाकर केन्द्रीय सरकार को सशक्त बनाने की जो बात कही गई है कि "कतिपय सामाजिक आर्थिक उद्देश्यों को पूर्ण रूप से प्राप्त करने की दृष्टि से और उच्चतर उत्पादकता और उत्पादन की आवश्यकता के सन्दर्भ में तथा देश की अर्थ-व्यवस्था के सन्दर्भ में निर्यात को प्रोत्साहन देने के लिए और उच्चतर उत्पादकता प्राप्त करने में आने वाली कतिपय कठिनाइयों को दूर करने के लिए यह अधिनियम है" यह मैं समझता हूँ इसके लिये नहीं बल्कि जो अन्तर्राष्ट्रीय मुद्राकोष से 5 हजार 200 करोड़ ऋण लिया गया उसके सन्दर्भ में जो शर्तें दी गई थीं कि बहुराष्ट्रीय कम्पनियों को छूट देनी होगी और उनका व्यापार और उत्पादक वस्तुओं के उत्पादन, वृद्धि, बिपणन और नियंत्रण को छूट देनी होगी इसीलिए यह प्रावधान रखा गया है। जब कि सरकार के पास व्यापक संशोधन के लिए प्रस्ताव विचाराधीन है। तो उतने समय में कौनसा पहाड़ धंस रहा था, जिसके लिए तुरन्त एक नई धारा 22-क इसमें जोड़ी जा रही है? इससे बड़ी आपत्ति और कोई नहीं हो सकती।

राष्ट्र की अर्थ व्यवस्था और औद्योगीकरण की दिशा में प्रगति जो पिछले 35 वर्षों से देखी जा रही है उसमें अभी तक जो लक्ष्य पूरा होना चाहिए था, वहां तक हम नहीं पहुँच पाये हैं। सारे देश की पूंजी का 65 फीसदी भाग केवल 565 बड़े उद्योगों में लगा हुआ है और वह मुट्ठीभर पूंजीपतियों के हाथों में सीमित है। अगर इन 565 उद्योगों के हिसाब को देखा जाये

तो इसमें 200 बहु-अन्तर्राष्ट्रीय कम्पनियों का भाग है और भारत के 169 बड़े-बड़े पूंजी घरानों में है जिसमें 65 प्रतिशत हमारी पूंजी लगी हुई है। जो अनुज्ञप्त क्षमता थी उद्योगों में, उसकी 65 प्रतिशत एक्सेस कैपेसिटी अभी तक प्रयोग में ला रहे हैं। मैं बिड़ला, टाटा वगैरह की कम्पनियों का विवरण यहां नहीं देना चाहता और इस हाउस का समय वर्बाद नहीं करना चाहता, अभी माननीय पाणिग्रही जी ने उन सभी के आंकड़े सामने रखे थे।

मैं कहना चाहता हूँ कि महालनबीस रिपोर्ट, सच्चर कमेटी और हाथी कमेटी की संशोधनों के लिए जो व्यापक सिफारिशें थी, उन्हें न लाकर केवल आपने अन्तर्राष्ट्रीय मुद्रा कोष की शर्तों के तहत ही इसमें संशोधन करने का प्रयास किया है। इसमें देश में जो उद्देश्य रखा गया था, उसकी पूर्ति इससे नहीं हो सकती। मेरा निवेदन है कि इस संशोधन को वापस लिया जाये और एक कम्प्रीहेंसिव बिल अगर इस सदन में पेश किया जाये तो वह श्रेयस्कर होगा।

महात्मा गांधी का जो निर्देश था कि अगर गांव का विकास नहीं होगा तो गांव नष्ट हो जायेंगे, और ऐसा होने से देश का भविष्य नष्ट हो जायेगा, तो महात्मा गांधी की जो आर्थिक नीति और उनके विचार थे, उनको हमने नजरन्दाज कर दिया है। आज देश में 6 लाख गांव हैं और उनमें 70 करोड़ जन संख्या रह रही है। आज उन गांवों में क्या उद्योग हो रहे हैं। जितने भी उद्योग लाइसेंस दिए जा रहे हैं, वह सब पूंजी घरानों के लिए ही दिए जा रहे हैं।

1980 के बजट में हमारे भूतपूर्व वित्त मंत्री ने जो काफी छूट दी थीं, और कंसेशन दिये थे वह सब पूंजी-घरानों को ही मिले

हैं। उसी तरह से फिक्की ने भी जो 20-सूत्री कार्यक्रमों की प्रसंसा करते हुए मैमो-रेंडम दिया और मांग की थी कि सार्वजनिक क्षेत्र में उपक्रमों का क्षेत्र कम किया जाये और प्राइवेट सेक्टर को अधिक प्रोत्साहन देना चाहिये, इसी संदर्भ में वर्ल्ड बैंक ने भारत सरकार को सजेशन दिया था कि सार्वजनिक क्षेत्र के उपक्रमों के साथ निजी क्षेत्र वाले मालिकों को भी हिस्सा देना चाहिये ताकि पब्लिक सेक्टर जो धीरे धीरे ह्रास की ओर जा रहा है वह भी ऊपर उठ सके। लेकिन हम केवल पूंजीपतियों की ही मदद कर रहे हैं, उनको ही प्रोत्साहन दे रहे हैं, उससे हमारा ज्यादा विकास नहीं हुआ है।

जहां तक देश के ट्रेड बैलेंस का सम्बन्ध है, मैं आपके सामने कुछ आंकड़े रखना चाहता हूँ :

	एक्सपोर्ट	इमपोर्ट	ट्रेड गैप
	करोड़ रु०	करोड़ रु०	करोड़ रु०
1978-79	5,555	7,398	(-) 1,843
1979-80	6,459	9,022	(-) 2,563
1980-81	6,709	12,465	(-) 5,756
1981-82	7,700	13,200	(-) 5,500

निर्यात में जो वृद्धि हुई है, उससे हमारे देश को अधिक लाभ नहीं हुआ है।

लघु उद्योगों में 1979-80 में 65 लाख लोग लगे हुए थे, जो 1980-81 में बढ़ कर 71 लाख हो गये। इसी प्रकार उनका निर्यात 1050 करोड़ रुपए से बढ़ कर 1305 करोड़ रुपए हो गया है। यह बात नजर-अंदाज नहीं करनी चाहिए कि देश के विकास के लिए, रोजगार की वृद्धि के लिए और उत्पादकता को बढ़ाने के लिए गृह-

उद्योगों और लघु उद्योगों का जाल बिछाया जाना चाहिए। लेकिन सरकार ने इस क्षेत्र में पूंजी-निवेश न करके 65 परसेंट पूंजी की छूट बड़े औद्योगिक घरानों को दे दी है। इससे हमारी आर्थिक रचना बहुत दरिद्रता की ओर जा रही है। गांवों के लोगों में आर्थिक विपन्नता है। सारे देश में अकाल और सुखाड़ है, दुर्भिक्ष की स्थिति है, गांवों में जीना दूभर हो गया है। आज सारी पूंजी और सारे साधन केवल बड़े लोगों के हाथों में सीमित हैं।

चूंकि सरकार संविधान में दिए गए निर्देशक सिद्धान्तों के अनुसार, आम जनता के लाभ के लिए, समानता के आधार पर, गांवों में पूंजी लगाने के लिए तैयार नहीं है, इस लिए मैं इस बिल का घोर विरोध करता हूँ।

SHRI JAGANNATH RAO (Berhampur): This amending Bill is a limited measures. When we deal with the measure, we need not go into the wider question of monopolies—whether the MRTP Act has been successful in controlling and checking concentration of wealth and economic power in a few hands. That question can be considered when a comprehensive amending is brought forward by the Government in the near future.

This is the Second Amending Bill to the MRTP Act. The first amendment was brought in December, 1980 whereby explanation 7 was added to Section 2(d) of the Act which already contained six explanations. By this explanation Export Houses, Industries which were engaged solely for producing goods to be exported, are exempt from the operation of this Clause. The Second Amendment seeks to streamline some of the provisions and to remove some distortions and also to bring the dominance from 1/3rd to 1/4th.

[Shri Jagannath Rao]

This Bill has four main objectives :

1. It has attempted to plug the loopholes in the existing Sections 21 and 22 of the Act.
2. It has brought about a greater link between the MRTP Act and the Industries Act.
3. It has reduced the criteria for dominance from one-third to one-fourth for the total licensed capacity or total production as the case may be as is applicable to various Undertakings.
4. Power is taken by the Government to exempt by notification certain industries from obtaining approval under the Act either for substantial expansion under Section 21 or for establishment of new industries under Section 22 to be considered on national priority basis.

The original Act, Section 2(d), defined the dominant undertaking and said :

An undertaking which either by itself or along with inter-connected undertaking produces not less than one-third of the goods, etc. is to be deemed as the dominant undertaking.

Now this definition of Section 2(d) is being recast under which two categories are now made. One is where an undertaking, the capacity of the undertaking is fixed by the licence, the capacity shall not exceed by more than 1/4th, 25%, in which case, it is not described as dominant undertaking. The reason is that the capacity is not fully utilised by many undertakings which have been given licence. The result is, there is a shortfall in the country. The second applies to those undertakings which were given licence but there is no capacity fixed in the licence. For them, the clause is, if they produce more than 1/4th

production of the same type of goods in the country, they will be deemed to be dominant undertakings. Therefore, a distinction is made on a rational basis as to which should be a dominant undertaking and under what circumstances.

Then let us come to Sections 21 and 22. Section 21 relates to expansion. Sub-section (4) has loopholes. Now it is being recast so as to plug the loopholes so that expansion would not be considered as an expansion if the machinery is renovated or modernised or balancing equipment is introduced so as to improve the quality of production, to improve the quantity of production and also to reduce the cost. The value of the equipment may exceed more than 25 per cent of the assets but if the production exceeds 25 per cent of the installed capacity then it would be applicable. Then only, it would be considered as dominant undertaking. This new sub-section removes that lacuna.

As in the present Act, undertakings coming under section 20A, that is whose assets are Rs. 20 crores and above, are required to undergo a drill by an enquiry by the MRTP Commission as to whether they should be given licences for establishing new industries and even for expansion. Undertaking coming under clause (b) of Section 20 whose assets are one crore of rupees or more, were not required to undergo the drill of enquiry by the commission. Now that is removed and it is said...undertakings coming under this part '3' of this Act are now brought in under this so that either for expansion or for establishment of new industry, the same procedure will now apply.

The more important thing is, power is taken by the Government to exempt certain categories of industries which are considered on a



national priority basis from obtaining the necessary approval from the Government either for expansion or for establishing new industries for production of same goods or similar type of goods. By a notification, the Government can exempt them for a period of five years, in the first instance, and that notification will be laid on the Table of the House and the Government would be judicious in exercising the discretion and the notification laid on the Table of the House gives an opportunity to the House to discuss whether the action of the Government is justified or not.

Therefore, if you consider these simple measures, as it is, they are highly necessary in circumstances. Our production has to be increased, exports have to be increased to ease the adverse balance of payment position. Therefore, this amendment is entirely needed at the moment. But the wider question remains. The MTRP Act has not succeeded in controlling the monopolies which have now become the Oligopolies. That question is to be considered in depth when a comprehensive Bill is brought forward by the Government. Before we attained independence, there was no organised industry in the country. Therefore, we introduced the Industrial Development Regulations Act. Then, we have the Industrial Policy Resolution and under at the core sector was reserved for the States. Power is in the core sector. But power generation is not well managed by the State Electricity Boards. Therefore, we have to permit these Private Sector units to have captive power plants. Thereafter, 31 more industries are allowed in the private sector. Private sector being in the field for long, they are in a position to increase production without any difficulty and they are also Indian companies and therefore we should allow them to produce more for the nation and for the country. While allowing them to produce more for

the benefit of the nation, for the good of the country, we should also think of countervailing measures to check the growth of monopolies and concentration of wealth and power. Naturally, when the production increases, the assets would also go up. It does not mean that the assets should go down while the production goes up. That is not possible. But, at the same time, to achieve our objectives enshrined in the Constitution and the Preamble of this Act, we have to think of countervailing measures and, for that, a comprehensive measure is highly called for and, I am sure, the Government will bring forth that measure at an early date.

With these words, I support the Bill.

श्री जयपाल सिंह कश्यप (आंवला) : माननीय सभापति जी, इस देश का उद्योग, निर्यात, व्यापार, उत्पादन, जो कुछ भी रहा है वह कुछ लोगों की जेबों और तिजोरियों में जाता है। उसका पूरा-पूरा मुनाफा उनकी जेबों और तिजोरियों में ही गया है जोकि इस देश के शोषण का एक माध्यम बना है। हम अपने चुनाव घोषणा पत्रों में और नीतियों में बड़ी ऊंची-ऊंची बातें करते हैं, लेकिन जब व्यावहारिक प्रश्न आता है तब हमारा झुकाव वही और हो जाता है जिस और इस देश के उद्योगपति चाहते हैं। हमारी नीतियां अपने सिद्धांत और घोषणा-पत्र पर नहीं बनी हैं बल्कि उद्योगपतियों और बड़े-बड़े घरानों ने उनको बनाने में अपनी राय दी है, जिसको नीकर-शाही ने ढाला है जबकि राजनीतिक सत्ता में बैठे हुए लोग केवल मूक-दर्शक ही रह गए।

जहां तक निर्यात का प्रश्न है, हमारे उद्योगों का प्रश्न है, इस देश की अर्थ-व्यवस्था का प्रश्न है, उसने काले धन को

[श्री जयपाल सिंह कश्यप]

जन्म दिया और उस काले धन को हम दूर नहीं कर पा रहे हैं बल्कि वह बराबर बढ़ता ही जा रहा है। आज काला धन इस देश की व्यवस्था में एक परेलल एडमिनिस्ट्रेशन बना रहा है और एक पैरेलल गवर्नमेंट का काम कर रहा है। जितने भी संशोधन हम कर रहे हैं, उनमें क्या हमने इस बात को भी ध्यान में रखा है कि इस देश में जो काले धन की अर्थ-व्यवस्था है और कुछ लोगों के हाथ में जो धन की शक्ति केन्द्रित हो गई है, उसका विकेन्द्रीकरण हम कर लेंगे? क्या कभी इस तरीके से भी आपने इसको सोचा है? आज तक आप इस तरीके से नहीं सोच पाए हैं जिसका नतीजा यह है कि एक और तो गरीबी बढ़ती जा रही है और दूसरी और पूंजीपतियों के पास धन का अम्बार इकठ्ठा होता जा रहा है।

निर्यातक के सम्बन्ध में जहां आप उद्योगपतियों के हित की बात सोचें, उनको सहायता दें ताकि वे जो चाहें उसका उत्पादन कर सकें तथा उसका निर्यात कर सकें, वहां आप छोटे उत्पादकों की ओर भी समुचित ध्यान दें। आज छोटे-छोटे उत्पादक जो चीजें बनाते हैं उनको बड़े-बड़े घराने वाले खरीद लेते हैं और उसमें छोटे उत्पादक को मुश्किल से 1-2 रुपए का ही मुनाफा मिलता है जबकि उसी चीज पर बड़े व्यापारी मनमाना मुनाफा कमाते हैं। आज अलीगढ़ मुरादाबाद में बड़ी अच्छी मूर्तियां तथा पीतल और स्टील के बर्तन बनते हैं जिनमें कारीगरों की कला छलकती है लेकिन उसमें कारीगरों को मुश्किल से 1-2 रुपए का ही मुनाफा मिल पाता है जबकि बड़े निर्यातक व्यापारी उससे मनमाना मुनाफा कमाते हैं। ऐसी स्थिति में मैं समझता हूँ निर्यात का राष्ट्रीयकरण होना चाहिए। वरना जब तक आप इस प्रकार उद्योगपतियों और बड़े-बड़े

घरानों के हाथ में खेलते रहेंगे तब तक इस देश की अर्थ-व्यवस्था को ठीक नहीं कर पायेंगे। हो सकता है इससे कुछ लोगों को चोट पहुँचे, मनमाने ढंग से मुनाफा कमाने वाले निर्यातकों को चोट लगे। ऐसी कोई भी गाइड-लाइन इस बिल में नहीं है। अगर होती तो सरकार एक विस्तृत बिल लाने की बात नहीं सोचती। लेकिन बहुत विस्तृत बिल में जो कुछ आएगा, उसमें प्रभाव चाहे इन्टरनेशनल मोनीट्री फण्ड का हो या उद्योगपतियों का हो, या हमारी नीतियों को तोड़ कर अधिक धन पैदा करने वाले लोगों का हो या अधिक मुनाफा पैदा करने वाले लोगों का हो या हमारी नौकरशाही का प्रभाव हो लेकिन उसमें आम लोगों के हित की बात नहीं आएगी। बल्कि उसमें चन्द मुठ्ठीभर लोगों के हित की बात आएगी, उन लोगों की जिनके हाथ में आर्थिक सत्ता होती है। उद्योगों में जो हम उत्पादन कर रहे हैं, चाहे किसी भी दिशा में ले लीजिए, और तो और देश में हम आदमियों का निर्यात करते हैं। हमारे जूनियर डाक्टर, इंजीनियर और बढ़ई व लौहार इत्यादि, उनके साथ भी मजाक हो रहा है। वे खरीदे जाते हैं, बेचे जाते हैं, उनके पासपोर्ट बनाकर भेजते हैं और उनसे पैसा लेते हैं। इन सारी चीजों को दूर करने के लिए हमें एक विशेष नीति तैयार करके देश के हित को ध्यान में रखते हुए एक एक्ट लाना चाहिए। ऐसा एक्ट जिससे यहां के पूंजीपतियों पर, बड़े घरानों पर, उद्योगपतियों पर और बड़े-बड़े व्यापारियों पर चोट होती है। अन्त में मैं इतना ही कहना चाहता हूँ कि इस सारे एक्ट का और सारे संशोधनों का मैं और मेरा दल विरोध करता है।

MR. CHAIRMAN : Please limit your speech to 5 or 7 minutes, Mr. Mool Chand Daga.

श्री मूलचन्द डागा : (पाली) मैं बहुत थोड़ा ही बोलूंगा।

....(व्यवधान)....

श्री जयपाल सिंह कश्यप : अगर आपकी दाल गलती तो गढ़वाल में आपने मुंह की क्यों खाई। आपने तो पूरी ताकत वहां पर लगा दी थी।

सभापति महोदय : क्या हो गया, कश्यप जी ?

श्री जयपाल सिंह कश्यप : कुछ नहीं बीमारी हो गई थी इनको।

..(व्यवधान)....

श्री मूलचन्द डागा : सभापति जी, अब दाल तो किसकी गलती है, यह जो पूंजीवाद होता है, उसकी दाल गलती है।

श्री जयपाल सिंह कश्यप : आप तीसरी दाल खाइए।

श्री मूलचन्द डागा : यह पूंजीवाद इंसानी फितरत का अद्भुत नमूना है। यह इतना हावी हो जाएगा राजनीति पर कि मेरे ख्याल से हमने अपने संविधान में जो आर्टिकल कोट किया था और संविधान बनाने का जो परपज था, उसको हम पूरा नहीं कर पायेंगे।

“Ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in concentration of wealth and means of production to the common detriment.”

लेकिन ऐसा लग रहा है कि हमने जो संविधान बनाया और जो एम.आर.टी.पी.

एकट बनाया, उसमें जितनी एचीवमेंट्स होनी चाहिए थी, वह नहीं हुई। एक एचीवमेंट हुई कि हमारे ला-मिनिस्टर साहब एक तरह से पूरे मन से नहीं, लेकिन एक छोटा सा बिल लेकर आ रहे हैं और साथ साथ यह कह रहे हैं कि मुझे पूरा बिल पेश करना है और कितनी मियाद में पेश करना है, यह उन्होंने एक शब्द कहा—थोड़े समय में। इस थोड़े समय की परिभाषा मेरी समझ में नहीं आती है। मैंने इस सदन में एक क्वेश्चन किया था, उस वक्त श्री शिव शंकर विधि मन्त्री थे और हमारे सभापति महोदय, जो कि इस वक्त पद पर आसीन हैं, उन्होंने कहा था कि हमारा उद्देश्य था कि धनवानों, दौलतवालों की दौलत नहीं बढ़े, गरीब की गरीबी मिटे और अमीर की अमीरी मिट जाए। यह हमने आवाज की थी और आज एक छोटा सा बिल लाने का कारण क्या है, कारण यह कि पूंजीवाद कभी कभी अपना कदम आगे बढ़ाता है।

श्री नारायण चौबे (मिदनापुर) : आप को मन्त्री बनने का मौका कभी नहीं मिलेगा।

श्री मूलचन्द डागा : मैं मंत्री बनना नहीं चाहता हूँ। यह नौकरी नहीं करना चाहता, यही ठीक हूँ। मुझे खुशी है आप ने अच्छा आशीर्वाद दिया, इसके लिए आप को बधाई देता हूँ।

1981 में जो उत्तर मंत्री महोदय ने दिया था उसमें बिरला, टाटा, मफतलाल, सिंघानियां, थापर, बागड़, श्रीराम, इस तरह से 50 घरानों की लिस्ट बतलाई थी और यह भी बतलाया था कि उनकी पूंजी दो-गुना, तीन-गुना, चार-गुना बढ़ गई है।



[श्री मूलचन्द डागा]

उन्होंने उस वक्त सब की डिटेलज देते हुए बतलाया था—

	1972	1978
	करोड़	करोड़
बिड़ला	589.42	1171.15
टाटा	641.93	1102.11
मफतलाल	183.74	317.86
थापर	136.16	244.06
सिंघानियां	121.45	299.57
बांगड़	225.26	220.86

मैं सब के बारे में बतलाने के लिए सदन का ज्यादा समय नहीं लूंगा। आप इस तरह से देखिये कि इस कानून में आप ने दो प्रावीजन्स बदल दिये हैं और पावर किस को दी है—

“The Central Government may by notification in the Official Gazette, direct that, subject to such terms and conditions as may be specified in the notification, all or any of the provisions of section 21 shall not apply to any proposal in respect of an industry or service specified in the notification.”

इतनी वाइड पावर्स आप देने जा रहे हैं। आपने पब्लिक अण्डरटेकिंग में हजारों करोड़ रुपये की पूंजी लगा रखी है, लेकिन वहाँ 3 परसेंट व्याज भी नहीं मिलता है, दूसरी तरफ आप इन की दौलत को बढ़ाने जा रहे हैं। हमारे बड़े-बड़े अर्थशास्त्री बहाना ले रहे हैं कि एक्सपोर्ट को बढ़ाना है इस लिये उस का यही एक तरीका है हम बड़ी इण्डस्ट्रीज पर निर्भर होते जाय तभी हमारा एक्सपोर्ट बढ़ेगा। आज हिन्दुस्तान टेक्नोक्रेटस के मामले में दुनिया में तीसरे नम्बर पर है लेकिन पूंजीवाद और अफसरवाद दोनों मिला कर एम०आर०टी०पी० को बढ़ा रहे

हैं, उन्हीं की मिली भगत की वजह से यह कानून बन रहा है।

सभापति महोदय : डागा जी, अब आप अपनी स्पीच को थोड़ा रेस्ट्रिक्ट कीजिए।

श्री मूलचन्द डागा : आप इस समय जो अमेण्डमेन्ट लाये हैं उस में आप ने यह भी कह दिया है कि हम जल्दी ही एक काम्प्री-हैन्सिव बिल लायेंगे। आप इसी समय काम्प्रीहैन्सिव बिल क्यों नहीं लाये। जब आप को मालूम हो गया था कि संशोधन से एक्सपोर्ट बढ़ेगी तो आप इसको पहले ला सकते थे। मैं एक बात आप से कह देना चाहता हूँ सिद्धान्तों के साथ समझौता नहीं हो सकता। जब हम सिद्धान्तों के साथ समझौता करने की नीति अख्तियार कर लेंगे तो पूंजीवाद हावी हो जायगा और यदि देश की राजनीति पर पूंजीवाद हावी हो गया तो फिर यह राजनीति भी पूंजीवाद के सहारे चलेगी। जब राजनीति पूंजीवाद के इशारे पर चलेगी तो आने वाला भविष्य पूंजीवाद पर निर्भर हो जायगा, उस में दमन होगा।

इसलिये दो बातें जरूरी हैं — ला मिनिस्टर साहब, सारे संशोधनों को स्टडी कर के काम्प्रीहैन्सिव बिल जल्दी लाइये।

यह जो कन्सट्रेशन आफ वेल्थ बढ़ रहा है, यह खत्म हो। हम बहुत पहले से यह आवाज लगाते आ रहे हैं कि

The rich is becoming richer and the poor is becoming poorer.

ऐसी आवाज लगाते 5 पंचवर्षीय योजनाएं समाप्त हो गई हैं और अब छठी पंचवर्षीय योजना चल रही है लेकिन देश की हालत बंसी की वैसी है और गरीब और

गरीब हो गया है और घनवान और घनवान हो गया है। (व्यवधान) आप के इस्पात के जो कारखाने हैं, वे घाटे में जा रहे हैं।

इतना कह कर मैं अपनी बात समाप्त करता हूँ।

SHRI CHITTA BASU (Barasat) : I rise to oppose this Bill because this amending Bill, if enacted, will actually negate and defeat the very purpose for which the parent Act was made. If you go through the objects of the parent Act, that is, the MRTP Act passed in 1969, you will find that it has been stated that it is 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 the monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected with and incidental thereto,

My first point is that the very object of the MRTP Act is going to be defeated and is going to be negated by this amending Bill. I think you should give a proper thought to this. Why do I say so? I do not say, nor do I claim, although he may claim, that the Monopolies and Restrictive Trade Practices Act is sufficiently anti-monopolistic. It is not adequately anti-monopolistic. It is a feeble Act. It is a weak Act. It cannot effectively fight the monopolies which are growing to-day. But in spite of this weakness, in spite of its infirmness, in spite of its lacunae, it has certain teeth to bite the monopoly houses. The principal object of this amending Bill is to remove that weak and feeble teeth in the original Act. Therefore, it is a retrograde step. Therefore, it is retardation. Therefore it is nothing but a slide-back from the original position taken by the Government.

It is also nothing but an anti-clockwise movement. Where it is necessary to have more strength and a more stronger Bill with more stronger teeth in the MRTP Act, the little teeth which we have in the existing MRTP Act are being sought to be eliminated and removed and removed effectively.

You look at the Bill. Clause 5 of the Bill exempts certain proposals from being examined by the Government and the MRTP Commission under Sec. 21 and 22 of the MRTP Act. Therefore, all the proposals which are to be placed before the Government and the Government may place them before the MRTP Commission for further expansion etc, etc. as provided under Sec. 21 and 22 of the original Act, by this amending Bill, those proposals and those industries are being exempted from the purview of Sec. 21 and 22. Therefore, those proposals will not be examined by the MRTP Commission nor even by the Government. Therefore, the little teeth that it had in the original Act to scrutinise and examine the proposals for further expansion etc. are going to be eliminated by the amending Bill.

I have, therefore, made out my point that the objective of the original Bill is being defeated by this amending Bill. Sir, a claim is made by the Hon. Law Minister that this Bill is the product of the Sachar Committee's Report. He may claim it to some extent. But, the Sachar Committee made wideranging suggestions including this particular thing. He has chosen a very small thing. But, what about the other recommendations? I would only mention two things because I have not got the time to discuss all the things in detail.

The Sachar Committee recommended that the expression 'all interconnected undertakings and the same

[Shri Chitta Basu]

management' be redefined. For instance, let us point out that under the existing M. R. T. P. Act, you know, Sir, the TELCO, the TISCO of the Tata Mills are not included in the Tata Groups. That is because the existing law defines this particular expression 'inter-connected undertakings or said management' in a way which keeps the big blocks of the companies away from the Tata Groups. I think you may recall that about 23 concerns which were mentioned by the Dutt Commission which should be included in the Birla Group have been kept outside the purview of the M.R.T.P. Act because of the definition given to the expression 'all inter-connected undertakings and the said management'.

SHRIMATI GEETA MUKHERJEE : There are 49 such companies.

SHRI CHITA BASU : I stand corrected, Madam. Therefore, the Sachar Committee recommended that there should be a redefinition to the expression 'inter-connected undertakings and said management'. Sir, the Law Minister has not accepted that recommendation. Instead, he has taken some thing which further strengthens the monopolistic trends in our country.

Sir, the Sachar Committee also suggested that proposals should be compulsorily referred to the M. R. T. P. Commission if they come from the dominant undertakings for the manufacture of goods, provisions or services. All such proposals should be compulsorily referred to the M. R. T. P. Commission if they involve in a capital outlay of Rs. 5 crores. The Sachar Committee suggested that all proposals in respect of which objections have been raised or where more than one application has been obtained, should be compulsorily referred to the M. R. T. P. Commission. There was a certain safeguard that was suggested by the Sachar Committee. But, that recommendation has not been taken

because that really goes to some extent to bite the monopoly houses and restrict the trade practices.

In that connection, it is also necessary for me to point out how the M. R. T. P. Commission earlier recommended that before the Sachar Committee Report. It was found that during the period from January 1, 1974 to June 30, 1978, of the 336 applications under Sections 21 and 22, as many as 311 applications have been disposed of by the Government without consulting or without referring to the Commission set up voluntarily by the M. R. T. P. Act. It has not been taken into confidence. They have taken their own view or they have taken their own decision and the M. R. T. P. Commission has not been allowed to play whatever feeble teeth it has. Therefore, Sir, by that way, the Government satisfied it self and gave concessions after concessions and gave scopes after scopes to these dominant undertakings to expand which resulted in the concentration of wealth in the hands of a few. I shall come to that later.

Sir, in respect of Mahindra and Mahindra case in 1979, the Supreme Court indicted the Central Government. It says :

"The central Government betrayed total lack of concern for the proper constitution and functioning of the M. R. T. P. Commission and complete neglect of its statutory obligations."

Sir, some aspects have been mentioned by Shrimati Geeta Mukherjee but it is very important to know that Government did not take into account the importance which is attached to the M. R. T. P. Commission and M. R. T. P. Commission has been relegated to the background and the Government took its own decisions and the decisions have always been in favour of monopoly houses. I would not like to quote



further but because of this policy the monopoly houses have been strengthened. There has not been any reduction in their profits, dividends and sale. On the contrary all the monopoly houses have increased their strength. The figures available with me show that in the case of top 101 private sector giants the total assets increased by 18.8% in 1980-81 compared to the 15.5% increase in the previous year. There was increase in net worth by 13.2% compared to 10.9% and net sales by 20.3% compared to the earlier 15.5%. Sir, I know, the Hon. Minister is conversant about these facts but he claims that the trend towards monopolistic growth has been stopped whereas the figures show that there has been inordinate increase of wealth in the hands of monopoly houses. On the other hand it has been our constant charge against the policy of the Government that they are encouraging multi-nationals.

Sir, I want to give only one example. I hope you remember the Hathi Committee recommendations. The Hathi Committee concluded and I quote :

"The continued presence of the highly profit motivated multi-national sector can but promote only the business interests of this sector. Their presence in India, as a part of their global effort to capitalise on human sufferings, in an organised manner must, therefore, cease as early as possible."

16.58 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

The recommendation was that they should cease to exist in India. What has been the policy of the Government during these years.

Regarding the licensed capacity the new drug policy stipulated that the highest production actually achieved in the three year period ending March, 1977 would be regularised. Subsequently, it was further liberalised in October, 1981. All existing capacities as on September, 1980 were regularised violating their own pronounced policy. FERA and MRTP drug companies have been permitted a 25% increase over their licensed capacity under certain conditions. Do these facts show that you want to control the multi-national corporation or do these figures suggest that you are giving more and more concessions and you have taken a policy which further strengthens the multi-national corporations. You do not want that multi-national drug companies should be ended. Rather you want to further encourage them.

17.00 hrs.

Sir, this amendment is not merely an amendment by virtue of the fact that Government wants to increase productivity in the Productivity year. It is nothing but a by-product of the wrong policy of the Government which has brought utter ruin and disaster for the nation as a whole. I am certain that this disastrous courses has been undertaken by the Government on the advice of the World Bank and the IMF. The advice of the World Bank and the IMF is that more concessions should be given to the multinationals and monopolists; there should be reduction of the role of the public sector; there should be private-public sector management tie-up; there should be export drive and import substitution. These are the basic features of the recipes recommended by the World Bank and the International Monetary Fund. You are only serving their interests; you are bound to serve their interests as usual. By following this advice you have brought the entire economic system of this country under the tentacles of the World

[Shri Chitta Basu]

Bank and the IMF. On the economic issues we cannot remain oblivious to the linkages and the global strategy being followed by the World Bank and the IMF. This Bill is not merely an innocent Amending Bill but it is the product of such a disastrous economic policy which the Government has been pursuing. So, having regard to the situation in its totality, I urge upon Hon. Members of the House, including those sitting on the other side of the House, that, if they want that concentration of wealth in the hands of a few should be done away with, if they want to safeguard national interests, if they really remain loyal not to any individual, but to the Constitution, then there is no other way left for them but to reject the Bill lock, stock and barrel. I oppose the Bill and I do hope that the House will take the appropriate decision to reject the Bill.

श्री गिरधारी लाल व्यास (भीलवाड़ा) : एकाधिकार तथा अवरोधक व्यापारिक व्यवहार संशोधन विधेयक का मैं समर्थन करता हूँ। मोनोपोली बिजिनेस हाउसिस और मल्टीनेशनल्स के बारे में जिस प्रकार की बातें कही गई हैं उनको आप देखें। गवर्नमेंट ने इस कानून को इसी वजह से लागू किया है कि इनकी बढ़ोतरी को किसी तरीके से रोका जाए और इसको रोकने के उपाय उसने किए हैं। लेकिन हमारे इन माननीय सदस्यों का दृष्टिकोण दूसरा है और सोचने का तरीका दूसरा है। किसी और जगह इनकी निगाहें हैं। इस में भी आरोप लगाने के सिवाय और कोई बात इन्होंने नहीं की है। देश के सामने मुख्य मुद्दा यह है कि किसी तरीके से प्रोडक्शन को बढ़ाया जाए और आत्म-निर्भर बना जाए और आत्म-निर्भर बन कर देश के लोगों की ज्यादा से ज्यादा सेवा की जाए। प्रोडक्शन जब तक नहीं बढ़ेगा देश के आम लोगों को वे सहुलियतें जो हम बढ़े हुए प्रोडक्शन के जरिये से देना चाहते हैं, नहीं

मिल पाएंगी। इसलिए नितान्त आवश्यक है कि फैक्ट्रीज और इंडस्ट्रीज के प्रोडक्शन को बढ़ाया जाए और उस प्रोडक्शन को इस प्रकार से वितरित किया जाए ताकि गरीब से गरीब आदमी तक वह सारा सामान पहुँच सके। साथ ही इसको भी ध्यान में रखने की आवश्यकता है कि जो ये बढ़े-बढ़े घराने हैं इनके पास ज्यादा धन का संग्रह भी नहीं होने दिया जाना चाहिये। अगर होता है तो निश्चित रूप से उनका प्रभाव राजनीति पर भी पड़ता है और जब वह पड़ता है तो एक दूषित वातावरण बनता है। इस वास्ते इनको ज्यादा वैल्यू एक्जुमलेट करने नहीं दिया जाना चाहिये। निश्चय ही इसका गलत असर पड़ेगा और और भी ज्यादा धन और और भी ज्यादा वैल्यू संग्रह करने की उनकी प्रवृत्ति बढ़ती जाएगी। इस वास्ते यह प्रावधान करना बहुत जरूरी था कि जो बड़ा हुआ धन है जिसके आंकड़े अभी दिए गए हैं कि 1937 में उनके पास जितना धन था आज वह बढ़ते-बढ़ते एक हजार परसेंट से भी अधिक हो गया है उसको रोका जाए, उसको हम किस तरह से रोक सकते हैं इसके उपाय किये जाएं। इसके लिये कानून मंत्री को कुछ न कुछ व्यवस्था करनी चाहिये ताकि मोनोपलिस्टिक हाउसेज को कंट्रोल कर सकें।

(ख) उपधारा 4 के स्थान पर जो नई धारा रखी जा रही है :

(4) इस धारा की कोई बात किसी ऐसे उपक्रम को वहां तक लागू नहीं होगी, जहां तक प्रसार उपक्रम की पूर्ण मशीनरी या अन्य उपस्कर के या उसके किसी भाग के प्रतिस्थापन, नवीकरण या आधुनिकीकरण द्वारा अथवा किसी संतोलन उपस्कर के संस्थापन द्वारा किया जाता है। 'इसके सम्बन्ध में मुझे कहना है कि आजकल के जितने उद्योग लगाने वाले हैं वह एक इंडस्ट्री लगाते हैं और नाजायज तरीके से सारा धन कमा कर के अपने उद्योग बढ़ाते

रहते हैं। मगर जिस इंडस्ट्री के जरिये से पैसा कमाया और दूसरी नई नई इंडस्ट्रीज खोल दीं, उस पुरानी इंडस्ट्री को सिक करने की नियत रहती है, उसका रिनोवेशन या मॉडर्नाइजेशन नहीं करते हैं। करोड़ों ६० सरकार और बैंकों से पूंजीपति इस नाम से लेते हैं और उसका दुरुपयोग होता है। इस लिये जब एक उद्योगपति ने अपनी एक इंडस्ट्रीज से कई इंडस्ट्रीज खड़ी कर दीं और मोनोपली हाउस में उसका नाम आने लगा, जिसकी पूंजी 50 या 100 करोड़ हो गई, ऐसा पूंजीपति जिस इंडस्ट्री को सिक बना कर के दूसरी इंडस्ट्री खड़ी करता है उसको उस इंडस्ट्री को सिक करने का कोई अधिकार नहीं है और पुरानी इंडस्ट्री को मॉडर्नाइज करने के लिए अपनी पूंजी में से ही उसको काम करना चाहिए ताकि सरकारी पूंजी उसमें न लगे और उस पैसे से और उद्योग अपने यहां हम खड़े कर सकें। आज के पूंजीपति इस तरह से सरकार को धोखा दे कर के करोड़ों रुपये का लाभ उठा रहे हैं, और सरकार उनको रोक नहीं पा रही है और रिनोवेशन और मॉडर्नाइजेशन के नाम पर पूंजी को लुटाया जा रहा है। इस लूट को रोका जाना चाहिए। मंत्री जी इधर अवश्य ध्यान दें। जो उद्योगपति एक इंडस्ट्री से चार, चार नई इंडस्ट्रीज खड़ी कर ले और करोड़ों रुपया कमा ले, वह पुरानी इंडस्ट्री में काम करने वाले लोगों का किसी प्रकार से ध्यान न रखे उसको किसी प्रकार से पैसा न दिया जाय।

मैं उदाहरण दूँ हमारी कांस्टीट्यूट में राजस्थान स्पिनिंग और वीविंग मिल्स थी जिससे करोड़ों रुपया पूंजीपति ने कमाया और उस पैसे से चार नई इंडस्ट्रीज खड़ी कर लीं, 100 करोड़ ६० की नई इंडस्ट्रीज

खड़ी कर लीं, लेकिन पुरानी इंडस्ट्री का रिनो-वेशन और मॉडर्नाइजेशन नहीं किया जिस की वजह से उस उद्योग में लाभ नहीं होता क्योंकि उसकी मशीनरी घिस गई है और प्रोडक्शन भी नहीं हो रहा है। इसलिये एक उद्योग से जिस आदमी ने 100 करोड़ ६० कमाया है वैसी परिस्थिति में वहां के मजदूरों को बोनस या वेतन देना उसका कर्तव्य है। मगर जब ऐसी मांग की जाती है तो मालिक सरकार की बिना आज्ञा के उस फैक्ट्री का क्लोजर कर देता है। और मजदूरों को दर-दर का भिखारी बनाने की कोशिश करते हैं। इस प्रकार के मोनो-पलिस्टिक हाउसेस को अगर सरकार कंट्रोल नहीं करती है, उन पर बंदिश नहीं लगाती है तो यह कानून किस काम का है? इसलिये इस कानून के जरिये पूरी बंदिश होनी चाहिये कि जिन हाउसेस को सरकार ने ऋण दिया है और वह ऋण लेकर एक-एक ने 4, 4 और 5, 5 इंडस्ट्रीज खड़ी कर दी हैं, और वह इण्डस्ट्रियलिस्ट्स अपने मजदूरों को भूखा मारने की हालत में खड़ा कर देते हैं तो इससे ज्यादा दुर्भाग्यपूर्ण स्थिति और कोई नहीं हो सकती। ऐसे हाउसेस का जो मैंने आपके सामने उदाहरण दिया है, मैं कानून मंत्री जी से निवेदन करूंगा कि वह लोग भी इस एम० आर० टी० पी० एक्ट के तहत आते हैं, आप उनकी जांच करवायें। जो आदमी इण्डस्ट्री को सिक बनाकर ढाई, तीन करोड़ रुपये का ऋण सरकार से प्राप्त करने की कोशिश कर रहा है और अपनी तरफ से कोई पैसा नहीं लगा रहा है, मजदूरों की मांगों के सम्बन्ध में क्लोजर कर के सारी इण्डस्ट्री को ठप्प करने की कोशिश कर रहा है, ऐसे लोगों के खिलाफ सख्त से सख्त कार्य-वाही होनी चाहिए और उन्हें सजा मिलनी चाहिए तब जाकर यह चीज ठीक हो सकती है।



[श्री गिरधारी लाल व्यास]

मैंने यह भी मांग की है कि ऐसे लोग जो करोड़ों रुपया सरकार से प्राप्त करते हैं, और सरकारी व फाइनेन्शियल पूंजी से अपने संस्थान खड़े करते हैं, उसके बाद उसे अपनी वपौती मानकर उसको बन्द कर देते हैं, इस प्रकार की अव्यवस्था नहीं होनी चाहिए। ऐसे संस्थान जिनमें सरकार का 90 प्रतिशत से ज्यादा पैसा लगा हुआ हो, उन्हें या तो सरकार को अपने हाथ में लेना चाहिए या उसको नेशनलाइज करना चाहिए पब्लिक अंडरटेकिंग के तहत उद्योगों में व्यवस्थाओं को ज्यादा मजबूत करना चाहिए। ताकि मजदूरों को किसी प्रकार की कठिनाई न हो और उसकी कमाई हुई दौलत उसको मिल सके। आज जो इस प्रकार की अव्यवस्था चल रही है, यह अवांछनीय है जिसकी ओर मैं सरकार का ध्यान आकर्षित करना चाहता हूँ। मुझे पूरी आशा है कि कानून मन्त्री महोदय इस प्रकार से कानून का उल्लंघन करने वाले लोगों के खिलाफ सख्ती से कार्यवाही करेंगे, उनसे मेरी यही प्रार्थना है। इसके साथ ही साथ मैं इस बिल का समर्थन करता हूँ।

श्री जगपाल सिंह (हरिद्वार) : उपाध्यक्ष महोदय, मैं इस बिल का विरोध करने के लिये खड़ा हुआ हूँ और विरोध भी यह कहते हुए करना चाहता हूँ कि अगर इस बिल की प्रति इस सदन के अन्दर जलाई नहीं जा सकती तो इस गन्दगी को हमारे विधि मंत्री अपने सिर पर उठाकर कम-से-कम हिन्द महासागर में जरूर फेंक आये। उसका कारण है, एक तरफ तो यह सरकार इस देश में मजदूर विरोधी कानून पास करती है, उत्पादन के नाम पर कि मजदूर हड़ताल नहीं कर सकता, मजदूर अपने बोनस और तनख्वाह के लिए आवाज नहीं उठा सकता क्योंकि इस देश का उत्पादन

बढ़ाना है और दूसरी तरफ पूंजीवादी व्यवस्था को इस देश के करोड़ों लोगों का खून चूसकर साम्राज्यवादी हित की सुरक्षा को मजबूत करने का काम यह करने जा रही है। इसलिए मेरी अपील है कि आप इसको इस सदन में न लायें तो ज्यादा अच्छा है।

बार-बार माननीय सदस्यों ने भी कहा है, और इसमें कोई दो राय नहीं है कि जब अन्तर्राष्ट्रीय मुद्रा कोष से आपने बैंक से पैसा लिया तो एक आशंका यहां अपोजिशन के सदस्य ने जाहिर की थी, जानते रूलिंग पार्टी के सदस्य भी हैं, कि बाकायदा सशर्त आपको लोन दिया जा रहा है। इसकी कीमत इस देश के किसानों और मजदूरों को अपने खून-पसीने की कमाई बहाकर करनी पड़ेगी वरना आपके पास दूसरा कोई रास्ता नहीं है और जो मोनोपली हाउसेस को आप खत्म करने की बात कर रहे हैं, इसमें आपने सेंट्रल गवर्नमेंट को राइट दिया है कि जिसको चाहे सेंट्रल गवर्नमेंट एग्जम्प्ट कर सकती है। आपने एम०आर०टी०पी० कमीशन के राइट पर एक तरफ चोट की है। 34 साल की आजादी के समय में यह अनुभव रहा है कि सेंट्रल गवर्नमेंट हमेशा छोटे उद्योग-धन्धों के हित में नहीं, छोटे व्यापारियों और छोटा विदेश-व्यापार करने वालों के हित में कभी फैसला नहीं लेती है। वह हमेशा बहुराष्ट्रीय कम्पनियों और मोनोपली हाउसिज को मजबूत करने की नीति अख्तियार करती है। मैं इस बात का विरोध करता हूँ कि केन्द्रीय सरकार इस अधिकार को अपने हाथ में ले, क्योंकि केन्द्रीय सरकार और राज्य सरकारें पूंजीपतियों के प्रेशर से चल रही हैं। प्रधान मंत्री, श्रीमती इन्दिरा गांधी, बाकायदा पूंजीपतियों के साथ कोलाबोरेशन करके

सरकार चला रही हैं। इससे साफ जाहिर है कि हिन्दुस्तान की प्रधान मंत्री और इस देश की पूंजीवादी व्यवस्था का जो गठबन्धन हो गया है, मंत्री महोदय उसको तोड़ नहीं सकते हैं, वह उसको तोड़ना नहीं चाहते हैं। इस सरकार की नीतियों का यह परिणाम है कि जहां 1947 से पहले बिड़ला की पूंजी 50 करोड़ रुपये थी, वह बढ़कर आज 1500 करोड़ हो गई है। सरकार यह नारा लगाती रही है कि हम देश की गरीबी दूर करेंगे, लेकिन आज भी इस देश के 36 करोड़ लोग गरीबी की रेखा के नीचे का जीवन बिता रहे हैं, जिन्हें दो वक्त खाना नहीं मिलता है, दवा और शिक्षा नहीं मिलती है।

सरकार का कहना है कि देश के आर्थिक और सामाजिक उत्थान के लिए हम चाहते हैं कि उत्पादन बढ़े और विदेश व्यापार में वृद्धि हो, क्योंकि उसके द्वारा मुनाफा कमा कर हम इस देश की अर्थ-व्यवस्था को सुधारेंगे। पिछले साल हमारे देश को 5,575 करोड़ रुपये का घाटा हुआ है। क्या बहुराष्ट्रीय कंपनियों और मोनोपली हाउसिज द्वारा अधिक मुनाफा कमाने से हमारे सोशियो-इकानोमिक आबजेक्टिव्स पूरे हो सकेंगे? आज बम्बई में कपड़ा मिलें बन्द पड़ी हैं। क्या इसके पीछे सरकार और पूंजीपतियों की अंडरस्टैंडिंग नहीं थी? इण्टरनेशनल मार्केट में कोई हमारे कपड़े को उठाने के लिए तैयार नहीं है। देश के गरीब किसान और मजदूर उसको खरीदने की क्षमता नहीं रखते हैं। इसलिए पूंजीपतियों को उन कारखानों को बन्द करना पड़ा है।

बहुराष्ट्रीय कंपनियों और मोनोपली हाउसिज को ए से जेड हर चीज के निर्माण का अधिकार देना देश के लिए खतरनाक है।

यह व्यवस्था करनी चाहिए कि छोटे उद्योग-धंधे जो चीजें बना सकते हैं, बड़े कारखानों के मालिक और पूंजीपति उन्हें न बना सकें। छोटे उद्योग-धंधों को देहात में लगाना चाहिए और खेती के उत्पादन के साथ जोड़ कर खंड के आधार पर उनका विकास करना चाहिए। इससे लोगों को रोजगार मिलेगा, उत्पादन में वृद्धि होगी और देश की अर्थ-व्यवस्था मजबूत बनेगी। इस कानून से केवल 56 मोनोपली हाउसिज प्रभावित होंगे। अगर बड़े-बड़े पूंजीपतियों को छोटी-छोटी चीजें बनाने का अधिकार भी दे दिया जाए, तो वह व्यवस्था शोषणकारी होगी। आज स्थिति यह है कि टाफी भी मोदी बनाता है, साबुन, धागा और सुई भी मोदी बनाता है। आज बड़े-बड़े कारखानों के मालिकों को छोटी से छोटी चीज बनाने का अधिकार प्राप्त है। सरकार को यह अधिकार उनसे छीन लेना चाहिए। बड़े-बड़े पूंजीपति उन चीजों का उत्पादन करें, जो इन्टरनेशनल मार्केट में कम्पीट कर सकें और उसके द्वारा विदेशी मुद्रा कमा कर देश की इकानोमी को मजबूत करें। सरकार उन्हें लाइसेंस और प्रोडक्शन की छूट दे।

लेकिन इस बात की इजाजत नहीं देनी चाहिए कि बड़े-बड़े पूंजीपति देश के गरीब लोगों का खून चूसें, अन्तर्राष्ट्रीय मार्केट में हमारी हर एक चीज पिट जाए और हर साल हमें हजारों करोड़ रुपयों का घाटा हो। इसलिए यह आवश्यक है कि इस तरह की चीजों को बनाने का अधिकार बड़े कारखानों से ले कर छोटे उद्योग-धंधों को दिया जाए। तभी हम इकानोमिक और सोशल दृष्टि से मजबूत होंगे। मैं उम्मीद करता हूँ कि मंत्री महोदय दोबारा सोचेंगे कि यह एमेंडिंग बिल हमें कहाँ ले जाएगा।

PROF. MADHU DANDAVATE (Rajapur): Sir, the Bill that has been placed before the House for

[Prof. Madhu Dandavate]

consideration is really a logical corollary of the new statement that has been made by the Minister for Industry regarding the liberalisation of the licensing system. I think if you take both these two together, the statement made by the Minister for Industry and also the Bill as has been placed before us for consideration. Both, together, really represent the process of skidding back. It is not the Government that works ; but it is the Government that slides back. And that exactly is the purpose of this Bill.

As far as the Directive Principles of State Policy, and also the Preamble of the entire MRTP Act of 1969 are concerned, it is extremely clear that though it is supposed to be MRTP Act, one of the important aspects is to ensure deconcentration of economic power that works to the common detriment. And very often, this particular aspect is totally forgotten.

Not that this Bill is not welcomed by big houses. They have their own reservations, because they want more liberalization ; but all the same, to choose between the two evils, they have accepted this ; and they have welcomed this. The welcome statement by FICCI's president is an indication of that. They welcome this for the very simple reason that whatever they have done illegally over the last few years, will be legalized with the help of the Bill that has been brought before this House.

If you carefully go through the assets of various industrial houses, you will find that some of them have illegally increased their capacities in the past few years. And always the rational argument put forward by the protagonists of big houses is : "We are interested in the growth and development of the country." So, they say that this Bill will be one step

forward, to ensure the process of growth and development in the country; and they always quip : "What objection is there from the radical elements to this particular Bill, when it is going to help the process of development and growth in the country ? Do you not need more productivity ? Do you not need more employment potential ? Don't you need a higher rate of growth ? If Government is going to increase our capacity, what exactly is your objection ?"

Here, Sir, I must register our view very strongly. Not that we are opposed to developmental activities. We want the rate of growth to increase. We want the expansion of various industries, but we don't want that the expansion of industries should be the monopoly of only a few industrial houses. We want some sort of a balanced industrial development in the country.

We always claim before the international forums that we are the land of Gandhi—I am referring to Mahatma Gandhi. When we refer to the legacy of Mahatma Gandhi, we have always been insisting that in our country, we must have a healthy and proper balance between cottage industry sector, small sector and, of course, the large scale industries. This particular balance is needed for more than one reason. It is not merely to create more employment potential in rural as well as urban areas, but it also ensures an equitable distribution of wealth and economic power in the country, so that there is no concentration of economic power and wealth in the hands of a few. That also is an equally important and laudable objective of our economic policy. And that is the perspective which Gandhi Ji put forward before the world. This perspective of Gandhi Ji is wholly being destroyed. The spirit of self-reliance is being completely destroyed. The egalitarian approach is completely demolished. And there is going to be a greater concentration of wealth in the hands of a few.



We are not opposed to expansion as such. We are not opposed to increase in the rate of growth. We are not opposed to developmental activities. We want relaxation of certain policies. But the relaxation must be such that the relaxation for one does not mean rigidity for someone else, and food for one does not become poison for the other. That exactly is the perspective which Government must adopt.

I am compelled to say that when they are trying to redefine the features of dominance, when they are trying to relax the provisions of the Act which is already laid on the statute, when they are trying to liberalize the policy so as to give greater concessions to the industrial houses, when as a result of this we are going to throw the entire core sector to the big houses and FERA companies—in that case, the small sector is bound to suffer. And though you can derive the satisfaction that the rate of growth may go up, industrial production may go up, some industrial houses may be able to produce more, and they might be able to produce more for export also, at the same time, they will have to take note of the fact that the opportunity that is available to other sectors to develop—they will be robbed of that opportunity; and it is only at the cost of the small scale sector that the big industrial houses will try to grow; and it is exactly here that we are opposed to the spirit of the entire amending Bill; and it is that aspect that is to be taken note of. This Bill will ultimately affect the dilution of the powers of the MRTP Commission also; and as I said earlier, it will open the entire core sector to the FERA companies and also to the large industrial houses.

MR. DEPUTY-SPEAKER : It will go against the Mahalanobis Commission Report also.

PROF. MADHU DANDAVATE : It will go against it because of the very perspective of the deconcentration of economic power; and there-

fore. I say that all the laudable objectives will be completely destroyed.

When the last budget was presented to us, fortunately, a number of documents were circulated to the Members of Parliament; and in one of the important documents, I would like the Minister of Law, Justice and Company Affairs to go through the statistics that have been given about the cases that have been referred to the MRTP Enquiry Commission in the decade from 1971 to 1981 and you will find that in the course of these 10 years, 1971 to 1981, though there is an enabling clause by which the cases can be referred to the Government, unfortunately, there is a lot of discretionary power; as a result of that so many deserving cases on which public debate has taken place, they were never referred to the MRTP Commission at all. So, even when there was a provision, we find that a number of cases was not referred by the Government to the MRTP Commission at all. And now with the new Bill they have given on a silver plate new relaxations and new concessions to the industrial houses and with all that they will talk about decocentration of economic power, they will talk of decocentration of wealth; and you will find the very basic objective of industrial policy will be destroyed.

As far as the Sachar Committee Report is concerned, they have made certain relaxations and they have recommended certain relaxations but only in the case of substantial expansion and growth in assets due to replacement, modernisation and installation of balancing equipment, as my colleague, Mr. Somnath Chatterjee has rightly pointed out. Now the Government will put out of the purview of the MRTP Commission units that will be producing goods for national priority, the so-called national priority and for export. You will find that the entire scope will be expanded, the original scope will be expanded. The Sachar Committee Report was welcomed by various sections and especially the progressive sections had welcomed the Sachar Committee

[Prof. Madhu Dandavate]

Recommendations very well. But, unfortunately, the loopholes that were sought to be plugged on the basis of recommendations of the Sachar Committee—if you go through the various proceedings of the Parliament—you, yourself was a Member of Parliament at that time—you will find that various Ministers belonging to different parties had repeatedly assured us that these recommendations of the Sachar Committee will be properly scrutinised and examined and they will be effectively implemented.

When you give a reply to the debate, I would like you to make a pointed reply to our queries whether it is true or not that the Sachar Committee had made certain recommendations. We were assured that they will be gone through carefully and effectively implemented, but in spite of that, these provisions of the Bill run completely counter to the basic structure of the Sachar Committee. I am sorry to use the words 'basic structure'. He does not like that. I know it very well. I hope that the basic features of this particular Report, whether they are destroyed or not, about that I would like to have an answer from him. The Sachar Committee had pointed out a number of loopholes and recommended that those loopholes should be closed. On the contrary, what the mover of this Bill has done is that instead of closing down the loopholes he has widened the loopholes through which even an elephant could pass. That is how they have tried to mutilate even the existing MRTP Act altogether. Therefore, I feel that as far as this Bill is concerned, this will not solve the problem of development; it will create a new imbalance between the small scale sector and the large scale sector. It will again throw our core sector open to the big industrial houses and FERA companies. It will lead to more and more concentration of economic power. It will, not only not

close any of the former loopholes in the MRTP Act. But it will widen the loopholes and that will mean more relaxation to the industrialists. The consumer will not gain, the common man will not gain, small scale industry will not gain, and to that extent the developmental activities of the countries will also not gain, and as a result of that all that will happen, is, more concentration of economic power and further strength to the industrial houses in the country and that is the reason why I would repeat what I said at the time of opposing the introduction of this Bill. Normally, I do not flippantly oppose a Bill at the introduction stage. Unless one strongly feels that the very basic features of our economic policy are being mutilated, one would not oppose any financial Bill at the introduction stage. I opposed it for the reasons—I do not want to repeat—but I will only reiterate what I have said at the time of introduction stage, and I hope he will take note of our opposition and try to reply to the points that I have raised.

MR. DEPUTY-SPEAKER : Now, the Minister will reply.

SHRI JAGAN NATH KAUSHAL : Mr. Deputy-Speaker, Prof. Madhu Dandavate has said that he opposed this Bill even at the introduction stage. That is true. I replied at that time and I repeat now that this opposition is based on a misapprehension and misconception of the provisions of the Bill and I am sorry to say that if my friends sitting on the Opposition Benches start with a suspicious eye, start with a jaundiced eye, obviously even straightforward legislation will look to them jaundiced.

SHRI SOMNATH CHATTERJEE : Many of your Members are also suffering from jaundice.

SHRIMATI GEETA MUKHERJEE : Not expressed, though.

**SHRI JAGAN NATH KAUSHAL:** Now, what I say is this. In order to judge the intentions of the Government underlying this Bill, may I request the Members, not to travel beyond the scope of the Bill? The scope of the Bill is very restricted. We have said so. Everybody knows. This year has been declared as the Year of Productivity. We want more production. Now, every Member has said—they will not quarrel with the laudable aim of the Government, that they want more production. Now, the that point ultimately arises is this: Does this Bill help in getting more production in the country? If it does, then, surely, there cannot be any basic objection!

Now, the objections which are being raised over again and again are according to them, that the assets of the monopoly houses, the large houses and the so-called dominant houses, are increasing, day by day, and therefore, that it is an indication that we are again trying to help them. Now, I will meet this objection as to how much their assets have risen and whether that is an abnormal growth. That argument, I am going to meet in a second, but for the moment I may only say that the one feature to which objection is taken by the Members on the opposite side is that the executive Government is assuming powers to themselves, to declare certain industries to be out of the purview of the Act. I can quite agree if we allowed it as an arbitrary discretion. Then, surely, you can say, "This discretion you might use arbitrarily, with a discrimination in favour of large Houses".

Now, may I bring to the notice of Hon. Members, and I hope each one of them has studied it, the indications that are given in the Bill itself. Now, there are two types of industries which will ultimately be notified. Those two types of industries are—I am reading the proviso—

"No industry or service shall be so specified unless the Central Govt.

is satisfied having regard to all relevant factors that it is of high national priority".

It is not left vague at any stage. Then the power we have taken to ourselves is ultimately control by Parliament. We will come before Parliament immediately after issuing the notification. We have said that every notification issued under this Bill will be placed before Parliament. Parliament will have the power either to scrap the notification completely or modify the notification. So, the control is that of Parliament. The whole thing is not left to the executive. An indication is provided of 'high national priority'. When the Govt. feels that it is a matter of high national priority, it might say that the restrictions of the MRTP Act may not be applicable in the case of core sector industries. The other is export promotion. Nobody quarrels with that proposition. But the Hon. Members, who have participated, have said that the objective is laudable, but how will the Government control and check it? That is the only objection which has been raised. In the case of export promotion, we know that only those goods can be exported which have a market in foreign lands. Surely, we are not going to export every thing which is not acceptable there. The machinery of the Govt. will obviously be there to check it. If we ultimately find that this experiment is left with some loophole, we will come before Parliament to say that this experiment has not succeeded. In the present Bill, we have tried to plug one or two loopholes. We have tried to tighten the control.

It is unfair to say that the provisions of this Bill are meant totally for the benefit of the MRTP houses. Now, the two loopholes, which have been plugged, have been welcomed by all. So far as the Sachar Committee Report is concerned, all the Hon. Members, who have spoken from the Opposition, have put one question to me over and over again as to why the Government is not bringing forward a comprehensive Bill. I have given you an assurance



[Shri Jagan Nath Kaushal]

in my introductory speech as also in the Statement of Objects and Reasons of this Bill that a bigger Bill is under preparation. I am going to come before the House sooner than you expect with comprehensive Bill. But so far as augmentation of production is concerned, why should we lose even one day? The purpose of this particular Bill is only for the purpose of augmenting the production. No section of the House is quarrelling with that proposition. As Shri Jagannath Rao has said, you will be at liberty to discuss the entire economic policy, the entire MRTP Act when a comprehensive Bill comes before Parliament. I still feel in all humility that there is very little to quarrel with the Bill as it stands.

The basic feature of the Bill is that we are lowering the dominant criterion from one-third to one-fourth. Everybody welcomes that. We are plugging the loophole that except dominant houses, all others can produce unlimited number of goods if they are of same and similar quality. We are bringing those houses into the net of this Act. Everybody accepts it. Now, if we help those mills which are obsolete, growing sick every day, to bring forward renovation and modernisation, are you quarrelling with it? If you permit those people to continue with old, sick and obsolete machinery, surely they are going to be sick. The moment a mill becomes sick, there is going to be retrenchment and closure. Then at once, a cry is raised and rightly too, to take over this mill and nationalise this mill. Why should Government go on nationalising sick mills, sinking taxpayers' money in these mills? If they are ready to modernise the industry, why not permit them? So, please do not look at every step we take with a suspicious eye.

Shri Chatterjee said that we have not tried to define "modernisation"

or "replacement", although we have tried to define what is known as "balancing equipment". I thought that modernisation does not require definition. When obsolete machinery is replaced....

SHRI SOMNATH CHATTERJEE: What about modernisation resulting in increased production?

SHRI JAGAN NATH KAUSHAL: Increased production is welcome to us.

SHRI SOMNATH CHATTERJEE: They exceed the licensed capacity, exceed the permitted capacity and they are out of the net.

SHRI JAGAN NATH KAUSHAL: I am saying that increased production is welcome to us. I stand by this basic statement firmly that we really want more production.

The other change which we have brought forward by this amending Bill is this. If the licensed capacity has not been utilized fully, if the installed capacity is less than the licensed capacity, if any undertaking was trying to bring the installed capacity in conformity with the licensed capacity, under the existing Act they have to come to us. The present provision says that so long as you go on adding to your machinery within the licensed capacity, please do not come to us. This is a bottleneck or irritant which we have removed. Therefore, within the licensed capacity, if a man brings forward modernisation, if a man brings forward more investment, it is welcome to us—I go on repeating it again and again; whether you believe it or not, it is up to you. Here I am reminded of a very well-known saying: your friends do not need it and the opposition members would not believe it.

Therefore, what I submit is that this is a simple straightforward Bill with the idea of bringing forward

more production. I hope you are not quarrelling with the main feature of it.

PROF. MADHU DANDAVATE: Since you are on the question of capacity, I would like to know from you one simple aspect. There are certain houses which have illegally increased their capacity. Since they have illegally increased the capacity, they do not show their excess production, do not show their excess sale and do not pay taxes. They amass black wealth. Your legalising this illegally increased production would really mean putting a premium on black wealth that was generated. Would you accept that proposition?

SHRI JAGAN NATH KAUSHAL: I am not accepting your premise. You are saying they have illegally produced black wealth. The provision of this bill simply says that if the installed capacity is less than the licensed capacity, then they are permitted to bring up the installed capacity to the level of the licensed capacity.

PROF. MADHU DANDAVATE: Do you challenge this fact that illegally the capacity was increased?

SHRI JAGAN NATH KAUSHAL: As I said, I will not travel beyond the scope of this Bill.

SHRI SOMNATH CHATTERJEE: What about the findings of an important Committee appointed by the Government? The Law Minister is shutting his eyes to it.

SHRI JAGAN NATH KAUSHAL: The only criticism that has been levelled is that very many cases have not been referred to the Commission. Shri Chatterjee has given the figures for a decade or so. But then the question is this. Only those cases have to be referred to the Commission, which really require the findings of the Commission. If you want straight-

forward cases also to be referred the Commission it will not help you, it will not help us.

SHRI SOMNATH CHATTERJEE: Does the Law Minister not know how long the Central Government departments take for disposal of even simple cases?

And how many visits have to be paid and where are the lobbyists working, where are the liaison officers therefor.

SHRI JAGAN NATH KAUSHAL: Mr. Chatterjee, now probably the things are proceeding more quickly.

SHRI SOMNATH CHATTERJEE: The circulation is better now. (Interruptions)

SHRI JAGAN NATH KAUSHAL: As I say, this talking across the table will not help us. Therefore, my submission to the....

SHRI SOMNATH CHATTERJEE: There are species of people called lobbyists, liaison officers of big companies here—contact men.

आचार्य भगवान देव (भजमेर) : वेस्ट बंगाल में ये ऐसा कर रहे हैं, उपाध्यक्ष जी।

श्री सोमनाथ चटर्जी : आप तो कुछ नहीं जानते हैं बस आप यही जानते हैं।

SHRI JAGAN NATH KAUSHAL: My submission is that this Bill is mainly concerned with only two sections—21 and 22.

SHRI SOMNATH CHATTERJEE: Clause 22-A.

SHRI JAGAN NATH KAUSHAL: About Clause 22-A, I have replied. There, the Parliament has complete control over the core sector industries regarding which the Government will

[Shri Jagan Nath Kaushal]

come forward with appropriate notification and it will be the domain of the Parliament to accept or not to accept. I would, therefore, respectfully submit that this Bill should be taken into consideration.

SHRI SOMNATH CHATTERJEE: The Hon. Minister said that he will come to the question of increase in the strength of these big houses.

SHRI JAGAN NATH KAUSHAL: On that matter, if I quote the figures—You gave the figures.

SHRI SOMNATH CHATTERJEE: We have not invented them.

SHRI JAGAN NATH KAUSHAL: Regarding the figures which you gave, you gave the total assets of 94 big houses increased from Rs. 5,600 crores in 1972 to Rs. 14,500 crores in 1980—an increase of about 20 per cent per annum. These are the figures you gave.

SHRI SOMNATH CHATTERJEE: 10 per cent of them are controlling 80 per cent.

SHRI JAGAN NATH KAUSHAL: Please wait for a second, Mr. Chatterjee. Now, I am giving your figure. And if the assets are deflated to provide for the increase in prices, the assets have increased from Rs. 5,600 crores to Rs. 10,700 crores, an increase of about 12.5 per cent per annum. Is it such an increase over which there should be all hue and cry?

SHRI SOMNATH CHATTERJEE: Now we have got a new explanation of the increase in the strength of the economic power of the big houses. Due to inflation their assets are increasing and the purchasing power of the common people due to the inflation is reducing. Wonderful argument.

SHRIMATI GEETA MUKHERJEE: Is there an instance of social justice?

SHRI JAGAN NATH KAUSHAL: I would request the Hon. Members to bear with me as I had the patience to hear them.

MR. DEPUTY-SPEAKER: Mr. Minister, you must also furnish how many people were employed at that time by these monopolies and other companies and how many are employed now. That also you can give. I want the number only. That also you can give.

SHRI SOMNATH CHATTERJEE: Very good question, Sir. *(Interruptions)*

MR. DEPUTY SPEAKER: Next time he can furnish that also.

SHRI SOMNATH CHATTERJEE: What is the increase in the quantum of profit and what is the total strength of workmen, and whether lesser number are working? *(Interruptions)*

MR. DEPUTY-SPEAKER: Parliament must know that. *(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Chitta Basu, are you pressing your amendment?

SHRI CHITTA BASU: Yes.

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 1 to the motion for consideration moved by Shri Chitta Basu to the vote of the House.

*Amendment No. 1 was put and negatived.*

MR. DEPUTY SPEAKER: I shall not put the motion for consideration 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.*



## CLAUSE 2—AMENDMENT OF SECTION 2

MR. DEPUTY-SPEAKER: The House will now take up Clause-by-clause consideration of the Bill. We shall now take up Clause 2. Mr. Sudhir Kumar Giri, are you moving your amendments ?

SHRI SUDHIR GIRI (Contai): I move:

Page 2, line 5,—

*for* “one-fourth” *substitute* “one-tenth”(2)

Page 2, line 13,—

*for* “one-fourth” *substitute* “one-tenth”(3)

Page 2, line 25,—

*for* “one-fourth” *substitute* “one-tenth”(4)

Page 2, line 30,—

*for* “one-fourth” *substitute* “one-tenth”(5)

Page 2, lines 37 & 38,—

*for* “one-fourth” *substitute* “one-tenth”(6)

Page 2, line 39,—

*for* “one-fourth” *substitute* “one-tenth”(7)

Page 2, lines 46 & 47,—

*for* “one-fourth” *substitute* “one-tenth”(8)

I shall speak on my amendment at No. 12.

MR. DEPUTY-SPEAKER: I shall allow you.

I shall now put amendments No. 2 to 8 to Clause 2 moved by Shri Sudhir Kumar Giri to the vote of the House.

*Amendment Nos. 2, 3, 4, 5, 6, 7 and 8 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

“That Clause 2 stand part of the Bill.”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

## CLAUSE 3—AMENDMENT OF SECTION 21

SHRI SUDHIR GIRI: I beg to move.

Page 3, lines 47 and 48,—

*for* “twenty-five” *substitute* “ten”(9)

Page 4, line 5,—

*for* “twenty-five” *substitute* “ten” (10)

Page 4, line 15,—

*for* “twenty-five” *substitute* “ten” (11)

Page 4,—

*after* line 25, *insert—*

“Provided that if the production, marketing, supply, distribution or control of any goods or the provision of any service increases by more than ten per cent of the goods produced, marketed, supplied, distributed or controlled or services provided by the undertaking immediately before such expansion, the proposal for such expansion shall be approved by the Central Government.

Provided further that in the case of expansion no reduction in the strength of working staff of the undertaking shall be resorted to.”  
(12)

[Shri Sudhir Giri]

At page 4 there is a provision that because of the replacement, renovation or modernisation of the whole or any part of the machinery or other equipment of the undertaking or by installation of the balancing equipment, if the production of the firm goes up, there is no restriction or limitation at all. The purpose of the principal Act is to control monopoly houses and restrict trade practices. If there is no limit attached to the total production because of the renovation or modernisation, the monopoly houses would go beyond the reach of the Government. Therefore, I have moved this amendment as given as S. No. 12.

I urge upon all the Members of the House to accept my amendments.

SHRI JAGAN NATH KAUSHAL: I am sorry I cannot accept.

MR. DEPUTY-SPEAKER: I shall now put Amendment Nos. 9 to 12 to Clause 3 moved by Shri Sudhir Kumar Giri to the vote of the House.

*Amendments Nos. 9, 10, 11 and 12 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

# CLAUSE 5—INSERTION OF NEW SECTION 22-A

SHRI SUDHIR GIRI: I beg to move:

Page 4, line 45, *add* at the end—

"and not to the detriment of the common people's interest." (13)

Sir, we want that the production must and for that the Government is going to liberalise the production policy and give licence or authority to monopoly houses to produce more. But I have added one thing. The production will not go to the detriment of the interest of the common people.

SHRI JAGAN NATH KAUSHAL: I do not accept it. It is a totally redundant phrase which you want to add.

MR. DEPUTY-SPEAKER: Now, I put amendment No. 13 moved by Shri Sudhir Kumar Giri.

*Amendment No. 13 was put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 5 stand part of the Bill."

*(Interruptions)*

MR. DEPUTY-SPEAKER: Are you pressing, Mr. Chatterjee ?

SHRI SOMNATH CHATTERJEE: Yes, Sir.

MR. DEPUTY-SPEAKER: Let the Lobbies be cleared—

18.00 hrs.

The Lobbies have been cleared.

Now, the question is:

"That Clause 5 stand part of the Bill."

*The Lok Sabha divided :*

Division No. 11]

[18.00 hrs.

## AYES

Ankineedu Prasada Rao, Shri P.  
 Baitha, Shri D.L.  
 Bajpai, Dr. Rajendra Kumari  
 Baleshwar Ram, Shri  
 Banatwalla Shri G.M.  
 Bhagat, Shri B.R.  
 Bhagat, Shri H.K.L.  
 Bhagwan Dev, Acharya  
 Bhakta, Shri Manoranjan  
 Bhatia, Shri R.L.  
 Bhole, Shri R.R.  
 Birender Singh, Rao  
 Brar, Shrimati Gurbrinder Kaur  
 Buta Singh, Shri  
 Chakradhari Singh, Shri  
 Chandra Shekhar Singh, Shri  
 Chandrakar, Shri Chandu Lal  
 Chaturvedi, Shrimati Vidyawati  
 Chavan, Shri S.B.  
 Chennupati, Shrimati Vidya  
 Chouhan, Shri Fatchbhan Singh  
 Dabhi, Shri Ajitsinh  
 Daga, Shri Mool Chand  
 Das, Shri A.C.  
 Dennis, Shri N.  
 Dev, Shri Sontosh Mohan  
 Digvijay Sinh, Shri  
 Dogra, Shri G.L.  
 Era Anbarasu, Shri  
 Faleiro, Shri Eduardo  
 Gehlot, Shri Ashok  
 Gomango, Shri Girdhar  
 Gouzagin, Shri N.  
 Jain, Shri Bhiku Ram  
 Jain, Shri Virdhi Chander  
 Jena, Shri Chintamani  
 Kandaswamy, Shri M.  
 Karma, Shri Laxman  
 Kaul, Shrimati Sheila

Kaushal, Shri Jagan Nath  
 Khan, Shri Zulfiquar Ali  
 Kidwai, Shrimati Mohsina  
 Kurien, Prof. P.J.  
 Lakkappa, Shri K.  
 Madhuri Singh, Shrimati  
 Mahabir Prasad, Shri  
 Mahendra Prasad, Shri  
 Mishra, Shri Uma Kant  
 Misra, Shri Harinatha  
 Mohanty, Shri Brajamohan  
 Motilal Singh, Shri  
 Nahata, Shri B.R.  
 Namgyal, Shri P.  
 Netam, Shri Arvind  
 Nikhra, Shri Rameshwar  
 Panday, Shri Kedar  
 Panika, Shri Ram Pyare  
 Patel, Shri Shantubhai  
 Patil, Shri A.T.  
 Patil, Shri Balasaheb Vikhe  
 Patil, Shri Veerendra  
 Patil, Shri Vijay N.  
 Patnaik, Shrimati Jayanti  
 Pattabhi Rama Rao, Shri S.B.P.  
 Phulwariya, Shri Virda Ram  
 Potdukhe, Shri Shantaram  
 Prasan Kumar, Shri S.N.  
 Ramamurthy, Shri K.  
 Rana Vir Singh, Shri  
 Rane Shrimati Sanyogta  
 Ranga, Prof. N.G.  
 Rao, Sri Jagannath  
 Rao, Shri M.S. Sanjeevi  
 Rao, Shri P.V. Narasimha  
 Rathod, Shri Uttam  
 Rawat, Shri Harish  
 Roat, Shri Jai Narain  
 Sahi, Shrimati Krishna  
 Sathe, Shri Vasant  
 Satya Deo Singh, Prof.  
 \*\*Shailani, Shri Chandra Pal  
 Shaktawat, Prof. Nirmala Kumari  
 Shankaranand, Shri B.



Shanmugam, Shri P.  
 Sharma, Shri Kali Charan  
 Shivendra Bahadur Singh, Shri  
 Shukla, Shri Vidya Charan  
 Sidnal, Shri S.B.  
 Solanki, Shri Babu Lal  
 Sparrow, Shri R.S.  
 Sultanpuri, Shri Krishan Dutt  
 Sunder Singh, Shri  
 Tewary, Prof. K.K.  
 Thungon, Shri P.K.  
 Tripathi, Shri Kamalapati  
 Tytler, Shri Jagdish  
 Vairale, Shri Madhusudan  
 Varma, Shri Jai Ram  
 Venkataraman, Shri R.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Deen Bandhu  
 Verma, Shrimati Usha  
 Vyas, Shri Girdhari Lal  
 Yadav, Shri Ram Singh  
 Yazdani, Dr. Golam

### NOES

Agarwal, Shri Satish  
 Balan, Shri A.K.  
 Basu, Shri Chitta  
 Chatterjee, Shri Somnath  
 Dandavate, Prof. Madhu  
 Giri, Shri Sudhir  
 Horo, Shri N.E.  
 Jagpal Singh, Shri  
 Jha, Shri Bhogendra  
 Maitra, Shri Sunil  
 Mehta, Prof. Ajit Kumar  
 Mukherjee, Shrimati Geeta  
 Pal, Prof. Rup Chand  
 Rajda, Shri Ratansinh  
 Shamanna, Shri T.R.  
 Shastri, Shri Ramavatar  
 Tirkey, Shri Pius  
 Varma, Shri Ravindra

MR. DEPUTY-SPEAKER: Subject to correction, the result\* of the division is :

Ayes 105

Noes 18

*The motion was adopted.*

*Clause 5 was added to the Bill.*

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

SHRI JAGANNATH KAUSHAL:  
 Sir, I beg to move:

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is:

“That the Bill be passed”.

*The motion was adopted.*

---

18.02 hrs.

### BUSINESS ADVISORY COMMITTEE

### THIRTY-SECOND REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH): Sir, I beg to present the Thirty-second Report of the Business Advisory Committee.

---

\*The following members also recorded their votes :

AYES : Sarvashree Ramjibhoi Mavani and Birbal

NOES : Shri Mohammed Ismail.