

[Shri K. S. Ramaswamy]

clause 246 of the Constitution in respect of the Concurrent List as follows :

"(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the 'Concurrent List')."

The delegation to the President proposed in the Bill is only in connection with powers of the State Legislature. There should be no apprehension that the powers of the Parliament itself of enacting laws under List III of the Seventh Schedule would also be exercisable by the President by virtue of this delegation by the Parliament. There is also no point in restricting the delegation merely to List II since the full exercise of the functions of the State Government may from time to time require legislation on the subjects in List III.

MR. DEPUTY-SPEAKER : I shall now put Amendments Nos. 5 and 6 moved by Shri Srinibas Mishra to the vote of the House.

Amendments Nos. 5 and 6 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 :

"Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

SHRI K. S. RAMASWAMY : I move :

"That the Bill be passed."

SHRI S. C. SAMANTA (Tamluk) : Mr. Deputy-Speaker, Sir, I lodge my

protest against the procedure that has been adopted by the Home Ministry as regards this Bill. In the order paper, we find Mr. Y. B. Chavan was to pilot this Bill. But he is absent. The Minister of State who came here also disappeared. Then, it has fallen on the shoulders of the Deputy Minister to pilot the Bill. It may be said that the Deputy Minister is a Minister and he can do so. I admit it. But a prior permission of the Speaker should be taken. Though you kindly allowed him to pilot the Bill, he did not say, "On behalf of Mr. Y. B. Chavan, I am piloting the Bill." So, this is a bad procedure and I lodge my protest against it.

MR. DEPUTY-SPEAKER : Usually, that formality is observed and I take it that is observed.

SHRI K. S. RAMASWAMY : I moved it on behalf of Mr. Y. B. Chavan.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

18.54 HRS.

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES BILL

MR. DEPUTY-SPEAKER : The House will now take up the Monopolies and Restrictive Trade Practices Bill.

SHRI S. M. BANERJEE (Kanpur) : Sir, I rise on a point of order.

MR. DEPUTY-SPEAKER : Let the Minister first move the motion.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS (SHRI RAGHUNATH REDDY) : Sir, on behalf of Shri Fakhruddin Ali Ahmed, I beg to move:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide that the operation of the economic system does not result in the concentration of economic power

[Shri S. M. Banerjee]

ed anything—Dr. Hazari's Report or the Monopoly Commission's Report.

MR. DEPUTY-SPEAKER : The hon. Member has risen on a point of order regarding the Bill. What he says now is outside its purview. If he has any specific point of order to raise, say, some sort of an irregular procedure so far as the introduction of this Bill is concerned, I will permit him. Otherwise, I will not. Here we are not concerned with Dr. Hazari's Report. This is only an excuse for a speech. He may first quote the rule under which he is raising the point of order.

SHRI S. M. BANERJEE : My submission is . . .

MR. DEPUTY-SPEAKER : Mr. Banerjee, let us follow the procedure. Let us adjourn the House in a good humour. Please co-operate.

SHRI S. M. BANERJEE : I will quote the rule, Sir. Rule 376 of the Rules of Procedure and Article 117 of the Constitution. The business before the House is the motion made by the hon. Minister, Shri Raghunath Reddy, that this particular Bill be referred to the Select Committee after associating some of the members of the House. With this particular Bill we have received Bulletin Part II, *i.e.*, the President's recommendation under Article 117 of the Constitution of India in respect of the Monopolies and Restrictive Trade Practices Bill, 1967.

May I first invite your attention to article 110 of the Constitution? Article 110 says :

"For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely . . ."

You know it well, Sir. Therefore, I do not want to waste the time of the House by reading out the whole thing.

Then I invite your attention to article 117(1) of the Constitution. Article 117(1) says :

"A Bill or amendment making provision for any of the matters speci-

fied in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States . . ."

Normally, the practice is that such an important thing which is supposed to be a Money Bill and which is a Money Bill should not have been introduced in the Council of States, *i.e.* Rajya Sabha.

Now, coming to the Bill it is mentioned there that :

"The President has, in pursuance of clause (3) of Article 117 of the Constitution of India, recommended the consideration of the Bill by the Rajya Sabha."

But it has not been explained to us, this House, why so far as Monopolies Bill is concerned, why as far as Dr. Hazari's Report is concerned, or anything concerned with Birlas, that was never introduced in this House. I want an explanation from the hon. Minister. Let him explain why in this particular case this provision was not followed. They say this is the recommendation and when the recommendation of the President was cited for Rajya Sabha, as far as Lok Sabha is concerned, Lok Sabha was alive to the problem and they got it immediately before the Bill was introduced. I only want the Minister to answer this point.

MR. DEPUTY-SPEAKER : I will not agree with this proposition. You have pointed out Art. 110 and Art. 117 and your contention is that a Money Bill or amendment to a Money Bill which is supposed to be a Money Bill should have come before this House without going to the other House.

SHRI S. M. BANERJEE : Absolutely.

MR. DEPUTY-SPEAKER : That is your contention. On that point I am prepared to listen. Why Dr. Hazari's Report was not brought forward here—that has nothing to do with this.

19 Hrs.

SHRI S. M. BANERJEE : I have thrown up many points. You may kindly choose them.

MR. DEPUTY-SPEAKER : I think on this point—if it is a Money Bill or an amendment to Money Bill, whether it can be placed first in the Council of States or it should have come before this House—the Minister may clarify.

SHRI GADILINGANA GOWD (Kurnool) : I am a Member of the Business Advisory Committee. There it was unanimously decided that it should not be discussed and the Bill should be sent to Joint Select Committee.

MR. DEPUTY-SPEAKER : I am specifically limiting this discussion to the point of order. He has mentioned two articles of the Constitution. So on that point if you have got to say anything, I am prepared to listen.

SHRI RAGHUNATH REDDI : Though I am not able to immediately recollect the necessary provisions of the Constitution in terms of the language used in the Constitution read by Mr. Banerjee, if I consult my memory, as far as my knowledge of Constitution is concerned, the articles specifically use the expression 'charge' and the Monopoly Bill contains 'defray'. The expression used is 'defray' and unless the money which is to be paid to the Monopolies Commission or other officers in the Monopolies Commission Bill is to be charged in terms of Sec. 117, it does not become a Money Bill. Otherwise, as long it is 'defrayed' it is not Money Bill. I hope you will accept my contention.

SHRI S. M. BANERJEE *rose*—

MR. DEPUTY SPEAKER : Please listen to me.

SHRI S. M. BANERJEE : One sentence, Sir. If the hon. Minister can convince us on this point by telling us that the Rajya Sabha is supposed to be the 'House of Lords' and the Bill with regard to big business houses should be discussed there first, I can understand. After all this is the House of

common people. My point is whether this is a Money Bill or not.

MR. DEPUTY SPEAKER : Therefore, you have drawn the attention of the Chair and this House to this specific point whether under Art. 110 it is not a Money Bill. There are several provisos in that Article and you have not pinpointed. So far as these clause are concerned, unfortunately, it does not attract any one of the clauses for me to strike it down as a Money Bill.

SHRI AMRIT NAHATA : I have a submission, Sir.

MR. DEPUTY-SPEAKER : No discussion please. If you want to say anything on the point of order, I can listen.

SHRI AMRIT NAHATA : Yes, Sir. The decision that was taken in the Business Advisory Committee does not hold good any more. I want to show it. I had the privilege of attending the Business Advisory Committee. Sir, It was decided that this Bill shall be referred to the Joint Select Committee without any discussion. I agree to that. Previously, 8 hours had been provided for this Bill along with the Hazare report. But we were told that the session of the House could not be extended beyond Saturday, because the Prime Minister and the Deputy Minister would not be here. Therefore, our proposal to continue the session to the 26th and the 27th instant in order to discuss this Bill and the Hazare Report was rejected. Now, Rajya Sabha has decided. . . .

MR. DEPUTY-SPEAKER We have nothing to do with that.

SHRI AMRIT NAHATA : . . . to hold their sittings on the 26th and the 27th also. If Rajya Sabha can sit without the Prime Minister and the Deputy Prime Minister being here, why can this House also not sit on the 26th and the 27th instant? So, I move a motion . .

MR. DEPUTY-SPEAKER : I have followed his point.

SHRI AMRIT NAHATA : I have a right to move a motion for that purpose.

MR. DEPUTY SPEAKER : I entirely agree that this House is sovereign and whatever decisions are taken at the Business Advisory Committee are only the decisions of the committee, until they are approved by this House. But once the approval and concurrence of the House is given, they become the order of the House.

SHRI AMRIT NAHATA : But the conditions have changed . . .

MR. DEPUTY SPEAKER : That does not apply here. I am not concerned with what the other House has decided. At least for my part, I do not feel myself called upon to change the order, which has the concurrence of the House. Now, I shall put the main motion to vote.

SHRI A. S. SAIGAL (Bilaspur) : I oppose the motion . . .

MR. DEPUTY-SPEAKER : Shri Amrit Nahata cannot move his motion now. We have already adopted the report of the Business Advisory Committee, and it is now binding on the House to accept it, and we have already accepted it.

SHRI RANDHIR SINGH (Rohtak) : I agree with my hon. friend Shri A. S. Saigal.

MR. DEPUTY-SPEAKER : The question is :

"That this House concurs in the recommendation of Rajya Sabha that the House do join the Joint Committee of the Houses on the Bill to provide that the operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto, made in the motion adopted by Rajya Sabha at its sitting held on the 21st November, 1967 and communicated to this House on the 23rd November, 1967 and resolves that the following thirty members of Lok Sabha be nominated to serve on the said Joint Committee, namely: Shri G. M.

Bakshi, Shri B. Bhagavati, Shri Onkar Lal Bohra, Shri Valmiki Choudhury, Shri Bharat Singh Chowhan, Shri S. R. Damani, Shri C. Dass, Shri C. C. Desai, Mahant Digvijai Nath, Shri K. R. Ganesh, Shri Bimalkanti Ghosh, Shri Indrajit Gupta, Shri Hem Barua, Shri Prabhu Dayal Himmatsingka, Shri M. N. Nagnhoor, Chaudhary Nitiraj Singh, Shrimati Vijaya Lakshmi Pandit, Shri Anantrao Patil, Shri S. R. Rane, Shri Rabi Ray, Shri G. S. Reddi, Shri A. S. Saigal, Shri S. C. Samanta, Shri V. Sambasivam, Shrimati Savitri Shyam, Shri Era Sezhiyan, Shri Ramshankar Prasad Singh, Shri Krishna Dev Tripathi, Shri R. Umanath, Shri Fakhruddin Ali Ahmed."

The motion was adopted.

19.08 Hrs.

BIHAR AND UTTAR PRADESH
 (ALTERATION OF BOUNDARIES)
 BILL

गृह कार्य मंत्रालय में राज्य मंत्री (श्री विद्याचरण शुक्ल) : मैं प्रस्ताव करता हूँ कि :

"बिहार और उत्तर प्रदेश के राज्यों की सीमाओं के परिवर्तन और तत्संबन्ध विषयों का उपबन्ध करने वाले विधेयक पर विचार किया जाये।"

उपाध्यक्ष महोदय, इस विधेयक पर ज्यादा कुछ कहने की जरूरत नहीं है। मुझे विश्वास है कि माननीय सदस्य इस बात से सहमत होंगे कि जो एक समझौता दो राज्य सरकारों में हुआ है, उस को पूरी तरह से माना जाये और हम उस को कानूनी रूप दें।

SHRI C. K. BHATTACHARYYA (Raiganj) : Could we not pass this Bill in the same manner as we had disposed of the previous Bill ?

MR. DEPUTY-SPEAKER : No. No time has been allotted for this Bill. Therefore, we are free to debate it for so long as we like to sit today; or else, we can have this postponed to the next session. So far as I am concerned, I shall not restrict the discussion here,