

इंदिरा गांधी और होम मिनिस्टर जेल सिंह जी को लिखा था कि प्रेस कर्ब करने के लिये कानून वह बनाना चाहते हैं जो उचित नहीं होगा।

उपसभापति महोदय, मैं सरकार का ध्यान इस ओर खींचना चाहता हूँ कि प्रेस स्वतंत्रता एक फंडा मेंटल राइट है और अगर प्रेस के खिलाफ कुछ होई तो को भी इंडियन पॉनल कोड में जा सकता है, उसके खिलाफ डिफेंशन का केस ला सकता है या प्रेस काउंसिल में जा सकता है। फिर यह अलग कानून बनाकर प्रेस को कर्ब करना ठीक नहीं और वह सिर्फ इसलिये हो रहा है कि अब वहां के पेपर अष्टाचार बिहार में जो हो रहा है, उसको एक एक करके ला रहे हैं। लेकिन अगर पेपर लिखता है "This is my problem, this is what they have to say." तो यह इर्रि-पासिबुल वे नहीं कहलाये जा सकते। इतना ही नहीं, श्री जगन्नाथ मिश्र ने लिखा है कि अखबार में सारा ऐडवर्टाइजमेंट दे देते हैं, आप 15 जुलाई और 21 जुलाई का पुलिस का सामान्य प्रशासन पर बजट पर बोला गया मुख्य मंत्री जगन्नाथ मिश्र का भाषण दो पेज में छपा है, दो पेज से ज्यादा ऐडवर्टाइजमेंट है उनके भाषण का। तो उपसभापति महोदय मैं सरकार का ध्यान खींचना चाहता हूँ कि कोई भी कानून बिहार में नहीं बनाये नहीं तो वहां और अष्टाचार बढ़ जाएगा।

DR. M. M. S. SIDDHU: (Uttar Pradesh): I gave notice for a special mention. I have not received any communication informing whether it is being granted or is not being granted. This is the first time...

MR. DEPUTY CHAIRMAN: I tell you.

DR. M. M. S. SIDDHU: Why should I not be informed of what action has been taken?

MR. DEPUTY CHAIRMAN: I think your notice has been admitted for tomorrow.

DR. M. M. S. SIDDHU: I should have been informed.

THE BUDGET (ASSAM), 1982-83

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Mr. Deputy Chairman, Sir, with your permission, I beg to lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Government of Assam for the year 1982-83.

MESSAGE FROM THE LOK SABHA

THE ESTATE DUTY (AMENDMENT) BILL, 1982

SECRETARY-GENERAL: Sir, I beg to report to the House the following message received from the Lok Sabha signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rules 96 of the rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Estate Duty (Amendment) Bill, 1982, as passed by Lok Sabha at its sitting held on the 27th July, 1982.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of the Bill on the Table.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL, 1982

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI

JAGANNATH KAUSHAL); Mr. Deputy Chairman, Sir, I beg to move:

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

Sir, the Monopolies and Restrictive Trade Practices Act, 1969 has been on the statute book for 12 years now, and 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 consideration of the Government for quite some time past.

A High-powered Expert Committee which, under the chairmanship of Justice Shri Rajinder Sachar, reviewed the working of this Act along with that of the Companies Act, has 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 for achieving higher productivity during 1982 which has been declared by our esteemed Prime Minister as the 'Productivity Year'. I propose to introduce, in the course of the 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, introduced the Bill touching mainly upon the provisions of sections 21 and 22 of the Act which deal with the question of substantial expansion and establishment of new undertakings.

The object of the Bill is to give greater fillip to production for which sanctioned capacity already exists but which has not been fully installed and also to enable Government to move faster in certain critical sectors of national economy, including exports. Simultaneously the 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 more harmonious relationship between them and the corresponding provisions in the Industries (Development and Regulation) Act, 1951. I may, at the outset, categorically affirm the commitment of the Government 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. The provisions of the Bill, before you, seek to re-inforce this view. The Government is fully and unequivocally wedded to the philosophy that the growth of large houses should be curbed if they result in common detriment and is against public interest. This approach was also reflected in our Election Manifesto and would be adhered to in future.

There can be no two views about the paramount need for augmenting and speeding up production in the country, especially in the core sector. Increased production in this sector alone could accelerate the growth of the national economy and lead ultimately to the welfare of the people. The Bill, before you, seeks to channelise the technology and the resources at the disposal of large houses towards this goal, while at the same time preventing any concentration of economic power to the common detriment. There is nothing in the provisions of this Bill which could be construed as giving any scope to big business to acquire any unfair advantage, let alone stranglehold on our economy. At the same time, I venture to re-affirm Government's policy not only to safeguard the interests of the small-scale sector but also to encourage there growth in every possible way. The Bill provides a revised definition of "dominance". This is in keeping with the recommendations of the Sachar Committee and current thinking in many countries in the world as to the share of the market that gives rise to "dominance". It is proposed

to lay down one-fourth share of the market or production capacity as a criterion for determination of "dominance" as against one-third share in the existing provision. However, the Bill seeks to lay down a new criterion in the case of undertakings which are required to obtain a licence under the Industries (Development and Regulation) Act. In respect of these undertakings, so long as the 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, the undertaking will be deemed to be "dominant".

It is also proposed to adopt the licensed capacity as the test for determining "substantial expansion" of undertakings coming within the purview of the Industries (Development and Regulation) Act. At present, even where the Government had sanctioned a capacity to an undertaking and the undertaking concerned has only installed a part of the capacity so sanctioned, it cannot proceed to install 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 the value of the 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 up to the extent approved. Consequently approval of such proposals afresh under the MRTP Act need not be insisted upon.

It is also proposed to take away exemptions available at present under section 21(4) of the MRTP Act for expansion to any extent in the manufacture of the same or similar type of goods. Such exemption many times tended to distort and defeat the measures of the 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 typing up fiscal monetary and material resources which could be deployed elsewhere to the better advantage of the economy. This, I presume, will be welcome to the House.

It is also proposed to give dispensation to all undertakings in regard to their proposals for modernisation, replacement, etc. a point strongly urged by the Sachar Committee. Accordingly the proposed new 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 whole heartedly modernisation, updating of technology and adoption of more modern and improved techniques for stimulating production. The existing provision contained in section 22 of the MRTP 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 provisions.

This is a serious lacuna. As on date, a dominant undertaking can assume even more economic power by setting up new undertakings 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 is also proposed to empower the Government to exempt, by notification, such industries which are of high national priority or meant for

hundred per cent export etc. from seeking approval under the MRTP Act for substantial expansion or for setting up new undertakings. This power is proposed to be vested with the Government to facilitate speedy action in the context of the fast changing needs of the economy. However, every such notification issued by the Government granting exemption would be laid before the Houses of Parliament as early as possible and would be open to discussion by them.

The Bill has been passed by Lok Sabha without any amendment on 20th July, 1982. I now move that the House be pleased to take up consideration of the Bill as passed by the Lok Sabha, and pass the same.

The question was proposed.

MR. DEPUTY CHAIRMAN: There is one amendment in the name of Shri Shiva Chandra Jha.

SHRI SHIVA CHANDRA JHA (Bihar): Mr. Deputy Chairman, I move—

“That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, be referred to a Select Committee of the Rajya Sabha consisting of the following Members namely:—

1. Shri R. R. Morarka.
2. Shri S. W. Dhabe.
3. Shri Suraj Prasad.
4. Shri Shanti G. Patel.
5. Shri Biswa Goswami.
6. Shri Rameshwar Singh.
7. Shri Hukmdeo Narayan Yadav.
8. Shri Kalraj Mishra.
9. Shri Hari Shankar Bhabhra.
10. Shrimati Mohinder Kaur.
11. Shri Shiva Chandra Jha.

with instructions to report by the first week of the next Session.”

The question was proposed.

MR. DEPUTY CHAIRMAN: Now both the motions are open for discussion. Mr. Nirmal Chatterjee.

SHRI NIRMAL CHATTERJEE (West Bengal): Mr. Deputy Chairman, it is clear that there is a gap between the practice and the profession of the Government. While stating the intention why the Bill has been moved—although there is in view a comprehensive review of the Act perhaps in the course of a short period—reference has been made to the increased need of productivity in the year of productivity and it has been assumed that through increased production benefits would follow all round. It is my submission that the hurry and the haste with which these amendments have been introduced which include (1) concessions and (2) populism—concessions to the monopoly interests themselves—is at the dictates of the International Monetary Fund. I will first draw your attention to a simple fact which is seldom stated, that this Act tries to restrict, even though in name, the monopolists and these monopolists include foreign companies in India. Let me explain this for some time. Now, in our country, foreign companies are defined as usual not unequivocally. There are three kinds of definitions available for different purposes. For instance, there are companies under the 1956 Act which are considered to be foreign companies because they are companies registered abroad or those companies which are known to be foreign subsidiaries, if their shares to the extent of 50 per cent or more are owned by a single foreign company.

Then there are those research organisations and Reserve Bank of India.

Foreign controlled rupee companies are defined in the following manner.

In such cases, 25 per cent of shares have to be owned by a single foreign company or 40 per cent of the equity

shares have to be owned by a single foreign country.

Then we have our well-known FERA—Foreign Exchange Regulations Act of 1973. According to this Act, if more than 40 per cent of the equity is shared by a foreign country, that is considered to be a foreign company.

While referring to these foreign companies, I might mention in passing, before I elaborate this point, that in having such an Act and simultaneously declaring ourselves to be a socialist country, we are really creating a record in the sense that only in non-socialist countries are there such Acts. For instance, MRTP Act is not available in any socialist country of the world. Such anti-class laws and monopoly restricting laws are available in countries like the United Kingdom and the United States. Ours is more or less a copy of their law with some distinctions. And what are these distinctions?

The Minister says that we have changed it against the monopoly by proposing an amendment which says that no longer need a company be considered a dominating undertaking, if only it produces more than 33 per cent of a particular commodity, aggregated in a particular way. The amendment reduces that 33 per cent to 25 per cent.

May I inform the Minister that long time back the United Kingdom had already adopted this 25 per cent and as for the United States, which has by now become our mentor, their law provides for 15 per cent production in any line to declare for one undertaking as the dominant one.

Coming back to foreign companies, whichever way they are defined, it should be made clear that even in an advanced country like Canada or USA this 40 per cent ownership of the share is considered to be on the high side. Any study on foreign capital would convince anybody, even

the Minister, that when the shares are largely distributed, a small concentration of even 10 per cent of shares can exercise control on that company.

I come from the Communist benches and my references would be to the regulations which obtain in Canada or in the United States. In Canada a foreign company is defined if only 5 per cent of its shares are controlled by foreigners and in the United States it is 10 per cent. We have been somewhat liberal with our foreign companies which only means that apart from the companies which are regulated under the FERA, there are many more companies which are engaged in our country in the various types of activities and some of them come under the MRTP Act. What is the proportion? You would be surprised to know, Sir, that out of the companies registered as dominant undertakings under the MRTP Act, 30.56 companies are under the FERA. I want to draw the attention of the House to the definition of a foreign concern which says that it should be more than 40 per cent of the shares to be owned by foreign countries. If we try to reduce it by ten per cent, it will be seen that this 30 per cent jumps up to about 60 per cent or 70 per cent. It is on the basis of this figure, Sir, that I want to assert that the fundamental reason why such a liberalisation is being attempted is this that apart from surrendering to our own monopolies within the country, we are surrendering—it is a surrender—to the multinationals in our country and, Sir, the multinationals and the World Bank and the IMF have dictated such an amendment to be moved here.

Now, Sir, coming back to our own monopoly companies, it has been mentioned by our Minister that this Act is there for nearly 12 years. Now, when we adopted our Constitution, we said in our Directive Principles—and it was copied in our Industrial

Policy Resolution of 1956; but it could not be copied in the 1948 Industrial Policy Resolution because the Constitution came somewhat later—that the aims of the economic development would be to reduce the inequalities in income and wealth and to see that there is no concentration of wealth or income in the economy. With that, of course, we proposed the socialistic pattern of society which has now been merrily converted into mere socialism only. Now, Sir, it was in those days that many gimmicks—I call them gimmicks—in terms of various Acts like the Companies Act, the Industries (Development and Regulation) Act, etc. were adopted. With what effect? Sir, the effects are splendid. It is known—I do not want to go into the details or the figures—that while the authors of the Bombay Plan, the top industrialists of the country, were having, before the Second World War, something like Rs. 35 crores worth of assets, by 1950 they were having not more than Rs. 50 crores' worth of assets. It is perhaps because they were under foreign domination. Then we came under our own domination and, in the course of a few years, during the course of the very bold Second Plan, the very bold Industrial Policy Resolution and the very bold Acts regulating industrial activity and consoling the monopolists, in the course of about thirty years or so, their assets which was to the tune of Rs. 50 crores jumped up. (*Time bell rings*). Sir, what is the time that I have?

MR. DEPUTY CHAIRMAN: 12 minutes are already over. Now you conclude.

SHRI NIRMAL CHATTERJEE: Sir, I was not told about it. I am sorry, I will have to take some more time as is the practice here.

Sir, during the course of about twenty-five or thirty years, their

assets rose from Rs. 50 crores to Rs. 1,000 crores. And, Sir, the two largest houses, apart from the 20 houses—look at the picture of concentration here—cornering about 75 per cent of the assets of all the industrialists in India.

And the two largest houses, if you want their names, belong to the Tatas and the Birlas. They control, out of this 75 per cent, nearly 40 per cent. And their assets have grown by twenty times.

Now, from the First Five Year Plan onwards, we have trying to double our *per capita* income. The projection in the First Five Year Plan was a period of 20 years. We tried to do it in the course of 15 years. But now we are in the midst of the glorious Sixth Five Year Plan, and even now, when our earlier Plans are all over, have we arrived at that target? Our *per capita* income has not doubled. The assets of the Tatas and Birlas have grown up twenty times through the kind operation of such acts as the MRTP Act, FERA, Companies Act and Industrial Development and Regulation Act. Now, what does all this mean? It only means that you want to save the Government. In the course of these thirty years it is precisely this that is the story of Indian economic development. All the amendments to the MRTP Act, if they have any meaning, it is only this, that because there is a recession the world over, because there are difficulties in the export also because of recession elsewhere, yet we shall perhaps in the name of export give concessions and the Government in its amendment has perhaps two things. (*Time bell rings*) Just two more points.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI NIRMAL CHATTERJEE: It has provided for two escape routes. One, it has given certain rights to the Government that the Government in its discretion, in its wisdom, in the

name of Socialism, allow certain houses to go beyond the MRTP Act. My humble submission is: Government is so wise, Government is so impeccably practising Socialism—why not take away the MRTP Act in its entirety and permit Government alone to decide who shall get the licences so that along with the Treasury Benches my friends sitting Opposite can prosper and India can prosper *via* them, and in the meantime people go on suffering in poverty?

DR. (SHRIMATI) NAJMA HEP-TULLA (Maharashtra): Sir, I stand here to support the amendment to the MRTP Act as it means the Monopolies and Restrictive Trade Practices Act. This Act is almost 13 years old and it was aimed at the restriction of monopoly houses so that the vested interests do not control the production and supply actively in the country. In these two years of my experience of the Rajya Sabha this is the second time that this Act has come in for amendment. It clearly means that the Government is very cautious and very careful to see that in the year 1982, which is the year of productivity, our production should increase. Sir, there is a need for change in the original Act. Before I come to that, I would like to say that our Government is aware and all of us are aware that the world market is going in for a very strange situation. There is recession all over the world, and our economy is also inter-connected and interrelated with it, and in this condition all of us should put in our best endeavours to see that our economy not only should remain as it is but it should improve and our production should improve for the sake of export and local markets. With the new amendments as regards the dominant undertakings, I feel that this will help greatly the new entrepreneurs to come into the field of industrial development.

3 P.M.

According to the old definition, the dominant undertaking means an undertaking which either by itself or along with inter-connected under-

taking produces, supplies, distributes or otherwise controls no less than one third of the total goods of any description that are produced, supplied or distributed in India or any part of the country or provides or control not less than one-third of any services that are rendered in India or any substantial part thereof, that is, one-third share of the market. Now, with the new amendments the link-up is with the I.D.R. Act, that is, the Industrial Development and Regulation Act. Firstly, any undertaking under the purview of the I.D.R. Act with a licensed capacity which is not less than the total installed capacity will be called dominant. Secondly, if any undertaking under the purview of the IDR Act but with no licensed capacity, produces, supplies, distributes not less than one-fourth of the total installed capacity, it will be covered under dominant undertaking. Thirdly, if any undertaking not within the purview of the I.D.R. Act controls, supplies, produces not less than one-fourth of the total installed capacity in India or any part of India, it will be covered under dominant undertaking and lastly, any undertaking supplying, controlling and providing services not less than one-fourth of the services in India, will also be considered as dominant.

[The Vice-Chairman (Shri R. R. Morarka) in the Chair]

Now, Sir, keeping these four different heads in view, if we do the analysis of what has been happening in the country, we will find that there have been many industries who, just to blockade any other entrant into their field of activity, will register a much larger installed capacity and get a licence; but they would not go into full production and hence not allow the new industries to come up and also would not increase production to their full capacity. Secondly, there are industries which register a much higher authorised capital, but in comparison to this, their paid-up capital is very small and hence by a false registration, they do not allow new entrants and hence control the market. Thirdly, an industry when

covered under M.R.T.P. for production capacity also controls, distribution, supply and marketing of their products and by this way, they fully control the market.

Now, with the new amendments, these loopholes will be closed.

Now, I come to amendment to Section 21 with regard to expansion. According to the new rules, any expansion of the undertaking covered by the I.D.R. Act will be allowed 25 per cent of its installed capacity. I do not want to read all the amendments. There are three amendments to it. The hon. Members can read the amendments themselves. By this control, there would be a proper monitoring of the expansion as well as any haphazard development of the industrial activity will not take place. Only those industries which are necessary or useful for the country or for local consumption or export would be allowed. As regards the establishment of new undertakings, uptill now the monopoly houses with Rs. 20 crores are restricted and dominant industries with Rs. 1 crores were exempted. But with the new amendments, both come under restriction. I feel that it is good because, Sir, what used to happen before is that if 'A' puts up an industry, he gives the distribution to 'B' who is his brother and the supply to 'C' who is another brother, and marketing to 'D' who is another relative. Sir, by this way, the same people were controlling the entire production, distribution, supply and marketing in a link-up and they could easily remove one link and the whole thing will collapse. They control the market to their advantage at the time of need or scarcity. For example, we can take the case of paper industry which is the monopoly of one family or the other and is a monopoly within a monopoly.

Sir, while I support all the restrictions and controls, I would like to mention about certain genuine problems of the trade and industry. The Government gives lot of incentives to new entrepreneurs to go to less or underdeveloped regions, the backward areas; but, Sir, sometimes they really

want to go to these areas and produce. But there are genuine reasons for them not to do so. Take, for example, the case of non-availability of power. We have been discussing day in and day out the case of non-availability of power and transport and the question of being on the main line of the railway or the road connection. Then they may not be legally protected in the backward areas as they are more legally protected in the more advanced areas because the industrial disputes can cause a particular industry to pass through a very hazardous time.

Now, I would request our hon. Minister, when he is giving exemptions or when he is putting a control under the MRTP Act or the dominant Act, that he should also consider the genuine problems of the trade and industry which they have to face in the course of their work. I would not mention about the administrative problems which each and every industry has to face in dealing with the Government.

As regards exempting industries of national importance and those which are for export or in the free trade zone, I appreciate the gesture of the Government and I feel that it is high time that we should try to modernise our industry. Sir, there is an exemption for modernisation also. Now, as far as industries of national interest are concerned, I would only caution the Government and say that it is quite possible that the MRTP Act might have been made applicable to some industries to curb their vested interest originally and now those very industries by coming under the national interest industries should not take the same benefits. So, I would request the hon. Minister to take caution on these things.

As far as modernisation is concerned, I appreciate the Government's gesture. I feel that in this industrially developing world around us when in every field modernisation and scientific and technological advancement is taking place it is high time that we should also improve our technology to produce better goods which can

compete in the world market. Now, Sir, I will give just a very ordinary example. All of us, when we go out of the Parliament House, can see the Ambassador and the Fiat cars. It is not only an outmoded, outdated ugly structure or ugly piece of *dabba* but the consumption of petrol is also much more, in this obsolete technology which is being used in the cars, which are being sold in the country. Unless certain improvements are made, these people are continuing to produce the same things. So, I would request our Government to look into this matter. While we think of modernisation in regard to our export industries, we should also think of modernisation in regard to those industries which cater to the local market because when modernisation takes place or new technology is introduced, it also saves fuel, saves repair and saves so many other things.

Lastly, but in no way the least important, I would like to place one point before the hon. Minister which, I do not know whether it is right to say at this stage or not. But as I do feel that our Government resorts to the MRTP Act in order to stop all monopoly trade practices, I want to know whether we are talking only in terms of money, trading or marketing or whether we consider the human values also.

Now, Sir, in all these big houses, I would like to ask our hon. Minister, I do not know if he has got the figures or not, whether the protection to Scheduled Castes and Scheduled Tribes and minorities is given according to our Constitution? Our Government is giving all protection, all the facilities for them to develop and to come up in the industrial field. The Government also reserves seats for them in jobs and other activities. But I would like to ask our hon. Minister whether these monopoly houses also keep any reservation for these under-privileged people, the Scheduled Castes, the Scheduled Tribes and the minorities? Because as I have noticed if one big house comes up they only

keep in business the people of their own community, their own people and then it becomes a monopoly. So, I would request the hon. Minister to put this much of a point in his amendment that it should be considered that when there is a responsibility cast on the Government to look after these under-privileged people, these monopoly houses, these big houses, which are making money and earning money with the help of the Government and the people of this country, they should also have a responsibility towards these under-privileged people so that everybody gets the benefit regardless of his caste, creed or colour.

Thank you, Sir.

श्री शिव चन्द्र झा : उपसभाध्यक्ष महोदय, मैं मंत्री महोदय से पूछना चाहता हूँ कि आप सदन को और देश को गुमराह क्यों करना चाहते हैं इस विधेयक को लाकर। क्या आप यह समझते हैं कि सदन में सदस्य नहीं हैं जो इसका मतलब नहीं समझ पायेंगे और आपको कुछ भी पेश कर देना है और इस विधेयक के साथ साथ जो इंट्रोडक्शन आप ने पढ़ा उन दोनों से मैं केवल गुमराह करने की बात ही नहीं कहता बल्कि उससे कड़ा शब्द प्रयुक्त करना चाहता हूँ कि आप देश और सदन दोनों की आँख में धूल झाँकना चाहते हैं। आपने इंट्रोडक्शन में कहा है कि हमारे एलेक्शन मैनीफेस्टो में भी है कि हम मोनोपॉली हाउसेज का कंट्रोल करेंगे। क्यों आप अपने एलेक्शन मैनीफेस्टो का हवाला देते हैं। क्यों नहीं आप रावी के तट पर पं० जवाहर लाल नेहरू के भाषण का हवाला देते हैं जबकि देश की स्वतन्त्रता के लिये झंडा लहराया गया, मुस्लिम आजादी के लिये और उस वक्त पं० जवाहर लाल नेहरू ने कहा था कि हमें इन घरानों को तोड़ना है। तो अगर आप हकीकत में ही रेफरेंस देना चाहते हैं तो हमारे राष्ट्रीय आंदोलन में बहुत

से ऐसे रेफरेंस हैं, अनेक नेताओं के कि जिनमें कहा गया है कि हम को मोनोपोली हाउसेज को कंट्रोल करना है, उन को ठीक करना है। तो आप एलेक्शन मैनीफेस्टो का हवाला देकर इसको आप पोलिटिकलाइज कर रहे हैं कि हम और हमारी सरकार काम कर रही है। ऐसा करके आप सदन और देश की आंख में धूल झाँक रहे हैं।

आप ने कहा कि दूसरे कंट्रीज में भी ऐसा ही है। तो क्या आप का मतलब अमरीका से है। तो अमरीका में तो पहले से ही मोनोपोली कंट्रोल ऐक्ट है। उन का शर्मन ऐंटी ट्रस्ट ऐक्ट 1890 का है। लेकिन उससे क्या वहाँ की मोनोपोलीज पर कब्जा हो गया। जैक लंदन के शब्दों में वे तो आयरन हील्स हैं। अमरीकन इकोनामिस्ट थार्स्टी-यन वेब्लन ने कहा है कि वे केप्ट इंटररेस्ट्स हैं। क्या अमरीकन साम्राज्य आज एशिया और अफ्रीका में फैला हुआ नहीं है। तो क्या इससे अमरीकन मोनोपोली कंट्रोल हो गयी? या आप रेफरेंस यू० के० का दे रहे हैं। वहाँ भी मोनोपोलीज हैं। एटली की सरकार ने उन पर कुछ हमला किया था, लेकिन राष्ट्रीयकरण का जब तीसरा स्वरूप हो गया तो क्या वहाँ एटली को हटाया गया? वह तो सिलसिला ही टूट गया। लेकिन अगर उनका आप रेफरेंस देते हैं तो क्या वहाँ मोनोपोली कंट्रोल हो गयी? यू० के० का जाल फैला हुआ है अमरीका के साथ। तो दूसरे मुल्कों का रेफरेंस दे कर भी आप सदन और देश की आंख में धूल झाँकना चाहते हैं।

तीसरा एतगज जो मुझे है वह यह कि आप कहते हैं कि आप तीन महीने के बाद ही एक कांफ्रेंसिव बिल इस संबंध में ला रहे हैं। कौन सी यहपूर्वी उलट आयेगी यदि आज यह कानून नहीं

आयेगा। आप तीन महीने बाद ही वह कांफ्रेंसिव कानून लायें ताकि हम उस पर ठीक से गौर कर सकें। तो तीन महीने में क्या हो जायेगा। आप इसको एक्स-प्लेन करें। कहा गया है कि इंटरनेशनल मानीटरी फंड के दबाव से यह लाया गया है। मैं भी उसको रिपीट करना चाहता हूँ। आप किसी को खुश करना चाहते हैं। आपने बाहर से लोन लिया है और उनकी कुछ कंडीशंस हैं। उन की कुछ शर्तें हैं। उन शर्तों को आप पूरा कर रहे हैं। आप जब उन को पूरा करेंगे तभी अगला इंस्टालमेंट आप को मिलेगा। आप पर यह चार्ज लगाना बिल्कुल उप-युक्त है। यदि यह बात नहीं है तो तीन महीने के बाद आप एक कांफ्रेंसिव बिल लाते और इस समय थोड़ा रुक जाते तो हम देखते कि उस में आप किस तरह से मोनोपोली हाउसेज को कंट्रोल करना चाहते हैं। जब आप हवाला देते हैं एलेक्शन मैनीफेस्टो का तो आप राष्ट्रीय आंदोलन की बात भूल जाते हैं। आप कांग्रेस अधिवेशनों की बात भूल जाते हैं। मैं तो कहता हूँ कि यर्ड फाइन इयर प्लान का जो इंड्रोडक्शन है वह पं० जवाहर लाल जी का लिखा हुआ है। उसका आप अध्ययन करें और उसको कार्यान्वित कर दें। हम उससे खुश हो जायेंगे और अगर आप उसको कार्यान्वित कर देंगे तो इस की कोई जरूरत नहीं रह जायेगी। वह पंडित जी का आखिरी टेस्टामेंट है जो भारतीय सोशल कंडीशनस और यहाँ की इकोनामी पर है। आपने उस को नहीं पढ़ा है। आप अपने बीस सूत्री कार्यक्रम को ही देश में घूम कर दिखाना चाहते हैं। उपसभा-ध्यक्ष जी, हम लोगों को वाईस्कोप दिखाया जाता था बचपन में। ध्यान देकर, चावल देकर हमको आगरे का ताजमहल दिखाया जाता था, नौ मन की रानी देखा कहा जाता था। यह 20 सूत्री कार्यक्रम

भी आप का ऐसा ही घोटाला है। आप जवाहर लाल के दर्शन को कार्यान्वित करने की कोई खाहिश रखते हैं तो थर्ड फाइव इयर प्लान के इंट्रोडक्शन को आप ठीक से पढ़ें और कार्यान्वित करें। वह सोच तो है नहीं, सदन को आप गुमराह कर रहे हैं।

तो श्रीमन्, यह जो आपका ऐक्ट है, आप कबूल कर रहे हैं कि इजारेदारों के घरने बड़े हैं, आंकड़े देने की जरूरत नहीं है। 75 परसेंट आज 20 घराने कंट्रोल करते हैं, उसमें 45 परसेंट टाटा और बिड़ला का है। अब समय आ गया है कि आप इनको कंट्रोल करें, इन मोनोपली हाउसेज को नेशनलाइज करें। क्या बजह है, क्यों नहीं कर सकते हैं? ये बड़े हैं देश की आजादी के बाद, 1947 से लेकर आज तक इनके पंख इतने फैल गये हैं, डीलिंग विद दि मल्टी-नेशनल पार्टनर्स, सारी इकानामी केन्द्रित कर रहे हैं। इन मोनोपली हाउसेज को कंट्रोल करने में आपको क्यों दिक्कत हो रही है?

उपायक्ष महोदय भारत की अर्थ व्यवस्था एक घोर संकट के दौर से गुजर रही है और वह घोर संकट एक ग्लेयरिंग कंट्रैडिक्शन की वजह से है और वह है बढ़ता हुआ पब्लिक सैक्टर और बढ़ता हुआ प्राइवेट सैक्टर। ग्राइंग पब्लिक सैक्टर और ग्राइंग प्राइवेट सैक्टर। यह कंट्रैडिक्शन भारत की अर्थव्यवस्था का है जिसका मुकाबला आपको करना होगा इससे आप को निपटना है। यही जड़ है तमाम बीमारियों की इस कंट्रैडिक्शन को आप जब तक रिजल्ट नहीं करते है तब तक आपकी समस्याएँ हल नहीं हो सकतीं, आर्थिक समस्याएँ हल नहीं हो सकतीं हैं। सामाजिक, शोसल, ऐजुकेशनल और अप्टरमैथ वह सब एक ही कंट्रै-

डिक्शन के हैं जो कि आप को असम से लेकर भारत के हर कोने में किसी न किसी रूप में मिलेंगे। इसीलिये तकाजा है कि इनको कंट्रोल किया जाए। श्रीमन्, ये जबाब देंगे कि इमिक्स्ड इकानामी है टर्स्किन ने युनाइटेड स्टेट्स में और लेनिन ने मिक्स्ड इकानामी की रूस में शुरुआत की थी कैपिटलिज्म को कंट्रोल करने के लिए। भारत में समाजवाद या कम्युनिज्म से कुछ नहीं हो रहा है। पब्लिक सैक्टर एण्ड प्राइवेट सैक्टर दोनों बढ़ रहे हैं। लेनिन ने देखा कि यह गाड़ी चली तो बहुत बड़ा संकट आयेगा। कमांडिंग हाइट्स में आप रहेंगे तो प्राइवेट सैक्टर की जो खराबियाँ हैं कि वह कभी बढ़ नहीं सकती है। हम उसको ओवर पावर कर लेंगे। आप मिक्स्ड इकानामी आज नहीं चला रहे हैं। लेकिन मोनोपली हाउसेज को कंट्रोल नहीं कर रहे हैं। और दूसरी खराबियाँ जो हैं उन पर मैं नहीं जाना चाहता हूँ, लेकिन अर्थ व्यवस्था के संचालन में पब्लिक सैक्टर और प्राइवेट सैक्टर का खेल 35 सालों से हो रहा है। बहुत मोटे आंकड़े प्राइवेट सैक्टर के दिये गये हैं। बिड़ला और टाटा ने 1944 में जो प्लान किया था उसको एक तरह से कार्यान्वित करने के लिए 6 फाइव इयर प्लान था। उसके टास्क को फुलफिल किया। उस वक्त का तकाजा है कि आप निर्णय लें। मंत्री जी में आपसे कहता हूँ कि जाकर प्रधान मंत्री जी से कह दें कि वक्त का तकाजा है कि आप फैसला करें कि हम इन टाटा और बिड़ला के घरों पर हमला करें या नहीं? आप घबड़ाये नहीं। हमारे विचार से हमला किया गया है बैंकों के राष्ट्रीयकरण से। शायद आप उस वक्त लोक सभा में नहीं थे मे था जब 1969 में बैंकों का राष्ट्रीयकरण किया गया था। हम लोगों ने माहौल

बनाया था इंदिरा गांधी की हिम्मत नहीं होती यदि वह महील लोक सभा में नहीं बनाया जाना। दिन रात हम लोगों ने हेमर किया कि बैंकों का राष्ट्रीयकरण हो। लेकिन वह एक हिम्मत का काम था वह हुआ। इससे कुछ गलत चीजों का खात्मा हुआ। बैंकों का राष्ट्रीयकरण एक सही दिशा में कदम था। अगर आप देश में समाजवाद लाना चाहते हैं तो आपको हिम्मत से काम लेना होगा और एक ही शटके में काम करना होगा। समाजवाद कोई टिमिड दर्शन नहीं है? आपको समाजवाद लाने के लिए आगे बढ़ना होगा और निर्णय लेना होगा। तभी देश में समाजवाद आ सकता है। रेडिकल काम शटके में ही हो सकते हैं। जब तक आप इन मोनोपोली हाउसेज को कंट्रोल नहीं करते हैं तब तक हमारे देश में समाजवाद नहीं आ सकता है। मैं यह नहीं कहता कि आप सारी इकनोमी पर कंट्रोल कर लीजिये। आप पहले इन 20 मगरमच्छों को कंट्रोल कीजिये। हमारे देश में प्राइवेट सेक्टर भी चल रहा है। सारा एक्सपोर्ट बढ़ाने के लिए आपने उनको सुविधा दे रखी है। हमारे देश से इंजीनियरिंग गुड्स का अफ्रीका के देशों में निर्यात किया जाता है। कौन इन चीजों का एक्सपोर्ट करता है? इन चीजों का एक्सपोर्ट टाटा करता है। एक्सपोर्ट के नाम पर टाटा को सारी छूट दी जा रही है। इस विधेयक के द्वारा साफ तौर पर आप उनको अधिकार दे रहे हैं, इनको इसेंटिव दे रहे हैं। इस तरह मे आप लोग टाटा की मदद कर रहे हैं। जैसा मैंने कहा, यह इस बात का सिगनलिंग है कि आप मोनोपोली हाउसेज को खत्म नहीं करना चाहते हैं। हमारे देश में जो स्माल सेक्टर और मिडिल सेक्टर है उसको आगे लाने की जरूरत है। मैं पूछता हूं कि आप स्माल सेक्टर को क्यों प्रोटेक्शन नहीं देते हैं?

अगर आप स्माल सेक्टर को स्टेट्युरी प्रोटेक्शन देंगे तो उससे देश में एक फिजा बनेगी और जन-साधारण को लाभ होगा। आज हमारे देश में जरूरत इस बात की है कि जो स्माल सेक्टर और मिडिल सेक्टर है, उसको प्रोत्साहन दिया जाय। लेकिन इस सरकार की नीतियां ऐसी हैं जिससे बड़े बड़े घरानों को मदद मिलती है और उनकी पूंजी इस देश में बढ़ती जा रही है। इसलिए मैं यह कहना चाहता हूं कि जिस रूप में यह विधेयक यहां पर पेश किया गया है, मैं पूरे विश्वास और पूरे जोर के साथ में यह कहता हूं कि यह इस सदन को और सारे देश को गुमराह कर रहा है और अगर आप मुझे कहने की इजाजत दें तो मैं यह कहना चाहता हूं कि आने वाले दिनों में यह आपको भी गुमराह करेगा और तब मैं आपके इस्तीफे की मांग करूंगा। यह विधेयक समाजवाद में विश्वास करने वालों ने नहीं बनाया है। अभी थोड़ा देर के लिए मैं आपके इस्तीफे की मांग नहीं करता हूं। इसलिए मैं साफ तौर पर कहना चाहता हूं कि यह गुमराह करने वाला विधेयक है। इसको आप वापस लें। इस विधेयक के बारे में मैंने जो संशोधन दिया है कि इसको सेलेक्ट कमेटी में भेजा जाये, इसको आप मान लें ताकि यह एक अच्छा विधेयक हो जाये। अभी जिस रूप में यह विधेयक यहां पर पेश किया गया है उस रूप में मैं इसका विरोध करता हूं।

SHRI SURENDRA MOHANTY (Orissa): Mr. Vice-Chairman, Sir, I thought this was the most unexceptionable Bill and it should have been accepted by this House without generating any controversy. It has not been the claim of the Minister, nor is it the claim of the Bill, that it is

going to restrict monopoly for all time to come. The scope of this Bill is very limited inasmuch as it only seeks to amend the two principal sections of the original Act—namely, sections 21 and 22. I would ask of the hon. Members of the Opposition whether the very fundamental of these amendments—restricting production, supply and distribution from 30 per cent to 25 per cent—is strengthening the monopoly or curbing the monopoly. Sir, the Minister has not claimed that he has brought a comprehensive Bill so as to restrict the monopoly houses, the growth of the big houses in this country for all time to come.

Sir, talking of the 20 big houses, one has to accept that as a fact of life. It is no good indulging in slogans, nor is it good to raise the name of Pandit Jawaharlal Nehru. Pandit Jawaharlal Nehru himself, with the full concurrence of this Parliament, had enunciated the principle of mixed economy. In the post-Independence period, the phenomenal growth of these 20 monopoly houses cannot be denied. But that is a fact of life. It is for two principal reasons. Number 1, they had the expertise; they had the infrastructure. Number 2, the foreign houses were inhibited from investment and from expanding the scope of their activities in this country. Taking advantage of that situation and also the economic doctrine that the nation had accepted which, naturally, this House had endorsed, the Government had, in right time, stepped in to see how the growth of big houses and monopolies can be curtailed and in that process, in that sequence, the Minister has come with a very simple Bill to seek amendment to sections 21 and 22 of the Monopolies and Restrictive Trade Practices Act for curbing concentration of further economic power and further growth of large houses in the private sector and also for increasing productivity in the core sector. In all humility I would like to ask them which of these objectives are exceptionable

and which of these objectives the Opposition is against. Rather, I would request the hon. Minister that he should come with a comprehensive Bill so that the concentration of economic wealth is not accentuated further.

Sir, the retiring President in his farewell speech had drawn the attention of the nation to the menace of the growth of economic power in the hands of the few. Sir, possibly, when the retiring President made that reference, he reflected not only the view of the common people but also of the Government itself. Therefore, I would request the hon. Minister that while it is all right—he has brought this limited Bill—he should lose no time in really bringing forth a measure which will curb the growth of the big monopoly houses.

Sir, it has been said that this Bill is a concession to populism and also a concession to the pressure exerted by the International Monetary Fund. Sir, I think it is not good always to see the ghost of the International Monetary Fund in every thing, in every measure that is brought before this House. The International Monetary Fund has very little to do with this. Secondly, as far as the pressure of populist demand is concerned, I don't think any Government should fight shy of yielding to populist demand. Today there is a popular demand in the country as voiced in the 20-point programme that the growth of the monopoly houses must be curbed. Therefore, if the Government has brought this measure in response to a populist demand, there is nothing to feel ashamed about it.

Also, it has been stated that in socialist countries there are no such Acts. But in socialist countries it is the State which monopolises. Everything is monopolised by the State and private enterprise has no scope to grow. In this country we are not fully socialist nor is it our claim.

We are functioning under a very different system where we have said that while the public sector will have the dominant heights, the private sector also will have its role to play. Now, this Bill only seeks two limited purposes, namely, to restrict the production, supply and distribution of goods from 30 per cent to 25 per cent. I think this is a welcome measure. The second thing is to determine how to lay down the determinants as to how this 25 per cent is to be arrived at. That is another aspect of this matter to which I will draw the pointed attention of the House.

Sir, now it is well known that it is the small-scale sector which is really sustaining the Indian economy. It is not the big houses; it is rather the small-scale sector which is sustaining the Indian economy today. Sir, they are not only generating employment, self-employment, but also they are contributing substantially to the growth of our national economy. But today I find that this small-scale sector is crushed between two giants: on the one hand, mammoth public sector; and on the other, the mammoth private sector.

Sir, while we think of the Monopolies and Restrictive Trade Practices Bill with the object of growing productivity, I think we should also take notice of the small-scale sector which is today groaning under the impact of both the public sector and the private sector. Sir, with your permission, I may cite here an instance. You know that there is something called the Indian Standards Institute Act, according to which every production, in the public sector and the private sector and the small-scale sector, has to obtain an ISI mark. The House will be surprised to know that to obtain an ISI mark, a small-scale industry with, say, an investment of Rs. 3 lakhs or Rs. 4 lakhs has to pay Rs. 9,000, whereas a concern with, say, an investment of Rs. 9 crores has to pay only Rs. 10,000 for obtaining an ISI mark. There are many such

instances I can cite. Here I have cited only one to show what kind of Cinderella treatment is being meted out to the small-scale industries where they are put on par with the large-scale industries, both in the private sector and the public sector, and in the process they are being crushed. Therefore, the problem of the Indian economy will not be solved substantially by curbing the further expansion and growth of these twenty big houses; they have to be curbed no doubt, but the real solution of the Indian economic problems lies in the further growth and expansion of the small-scale industries. Sir, I know it is quite out of place to mention about the small-scale industries because the Law Minister will immediately say: "Well, this can be addressed to the Minister of Industry", but since it is a matter which relates to industries, I have ventured to bring it to his notice so that he may see that while these big houses are curbed and their growth is dwindled, the small-scale sector has to grow because in the expansion and growth of the small-scale sector alone lies the redemption of the Indian economy.

With these words, I support this Bill because I personally feel that this Bill is unexceptionable and rather it should be welcomed by all.

श्री इश्वरदेव नारायण यादव (बिहार) :

उपसभाध्यक्ष महोदय, श्री जी जो विधेयक सदन में विचाराधीन है और विधि मंत्री जी ने जिस विधेयक को विचार के लिये लाया है मैं समझता हूँ कि इस विधेयक के बनाने से या विधेयक को कायरूप देने से कुछ ज्यादा मिलने वाला नहीं है कुछ ज्यादा नफा होने वाला नहीं है। जिस उद्देश्य के लिये ला रहे हैं उस उद्देश्य की पूर्ति भी नहीं होने वाली है क्योंकि डर-डर कर थोड़ा-थोड़ा आप हाथ बढ़ा रहे हैं। यह कहावत है साँप को छोड़ो मत और छोड़ो तो छोड़ो मत। पूँजीवादी व्यवस्था को अगर धीरे-धीरे आप दागना चाहते हैं

तो यह पूंजीवादी व्यवस्था वह काला नाग है। इसको छेड़ेंगे तो ऐसा डंक आपको मारेगा कि उम डंक से उस जहर से जला कर राख कर देगा। इसलिये इस पूंजीवादी व्यवस्था से आपको लड़ना है, टकराना है तो आपको हिम्मत कर के आना पड़ेगा हिम्मत के साथ पूंजीवादी व्यवस्था पर हमला करना पड़ेगा। जिस एकाधिकारी घराने की बात आप करते हैं उसको लें आप उसके सामने अक्षम है असहाय है निर्बल है और यह सरकार बिड़ला टाटा जैसे पूंजीपतियों के सामने नपुंसक है। आप उनका बाल बांका नहीं कर सकते। कानून चाहे जो बनायें ये कानून तो हिन्दुस्तान की करोड़ों गरीब जनता को बीस सूत्री कार्यक्रम का लैमनचूस मुंह में डाल कर चुसजायें और चाहे यह कानून का चाकलेट उनके मुंह में डाल दिया जाए लेकिन इस लैमनचूस से न उनको कोई स्वाद मिलेगा और न उनका पेट भरेगा। आप चाहते हैं आप का गुणमान होता रहे नाम होता रहे और समाजवाद का अष्टाध्याय 24 घंटे कीर्तन इस देश के अन्दर होता रहे। आपका काम केवल कीर्तन कराना भजन भण्डली से। आपका काम है केवल कीर्तन कराना समाजवाद का भजन कीर्तन होता रहे। लेकिन समाजवाद से कुछ मिलने वाला नहीं है। आप इस तरह के काम करना चाहते हैं मैं आपके सामने निवेदन करना चाहूंगा कि मैंने जो प्रश्न किया था और आपका जो जवाब आया है उसमें एक नहीं दो नहीं 21 कम्पनियां हैं बिड़ला महाराज जी की जो कोई 1967 से लेकर आज तक विभिन्न-विभिन्न सालों से अपनी लाइसेंस क्षमता का अतिरिक्त उत्पादन कर रही है। अतिरिक्त उत्पादन 21 कम्पनियां कर रही है जिनमें ग्वालियर रेयन की कम्पनी केरल वाली है। वह बिना लाइसेंस के उत्पादन कर रही है और सरकार उस बिड़ला महाराज के सामने विधवा विलाप करके रो रही है,

उसका बाल बांका नहीं कर सकती है। लेकिन अगर इस दिल्ली के चौराहे पर, दिल्ली की सड़कों पर कोई चिनीयाबादाम बेचने वाला, खोमचा लगाने वाला, सत्तु बेचने वाला, छोटी दुकान करने वाला बिना लाइसेंस के पकड़ा जाये तो उसके लिये जेल और हथकड़ी है। लेकिन बिड़ला बिना लाइसेंस के केरल में उत्पादन कर रहे हैं और एक दो नहीं मैंने कहा कि 21 कंपनियां हैं जिनके लिये आपने खुद स्वीकार किया है इसी राज्य सभा में 26-11-81 को जो अतारंकित क्वेश्चन नम्बर 442 था, खुद उठाकर पढ़ लीजिये आपने स्वीकार किया कि 21 कंपनियां अपनी लाइसेंस क्षमता से ज्यादा उत्पादन करती चली जा रही हैं और सरकार रोती चली जा रही है। आप कह रहे हैं कि शायद हम रोक लगायेंगे। आप एक तरफ रोक लगाना चाहते हैं और दूसरी तरफ आपने अपने शासन में आने के बाद जनवरी 1980 से दिसम्बर 1981 के बीच में आपने इन एकाधिकारों घरानों के लिये 76 कम्पनियां रजिस्टर्ड की हैं उनको कंपनियां बनाने की स्वीकृति दी है जिसमें श्रीमान बिड़ला महाराज को तीन कंपनियां दी है और लोगों को तो जितनी कंपनियां दी है सो दी हैं। उपसभाध्यक्ष महोदय मैं आपसे यह भी निवेदन करूंगा कि जिस एकाधिकारी घराने की बात आप कह रहे हैं मैंने कहा कि जो बिड़ला 21 कम्पनियों में आप 1 लाइसेंस क्षमता से अधिक उत्पादन कर रहा है एक कंपनी बिना लाइसेंस के उत्पादन कर रही है उस बिड़ला को तीन नयी कंपनियां रजिस्टर करके आप पैसा देते जा रहे हो और दूसरी तरफ बिड़ला महाराज के ऊपर टैक्स इन एरीयर जो बाकी है वह 9 करोड़ 68 लाख रुपया है। डिमांडनोट फालन ड्यू इसमें बाकी है 9 करोड़ रुपया, 14 लाख, टाटा पर बाकी है, एक करोड़ 14 लाख, दूसरे मद में बाकी है 20 लाख रुपया, सिहानिया जी पर बाकी है 6, करोड़

88 लाख, मोदी जी पर बाकी है 6 करोड़, 23 लाख, सूरज मल नागर मल पर बाकी है 2 करोड़ 76 लाख। मैं पूछना चाहता हूँ कि जिन एकाधिकारी घरानों पर सरकार का इतना रुपया इतने दिनों से बकाया चला जा रहा है, आप नपुंसक और हिजड़ा बनकर उसे वसूलने में असमर्थ रहे हैं, आपकी ताकत नहीं है। लेकिन 50, सौ, दो सौ, चार सौ रुपया अगर गांव के किसी किसान पर बोरिंग का, ट्यूबल का बाकी रहेगा तो उसको हथकड़ी लगाकर जेल में डाल देंगे। परंतु बिड़ला के सामने हाथ जोड़ कर घुटना टेक कर उसको प्रार्थना करेंगे, बिड़ला के सामने घुटने टेक कर आप उसका बाल बांका नहीं कर सकते। किसलिये? इसलिये कि बड़े बड़े जितने लोग हैं वे चुनाव के समय पैसा देते हैं। मेरा यह आरोप है कि किसी एक मेम्बर को पैसा नहीं देते हैं बल्कि हिंदुस्तान की सरकार को एकाधिकारी घराने खरीद लिया करते हैं, संसद को खरीद लिया करते हैं, संसद की लाबी को खरीदने का काम करते हैं। उनके हाथ में संसद नाचती है, उनके हाथ में संसदीय प्रणाली नाचती है। उनके हाथ में संसद की लाबी नाच सकती है। उनके हाथ में इतना पैसा है और वह मैं नहीं कहता, सस्वर्गीय फखरुद्दीन अली अहमद साहब ने 12 अप्रैल 1967 को लोक सभा में अपने वक्तव्य में कहा था। और की बात जाने दीजिये केवल भारत के एक निगम के बारे में उन्होंने बताया था कि उसने हिंदुस्तान की किस पार्टी को कितना पैसा दिया था और फखरुद्दीन अली अहमद साहब ने यह स्वीकार किया था। यह चौंकाने वाला है, इतने दिनों के बाद मैं फिर कह रहा हूँ कि स्वतंत्र पार्टी को 14 लाख 64 हजार दिया गया, कांग्रेस पार्टी को 10 लाख 6 हजार, जनसंघ को पांच लाख 12 हजार, जन कांग्रेस को दो लाख पच्चीस हजार, शेख अब्दुल्ला

की नेशनल कांग्रेस को दो लाख आठ हजार दिया गया। यह श्री फखरुद्दीन अली अहमद साहब ने स्वीकार किया था। हिंदुस्तान के ये पूंजीपति, ये काले धन वाले ये एकाधिकारी घराने...। केवल एक निगम ने इतना पैसा हिंदुस्तान राजनीतिक दलों को चुनाव लड़ने के लिये दिया था तो फिर आप उसका बाल बांका कैसे कर सकते हैं। जहां हिंदुस्तान की राजनीति कंद हो, जहां हिंदुस्तान की राजनीति पूंजीपतियों के हाथ में कंद हो, जहां हिंदुस्तान की सरकार पूंजीपतियों की दासी बन गई हो और जहां हिंदुस्तान में आवाज उठने वाले हिंदुस्तान की प्रतिनिधियों की संस्था वह असम, निर्बल और असहाय बन गई हो, उस देश में इन पूंजीपतियों का आप कुछ भी बाल बांका नहीं कर सकते हैं, आप कुछ नहीं बिगाड़ सकते हैं। आप उसके हाथ में कठपूतली के खिलौने हैं।

यह बिल आप लाये होंगे, तो बिड़ला या टाटा से बैठ करके आपने डिसकसन कर लिया होगा कि कोई ऐसा बिल बना करके लायें कि देश की जनता भी देख भी ले कि हम तुम्हारे ऊपर हमला भी कर रहे हैं और तेरा बाल बांका भी नहीं हो, जैसे होली के दिन पर लोग गाली दिया करते हैं। तो उस गाली का कोई मतलब नहीं होता है। उसी तरह से बिरला, टाटा के साथ होली खेल रहे हो, होली का त्योहार मना रहे हो कि हम तुमको कितनी भी गाली दे दें, लेकिन उस गाली को होली के त्योहार की गाली समझना, इस गाली को किसी सड़क या चौराहे की गाली मत समझना। आप उनको होली की गाली दे रहे हैं।

मैं आपसे निवेदन करना चाहूंगा कि हिंदुस्तान में जो विदेशी पूंजी है— भारत आजादा हुआ था गांधी जी के

नेतृत्व में, हमने सोचा था कि ज्यों-ज्यों आजादी आगे बढ़ती जायेगी, जब बचपन से जवानी जायेगी, आजादी में उतनी तात्त जायेगी कि इन विदेशी पूंजीपतियों को हिन्दुस्तान से बाहर भगाने का काम करेंगे, लेकिन ज्यों-ज्यों आजादी की जवानी आती गई, त्यों-त्यों विदेशी लोग इस जवानी से ज्यादा रस चूसने का काम करते चले गये। आजादी की जवानी से हिन्दुस्तान के गरीबों को रस नहीं मिला है। आजादी की जवानी से ऊपर रस मिला है, तो विदेशी कम्पनियों को मिला है और जो विदेशी कंपनियां हैं, उन्होंने अपनी पूंजी हिन्दुस्तान में लगा करके हिन्दुस्तान की आजादी की जवानी को चूसने का काम किया है, हिन्दुस्तान की आजादी को लूटने का काम किया है।

मैं आपसे निवेदन करूंगा कि हिन्दुस्तान आजाद हुआ था 1948 में विदेशी कम्पनियों की पूंजी भी 260 करोड़, 1964 में विदेशी पूंजी 890 करोड़, मार्च, 1969 में विदेशी पूंजी 1619 करोड़, मार्च, 1974 के अन्त में विदेशी पूंजी 1940 करोड़ जिसमें से चार सौ करोड़ से ज्यादा केवल ब्रिटेन की पूंजी थी।

मैं आपसे निवेदन करूंगा कि इस तरह से आप देश का सर्वनाश करते चले जा रहे हैं। श्रीमान्, मैं यह भी कहना चाहूंगा कि हिन्दुस्तान के अन्दर जो कुल पूंजी विदेशी कम्पनियों ने लगाई, जैसा मैंने कहा 1940 करोड़ की पूंजी 1974 में हिन्दुस्तान के अन्दर लगी हुई थी, उसको रोकने का आपने कोई काम किया है क्या ? नहीं कर पाये हैं। इतना ही नहीं, मैं आपसे यह भी निवेदन करूंगा कि 1977-78 के अन्त में विदेशी कम्पनियों 148, 48 करोड़ से ज्यादा नफे की राशि यहां लेकर चली गई। उसमें से 80.84 करोड़

रुपया केवल दो देश ले गये हैं, जिसमें ब्रिटेन का हिस्सा था 41.88 करोड़ और अमरीका का हिस्सा था 38.96 करोड़ ब्रिटेन 42 करोड़ के लगभग और अमरीका कोई 39 करोड़ के लगभग रुपया लेकर चला गया और नफे के रूप में जो 148 करोड़ रुपया विदेशों में जा रहा है, आपने उसे रोकने का क्या कोई काम किया है ?

मैं आपके सामने दत्त कमेंटी की रिपोर्ट भी नहीं पढ़ना चाहूंगा। आपके सामने जारी रिपोर्ट्स हैं, आप उनको पढ़िये। लेकिन हम लोग पढ़ कर क्या करेंगे ?

गांव में कहावत है—अंधे आगे रोना अपना दीया खोगा। अब सरकार ही अंधी हो गई है, जब सरकार ही बहरी हो गई है, न केवल अंधी है, न केवल बहरी है, बल्कि सरकार उन बड़े लोगों को सहायता करने के लिये ढोंग रचा करती है और गरीबों का खून चूसने का काम खुद यह सरकार करती है।

मैं आपसे प्रार्थना करूंगा (समय की घंटी) मैं एक दो मिनट में ही अपनी बात समाप्त कर दूंगा। एक तरफ आप एम० आर० टी० पी० की बात करते हैं—मैं विधि मंत्री जी से पूछना चाहूंगा, एक तरफ सार्वजनिक संस्थान है, एक तरफ निधि एकाधिकारी को रोकना—मार्डन बेकरीज भारत सरकार की अण्डर-टेकिंग है। मार्डन बेकरी के द्वारा जो शीतल पेय का निर्माण होता है, वह एशियाड का स्टेट पेय नहीं बन सकेगा। क्या वह राजकीय पेय जो आपने बनवाया है, उसका नहीं बन सकता है ? लेकिन यह कोका-कोला कम्पनी और जो कैपा-कोला बनता है, उसको आपने राजकीय पेय बनाया है। सार्वजनिक संस्थान, भारत सरकार के कारखाने में जो बनता

है शीतल पेय, वह नहीं बिकेगा एशियाड में आप खरीदेंगे किसका ? आप खरीदेंगे प्योर ड्रिंक वाला, उसको करोड़पति बनाने के लिये ।

मैं अपनी बात समाप्त करते हुए आप से निवेदन करूंगा कि यह जो प्योर ड्रिक्स वाले हैं आप जरा गौर करिए, अमरीका के मिश्रण से जब यह तैयार होता था, 1977 में 6 लाख 7 हजार रु. की कुल पूंजी लगी थी और इस पर नफा कमाया था इन्होंने 60 लाख 57 हजार रु. का । एक पैसे की मुर्गी 9 पैसे का मसाला पूंजी लगाई 6 लाख 7 हजार और नफा कमाया 60 लाख 57 हजार का । इतना ही नहीं, इस में लाभांश के रूप में 1 करोड़ 3 लाख 33 हजार रु. का भुगतान किया । जो इनकी शीयर पूंजी लगी थी उसमें 1566 प्रतिशत की वृद्धि हुई ।

मैं कुछ आंकड़े आप के सामने रख रहा हूं । मैं प्रार्थना करूंगा, उन बातों को गौर से देखिये । और आखिरी बात, अगर आप मुझे इजाजत दे दें, मैं एक मिनट में अपनी बात कह कर समाप्त कर दूंगा, जो बिड़ला और टाटा की बात मैंने उठायी है, हमारे बिहार में श्रीमन टाटा साहब दो बड़ी कम्पनियां चला रहे हैं, टिस्को और टेल्को । टेल्को में टाटा की कुल पूंजी लगी हुई है 9.68 परसेन्ट और टिस्को में लगी हुई है 1.65 परसेन्ट उनके परिवार की पूंजी । दूसरी तरफ आप आइए, सरकारी संस्थानों की पूंजी लगी हुई है टेल्को में 18.90 प्रतिशत और टिस्को में लगी है 87.93 प्रतिशत । इस तरह से सरकार की पूंजी एक जगह 19 प्रतिशत लगी हुई है दूसरी जगह 87 प्रतिशत लगी हुई है ।

वहीं पर टाटा की अपनी पूंजी एक प्रतिशत भी नहीं लगी हुई है । टेल्को में टाटा मालिक बना हुआ है । इसी तरह से श्रीमन, बिड़ला महाराज का जो हिन्दुस्तान मोटर्स लिमिटेड है उसमें 27 परसेन्ट से ज्यादा सरकार की लगी हुई है और श्रीमन बिड़ला महाराज की पूंजी 0.9 प्रतिशत लगी हुई है । बिड़ला की पूंजी एक प्रतिशत से कम, टाटा की पूंजी एक प्रतिशत से कम और सार्वजनिक संस्थानों की पूंजी, भारत सरकार की वित्तीय संस्थानों की पूंजी 24-25 प्रतिशत लगी हुई है । लेकिन फिर भी सरकार उसका मालिक नहीं होती है । टाटा एक प्रतिशत से भी कम लगाने पर उसका मालिक बना बैठा है । आप उसके दास बने हुए हैं, चेरी बने हुए हो । इस लिए जो पूंजीपति के गुलाम हैं, जो एकाधिकार के गुलाम हैं, जो विदेशी पूंजीपति के गुलाम हैं, उनके भोग और ऐश्वर्य में वृद्धि हो रही है और ये हिन्दुस्तान के गरीबों का खून चूसने वाले हैं । उन से हिन्दुस्तान की जनता कोई आशा नहीं रखती है, और आप से भी कोई आशा नहीं है ।

डा संकटा प्र 14 (उत्तर प्रदेश) :

उपसभाध्यक्ष महोदय, यह अर्मेंडिंग बिल जो पेश किया गया है इसका लिमिटेड स्कोप है, यह कोई ऐसा बिल नहीं है जिससे मोनोपोलिस्ट्स को पूरी तरह से कंट्रोल किया जा सके । यह एक रेस्ट्रिक्टेड बिल है लेकिन इसके बावजूद भी मोनोपोलीज को कंट्रोल करने में यह बिल मदद करेगा । वैसे हमारे विरोधी दल के लोग ऐसे बिलों को क्राइटिसाइज तो करते हैं लेकिन मोनोपोली हाउसेज का मुकाबला करने के लिए जो हमारी सरकार ने पब्लिक सेक्टर में काम किया है उसकी तारीफ कभी

नहीं करते हैं। वह भी कभी-कभी उन्हें उल्लेख कर देना चाहिए कि कांग्रेस सरकार ने कितने काम किए हैं, जैसे कि पब्लिक सेक्टर है, जिससे मोनोपोली हाउसेज को कंट्रोल किया जा सके। इसी लाइन पर पब्लिक सेक्टर में काम किया जा सकता है। और हुआ भी है। वैसे इतने लम्बे अरसे में मोनोपोली हाउसेज ने तरक्की की है इस में कोई शक नहीं। लेकिन हम जिस अर्थ-व्यवस्था में चल रहे हैं उस में हम यकायक उनके ऊपर कोई कंट्रोल करें, उन हाउसेज को या विदेशी कम्पनियों को कंट्रोल करें, यह संभव नहीं है। इस के लिए आवश्यक है कि सरकार एक कांफ्रिहेंसिव बिल लाए और उस कांफ्रिहेंसिव बिल के माध्यम से जो विदेशी कम्पनियां हैं या देश के जो बिग हाउसेज हैं, बड़े-बड़े हाउसेज हैं, जिन्होंने बहुत धन अर्जित किया है—उन को रोका जाना चाहिए। हम ने सोशलिज्म को एडाप्ट किया है। कांस्टीट्यूशन के माध्यम से हम समाजवाद की तरफ पूरी तरह से बढ़ नहीं सकते जब तक हम इन बिग हाउसेज को अधिक धन अर्जित करने से रोकते नहीं। इस के लिए यह आवश्यक है कि सरकार एक कांफ्रिहेंसिव बिल लाए और साथ में हम कुछ ऐसा भी करें जिससे देश की छोटी-छोटी इंडस्ट्रीज को बढ़ावा मिल सके। जब हम छोटी इंडस्ट्रीज को बढ़ावा देंगे तभी हम बिग हाउसेज की मोनोपोली को कम कर सकेंगे। अगर हमारे देश में, जो एक बहुत बड़ा देश है, छोटी-छोटी इंडस्ट्रीज को बढ़ावा न मिला तो उनकी मोनोपोली कायम रहेगी और सोशलिज्म के रास्ते में यह एक बाधा है इसमें कोई शक नहीं, मैं चाहूंगा कि सरकार ऐसा बिल लाए जिस से बिग हाउसेज को कंट्रोल किया जा सके। विदेशी कम्पनियों को भी जो

उन्होंने बहुत, अथाह धन, अर्जित किया है उस पर कंट्रोल हो तभी हम समाजवाद की ओर आगे बढ़ सकते हैं। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री लखन सिंह (उत्तर प्रदेश) :
उपसभाध्यक्ष महोदय, सदन में यह जो एकाधिकार तथा अवरोधक व्यापारिक व्यवहार (संशोधन) विधेयक, 1982 विचार के लिए रखा गया है, ऐसा लगता है कि सरकार इस विधेयक के माध्यम से जो लंगड़ा है, बहुराष्ट्रीय कम्पनियों को तथा एकाधिकार प्राप्त घरानों को मदद करना चाहती है। इस विधेयक में धारा 21 का संशोधन करने से जो स्थिति बनेगी वह मैं उसको पढ़ कर सुनाना चाहता हूँ :

धारा 21 का संशोधन—मूल अधिनियम की धारा 21 में—

(क) उपधारा (2) में स्पष्टीकरण के स्थान पर निम्नलिखित स्पष्टीकरण रखा जाएगा, अर्थात् :—

“स्पष्टीकरण—इस धारा के प्रयोजनों के लिए, किसी उपक्रम का किसी रीति में पर्याप्त प्रसार होना तब समझा जाएगा जब ऐसे प्रसार के परिणामस्वरूप—

(क) ऐसे उपक्रम की दशा में जो उद्योग अधिनियम की परिधि के अन्तर्गत है और जिसकी किसी भांति के माल के उत्पादन के लिए कोई अनुज्ञप्त क्षमता है, उस में उसकी ऐसी अनुज्ञप्त क्षमता के पच्चीस प्रतिशत से अत्यून की वृद्धि हो जाए;

(ख) ऐसे उपक्रम की दशा में, जिसे धारा 20क खण्ड (ख) लागू होता है किन्तु जिसे इस स्पष्टीकरण का खण्ड (क) लागू

नहीं होता है, उसके द्वारा किसी माल के उत्पादन, विपणन, प्रदाय, वितरण या नियन्त्रण या किन्हीं सेवाओं की व्यवस्था ऐसे प्रसार के ठीक पूर्व उसके द्वारा, उत्पादित विपणित, प्रदाय किए गए, वितरित या नियन्त्रित माल में या व्यवस्था की गई सेवाओं में पच्चीस प्रतिशत से अग्यून की वृद्धि हो जाए;

(ग) किसी अन्य उपक्रम की दशा में,—

(i) इसमें ऐसे प्रसार के ठीक पूर्व उसकी आस्तियों के पच्चीस प्रतिशत मूल्य से अग्यून के मूल्य के अतिरिक्त आस्तियां हो जाएं; या

(ii) किसी माल के उत्पादन, विपणन, प्रदाय, वितरण या नियंत्रण या किन्हीं सेवाओं की व्यवस्था ऐसे प्रसार के ठीक पूर्व उसके द्वारा उत्पादित, विपणित, प्रदाय किए गए, वितरित या नियंत्रित माल में या व्यवस्था की गई सेवाओं में पच्चीस प्रतिशत से अग्यून की वृद्धि हो जाए।”

महोदय, इस प्रकार से यह जो संशोधन लाया गया है, ऐसा प्रतीत होता है कि बहु-राष्ट्रीय कम्पनियों या एकाधिकार घरानों ने अनुज्ञप्ति क्षमता से ज्यादा उत्पादन किया है या कर रहे हैं, उन के गलत कामों को आगे चल कर इस बिल के माध्यम से नियमित किया जायेगा ताकि वह निर्बाध गति से अपना काम करते रहें और अपने काम को आगे बढ़ाते रहें। महोदय, संविधान के निर्देशक सिद्धांतों की अवहेलना की गई है। संविधान के निर्देशक सिद्धांतों को माना गया होता तो सरकार यह देखती कि काम मानव के द्वारा हो या मशीनों के द्वारा हो। हम ने अमरीका और रूस की नकल की है, इस लिए हम ने मिक्सड इकानामी

की बात की है। मिक्सड इकानामी को जब हम देखते हैं, तो पाते हैं कि रूस के अन्दर जो समाजवादी व्यवस्था चल रही है उस की जितनी बुराइयां हैं, वृष्टियां हैं और पूंजीवादी व्यवस्था जिम का दावेदार अमरीका है उन दोनों की बुराइयों को ले कर मिक्सड इकानामी स्थापित की गई है और आप के द्वारा सारी जनता मिक्सड इकानामी के दोनों पाटों के बीच पीसी जा रही है। आप तय नहीं कर सके। हमारे देश में हाथ बहुत हैं। जनसंख्या अधिक है लेकिन यहां उत्पादन मानव के द्वारा होना चाहिए था। लेकिन उस के स्थान पर हमारी सरकार ने इसलिये कि उत्पादन अधिक हो क्योंकि यह उत्पादकता वर्ष है इस लिये बड़े-बड़े घरानों को अधिक छूट दी है और उसी के लिये यह सब हो रहा है। यह छूट किस को होगी? नवीनीकरण के नाम पर जो धारा 22 के बाद एक नयी धारा 22(क) का अन्तःस्थापन होना है उस को मैं आप की आज्ञा से पढ़ना चाहता हूं। 22क (1) में है : केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा यह निदेश दे सकेगी कि ऐसे निबन्धनों और शर्तों के अधीन रहते हुए जो अधिसूचना में विनिर्दिष्ट की जायें, धारा 21 या धारा 22 के सभी या कोई उपबन्ध किसी ऐसी प्रस्थापना को लागू नहीं होंगे—

(क) जो अधिसूचना में विनिर्दिष्ट किसी उद्योग या सेवा के संबंध में हैं :

परन्तु ऐसे किसी उद्योग या सेवा को इस प्रकार तब तक विनिर्दिष्ट नहीं किया जायेगा जब तक केन्द्रीय सरकार का सभी सुसंगत तथ्यों को ध्यान में रखते हुए यह समाधान नहीं हो जाता है कि वह उच्च राष्ट्रीय प्राथमिकता की है।

(ख) ऐसे किसी माल के उत्पादन या ऐसी किन्हीं सेवाओं की व्यवस्था में वृद्धि के लिये जो आत्यंतिक रूप से भारत के बाहर निर्यात के लिये है,

(ग) जिन का संबंध किसी स्वतंत्र व्यापार क्षेत्र में स्थापित या स्थापित किये जाने के लिये प्रस्तावित उपक्रम से है।

जब नये-नये उद्योगों की स्थापना होगी तो यह उद्योग किस के लगेंगे। यह भी बड़े-बड़े मोनोपोली हाउसेज को लाइसेंस देने की बात है। इस के द्वारा जो नवीनीकरण के नाम पर या जो कारखानों को नेशनलाइज किया जायेगा उस के माध्यम से जो नयी तकनीक का प्रयोग होगा उस के द्वारा जो बेकारों और बेरोजगारों को तैयार किया जायेगा और जब उन की एक ऐसी फौज बन जायेगी जिस का सरकार के पास कोई इलाज नहीं होगा उस समय आप क्या करेंगे। जहां तक टाटा और बिरला की बात है, सरकार कह देगी कि हम उन पर कंट्रोल करना चाहते हैं। उन पर नियंत्रण करना चाहते हैं। तो मैं बताना चाहता हूं कि 1937 में बिरला की पूंजी क्या थी। 1937 में बिरला के पास केवल 1.79 करोड़ रुपये की पूंजी थी जो 1976 में बढ़ कर 974.65 करोड़ रुपये हो गई। यह पूंजी बिरला की है। अब टाटा की बात मैं कहना चाहता हूं। टाटा की पूंजी 1937 में केवल 10.46 करोड़ रुपये थी जो 1976 में बढ़ कर 980.77 करोड़ रुपये हो गयी। और यही राशि 1980 में बढ़ कर 1538 करोड़ हो गयी और बिरला की 1431 करोड़ रुपये हो गयी। सरकार कहना चाहती है कि वह इन पर रोक लगा रही है और मैं कहना चाहता हूं कि उन को बढ़ावा दिया

जा रहा है। 1969 में जब हमारी प्रधान मंत्री जी ने देश में गरीबी हटाओ का नारा लगाया उस समय से ले कर 1975 तक टाटा बिरला की पूंजी में जो बढ़ोत्तरी हुई है उस को यदि देखा जाये तो वह 29.90 से बढ़ कर 87.7 प्रतिशत हो गयी। गरीबी हटाओ का नारा लगाया गया और गरीबी हटी टाटा और बिरला की और बड़े पूंजी-पतियों के और एकाधिकारी घरानों की। मंत्री जी का यह भी कहना है कि इस विधेयक के माध्यम से हम निर्यात को बढ़ावा दें। तो मैं अब निर्यात और आयात पर आना चाहता हूं कि पिछले, तीन, चार वर्ष में निर्यात का लेखा जोखा क्या है।

4 पी० एम०

1978 में हमने 5535 करोड़ रुपये का माल निर्यात किया और 7358 करोड़ रुपये का माल आयात किया। घाटा हुआ 1843 करोड़ रुपये का था। 1979-80 में 8459 करोड़ रुपये का एक्सपोर्ट किया और 9022 करोड़ रुपये का इम्पोर्ट किया, घाटा हुआ 2533 करोड़ रुपये का। 1980-81 में 6709 करोड़ रुपये का एक्सपोर्ट किया, इम्पोर्ट किया 12465 करोड़ रुपये का और उसमें घाटा हुआ 5156 करोड़ रुपये का। 1981-82 में हमने 7700 करोड़ रुपये का एक्सपोर्ट किया, 13200 करोड़ रुपये का इम्पोर्ट किया और घाटा हुआ 5500 करोड़ रुपये का। आपके ये आंकड़े बतलाते हैं कि आप किस प्रकार से विदेशों को अपना माल भेजते हैं और किस प्रकार से मल्टी नेशनल कंपनियों को और मोनो-पोली हाउसेज को जो देश के अन्दर चल रही है सारे देश को चूसकर देश को गरीबी की रेखा के नीचे लाकर खड़ा कर रही है।

महोदय, इसी तरह से आप देखें, नैनीताल जिले के लालकुआं में बिड़ला एक कारखाना लगा रहे हैं जिसका नाम सेंचुरी रैचन और पल्प उद्योग है। वह एक सौ करोड़ रुपये में लगाया जा रहा है। यदि एक सौ करोड़ रुपये से पहाड़ों में कई जगह पर पल्प इंडस्ट्रीज लगा देते और पल्प के द्वारा कपड़ा बनाते तो पहाड़ के लोगों को लाभ होता। लेकिन पहाड़ की लकड़ी को कोड़ियों के मोल खरीदकर उससे जो पल्प बनेगा, उस पल्प से जो कपड़ा मिलों को दिया जायेगा, अधिक कीमत लेकर इन फैक्टरीज को बम्बई में पल्प सप्लाई करके वहां कपड़ा बनाया जायेगा। इस प्रकार से जो बिड़ला की नीतियां हैं, अधिक से अधिक सरकार को अपने कब्जे में लेकर उनसे लाभ उठाया जाता है।

जहां तक इस विधेयक का प्रश्न है, मैं यह भी कहना चाहूंगा कि पिछले वर्ष भारत सरकार ने 5200 करोड़ रुपया अन्तर्गोष्ठीय मुद्रा कोष से लिया। उसका दबाव और प्रभाव जो बजट फरवरी, में मार्च में पेश हुआ उसमें भी उसकी प्रतिच्छायां पड़ी थीं और आज भी इस बिल पर उसकी प्रतिच्छायां दिखाई दे रही हैं। सरकार उनकी शर्तों के आधार पर काम करती है क्योंकि आगे यदि रुपया लेना होता तो कैसे मिलेगा। वह तब मिलेगा जब उनकी शर्तों के आधार पर देश के अन्दर कानून बनायेगे और अमरीका और रूस के कहने पर देश की अर्थव्यवस्था को चलायेंगे। यह दुर्भाग्य की बात है। इसलिये मैं मंत्री महोदय से निवेदन करना चाहूंगा कि आप का एम. आर. टी. पी. एक्ट के अधीन जो इन्क्वायरी कमीशन है, उस कमीशन की क्या ताकत है। वह बेकार सिद्ध हो चुका है। इस एक्ट के पास हो

जाने के बाद उसकी ताकत और भी कम हो जायेगी। सरकार नई कम्पनियों के स्थानार्थ आवेदनों को जिसको वह ठीक समझेगी उसके पास मात्र रेफरेंस के लिये भेज देगी, जिसको ठीक नहीं समझेगी उसको अपने पास रखेगी। क्या आवश्यकता है इस कमीशन की। एम. आर. टी. पी. एक्ट में जब सरकार अपने अधीन सारे अधिकार रखना चाहती है तब एम. आर. टी. पी. एक्ट बनाकर उसके अधीन इन्क्वायरी कमीशन की कोई आवश्यकता नहीं है।

अतः मैं मंत्री जी से निवेदन करना चाहूंगा कि यहां एक कांफ्रिहेंसिव बिल लाये। उस बिल के तहत सारी बातें होनी चाहिए ताकि जो मोनोपली हाउसेज हैं, जो आगे बढ़ रहे हैं और देश की जनता को गरीबी की रेखा के नीचे ला रहे हैं, अमीर अमीर हो रहे हैं और गरीब गरीब हो रहे हैं, इसको रोकने के लिये कारगर उपाय कर सकें।

सधन्यवाद।

4 P.M.

SHRI ARVIND GANESH KULKAR
NI (Maharashtra) Mr. Vice-Chairman, Sir, the amendment which has been brought under the Monopolies and Restrictive Trade Practices (Amendment) Bill, 1982, actually, I think, Sir, was necessary. Since 1982, when the new industrial policy was announced, in-built conflicts between that policy and the MRTP Act exist. One may have his own view as to whether the M.R.T.P. Act was faithfully implemented or not. My friends may be talking anything about the big industry like Tatas and Birlas. But, Mr Vice-Chairman, I feel that in the present Indian conditions, one has to review the concept of these dominant undertakings or the undertakings or larger houses. You are already aware that the world is growing fast and in a country like India, unless the industry

grows and assistance is given, the unemployment problem cannot be taken care of only by agriculture or other tertiary sectors, service sector or whatever it is. In principle, I do feel like this. My friends who are taking a hostile view about the growth of industry think differently. We have to review the whole thing. It may be said that India is a poor country and the growth of industries hinders measure and does not allow the Government to raise the standard of the people living, under the poverty line. I do feel that the time have come in this country when my friends in Parliament as well as outside must take the view that without massive industrial growth, this cannot be achieved. Having said this, I would have to place before the hon. Minister what is really disturbing in the new amendments or in the new industrial policy. I know the limitations of the hon. Minister. He is only piloting the Bill because the MRTP is administered by the Law Minister. Otherwise, he has nothing to do with the industrial structure as such. But it will be necessary for me to highlight and for him to pass over these suggestions to the Industry Minister because he has to deal with it ultimately. As I have already said, I have no quarrel with the growth of industries or even the definition of it because we have lucidly said in the Statement of Objects and Reasons as to why it is necessary and I admit that. Once having announced the industrial policy which is growth-oriented, these amendments are necessary. Otherwise, they will come into conflict with each other. Sir, at the same time, I have been pleading in this House as well as in the various committees with which I am associated such as Consultative Committees that the 1982 Industrial Policy has done a great harm to the small scale sector which I really represent. Whatever the Government might say, I do feel that the small scale sector has suffered because of the innovations in the Industrial policy. I am not dogmatic. My friends on this side may be angry if I mention Charan Singh. These are old ideas. They are not relevant to the present conditions. We must evolve a model of our own. I think this country needs a model wherein the large sector must grow hand and in hand along with the small scale sector and the tiny sector.

One must act as an ancillary to the large-scale sector. The tiny sector must act as an ancillary to the small scale sector and unless all these sectors merge their interests in the national interest of this country the industry or the country cannot prosper. That is my confirmed view. I make myself bold to say this even if my friend, Shri Kalyan Rao, on this side, may not like it. But I cannot help it.

SHRI KALYAN ROY (West Bengal):
That is an inevitable outcome of social democracy.

SHRI ARVIND GANESH KULKARNI: Actually, it is not an inevitable outcome. It is the one side thinking of your party and yourself that everything can be achieved through that Communism. I do not subscribe to that view. I am totally against that view, let me be frank enough to tell you that.

What I was pleading with the Minister is that this country needs a model of its own. They have to evolve a model whereby these three sectors inclusive of agriculture should be merged together. Unless the Government comes forward with that type of what you call a structural change in the industrial policy, this cannot be achieved because this dominant nature of an industrial undertaking is dependent on what you call the percolation theory, whereby the benefits of an industry will percolate to the downtrodden. But, Sir, in the western world that is possible, because the infrastructure is already there, the people are educated, technologically trained people are there had these things can happen where the market is organised, the money sector is organised. But in a country like this where the entire economic apparatus to the extent of 60 to 30 per cent is in unorganised hands, one has find a way out. (*Time bell rings*)

Sir, I am making two more points. So, Sir, what I am thinking is that the amendment which you are moving will harm the small scale sector. Since the bell has been rung, I do not want to give 100 cases. But here I want to mention

[Shri Arvind Ganesh Kulkarni]

this things. When this was discussed and when that policy was announced about the small scale sector, the Government said that they have reserved about 892 or 897 items etc. for the small scale sector. Sir, this is all a paper work. This has got nothing to do with reality. Actually the small-scale sector is a casualty because of the new policy. Sir, you can take the case of Johnson & Johnson producing cosmetics. Actually, it is reserved for the small scale sector. But their capacity, as Mr. Goyal of the Indian Institute of Public Administration, has remarked has grown 700 times and now you are regularising the 700 times unlicensed growth of a multinational company. This is the position. Sir, I can give umpteen instances even for shoes, chappals, and no technology is required for that. India is traditionally a place where these things are produced. We produce chappals of our own and it is mostly in the small scale sector. But the Batas have regularised their enormous unlicensed capacity

Then, Sir, of the recent origin is the technological orientation given in the small sector particularly to the electronic devices, inclusive of computers and TV. sets. By this definition and by these amendments you are really curtailing the ability and energies of those technocrats, who have aggressively taken to find a place in the world market. How Japan grew? How the other countries are growing? Sir it is said that India has got the third largest force of technologists and it is the Government which is not able to take benefits because of the clumsy and confused thinking. Sir, I am finding out all these instances. Sir, you are changing some of these definitions. As per their Act there are 433 dominant undertakings, if I am not mistaken, might be five or ten more or less. But only fifty are registered. As far as these multi-national corporations are concerned, like this Cadbury Fry, Avery and so on, they have not registered themselves at all. You are not implementing the Act and there are loopholes in the Act. What I am saying is that, if you want to make everything free, make free

everything. But do not create such laws whereby corruption is bred. I find that in this amendment as well as in the Industrial Policy, there is ample scope for the administration to interpret A in a particular way and B in a different way. There, the corruption starts. That is why, I say, if you want to have a free economy, make it free. But at least, you should evolve your own model whereby these three sectors can live together.

Sir, as you will see, MRTP and other things are all political exigencies. The Government, ultimately and really, have no faith in the socialist programmes at all, as I see it. I am here right from 1967. In 1969, the Prime Minister, the present Prime Minister, had to adopt a radical posture because she wanted to drive away Mr. Morarji Desai and the Syndicate. At that time, a radical posture was adopted. Mr. Kumaramangalam and all the other friends came in. The MRTP Act was passed, but it was never implemented. Let the hon. Minister say, under the MRTP Act, how many cases had been referred to the Commission, on how many, decisions had been taken and had been really interpreted and implemented. Nothing. As I said, in 1969, this radical posture was adopted. In 1972, again, the Prime Minister wanted to say that she is the Durga riding on a lion. But, Sir, ultimately, in 1982, the lion has devoured her. This is because the Birlas and the Tatas have grown. They should grow. But you should have been honest enough to allow them to grow. What you are doing is, you are doing all these dramatic acts or whatever you call it, to show that the Government and the Prime Minister are a little left of the centre. But actually, you are right on the centre. You are actually right of the Centre. But you should have the courage to say that you are right on the Centre. I would request you, Mr. Minister, please convince your Government that this country should evolve its own model and go all along. Don't depend on Kalyan Roy and his supporters. At that time, you needed the support of the CPI and that is why, you evolved socialist measures. But you could not adjust yourself and it was, what you call, foolishness

Sir, in the end, I would like to quote one thing in relation to the MRTP Act. I was reading some article and there, it says 'Alic' in Wonderland,—'The cat vanished quietly and slowly, beginning with the end of the tail and ending with the grin which remains some time after the rest of it has gone'. This is what has been said in this article. This is the position of the MRTP Act.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): You are quoting from where?

SHRI ARVIND GANESH KULKARNI: I am quoting from an article written by a Member of the MRTP Commission, Mr. H. K. Paranjpe. It has been said there 'I have seen a cat without a grin', but the grin without a cat is the most curious thing I have ever seen in all my life'. This is the position of the MRTP Act. Do not have this amendment. Please do away with this amendment. Evolve your own model. Do not go on paying lip service to the twenty-point programme and the Productivity Year. When there is no damn electricity available, what is the use of having the Productivity Year? Everything is on a holiday. In regard to agriculture, as my friends on this side know, for days together, there is no electricity. Here, we are getting replies like this. But what can we do? We cannot fight physically and take you to the field and show that there is no electricity. For Heaven's sake, don't do these dramatic acts. Do not depend upon these cosmetics. Don't say that you are the Durga sitting on a lion.

Do not show that face. There is no question of Durga. The lion has already devoured and the political parties are in the clutches of these multinational Indian big companies. They will go on like this and there is no other course available because the entire system is like that. Unless structural changes take place, this cannot be done.

SHRI KALYAN ROY: Sir, I have a few minutes at my disposal. I would only submit to the hon. Minister that the aims which he has stated in both the Houses

are not perhaps the aims of the present Government and with this part of Mr. Kulkarni's speech I agree that perhaps the Government is not very honest either. The Law Minister stated, when he described why this Bill has been brought about, that the objective of the MRTP Act is to ensure that the operation of the economic system does not result in the concentration of economic power to the common detriment. He further stated, let me also reassure the hon. Members that this Bill is fully and unequivocally wedded to the philosophy that the growth of large houses should be curbed if they cause common detriment and militate against the overriding consideration of 'public interests'.

I would like the Government to be honest. If they go whole hog to the capitalist path of development, we will fight against it, but we would not like the Government to do what it has been doing in the last few years, i.e., to talk about equality, to talk about removal of disparity, to talk about fighting against concentration of economic power and then to adopt a policy which is just leading to concentration of economic power, intensification of disparity and accentuation of poverty and social and economic tension. There is a big gap between what the Government says, preaches and what the Government acts. And there is utter dishonesty which Mr. Kulkarni faintly pointed out although he more or less supported the Bill.

And one of the other aims that the Law Minister Stated is that the Act has become more pronounced in the context of our goal of achieving higher productivity during 1982. I think the hon. Law Minister feels that only by amending the MRTP and making it more relaxable or giving more facilities to the various private corporate houses the production goes up. It does not. Our experience and I think our Law Minister's experience are the same that if you have an modernisation which is a reckless modernisation, which cannot absorb, it leads automatically to retrenchment, to further unemployment, but the production goes up. What do you want? As a matter of fact, this Government did not encourage the import of bidi manufac-

turing machinery only because that would have led to unemployment of a few crores of bidi makers. So, productivity does not mean more relaxation and more facilities or more freedom to the big business houses or to any business house for that matter. So, it is not at all correct. We have seen, we have discussed in the House the massive closures of jute mills leading to the massive unemployment of 100,000 workers. Where is the productivity there? There has been a mass closure of the textile mills in various parts of the country—above 25 I have been told by the hon. Minister of Commerce. Where is the productivity? What about the massive closure of the tea gardens? Where is the productivity? You talk of productivity in relation when you want to give more facilities, more freedom to the big business and private corporate sector. If that is so, why are you bringing in MRTP Act? You can bring in some other Act for that purpose. Secondly, what was the aim of the MRTP Act? Has it been achieved? Just the opposite has been achieved. I would only point out to a few facts which are true both for the Opposition and for the Government. Sir, in spite of all this shouting and beating of drums about the MRTP, actually what is happening? What is the experience? What is the reality, That is why out of deep frustration and desperation, sometimes we demand that you scrap the whole thing. Why do you have something which does not lead us anywhere? It leads us to just the opposite. You give medicine for fever and the fever goes up. This is the effect of your medicine. The medicine is intensifying the disease and leading to further concentration of economic power in the hands of fewer and fewer people Sir, I am quoting from the Economic Times of 25th May, 1981.

"According to the Economic Times Research Bureau the 101 top private sector corporate giants grew at a faster rate in 1980-81 than in 1979-80. Similarly, on the study of 1979-80 of the 101 top private corporate sector giants, the Economic Times Research Bureau said the 101 private sector corporate

giants grew at a faster rate in 1979-80 than in the previous year in terms of total assets, sales and gross profits".

The total assets of the 101 top giants grew at a faster rate of 18.8 per cent in 1980-81 than 15.5 per cent in 1979-80. Sales also recorded a growth of 20.3 per cent, gross profits by 14.3 per cent and net profits by 16.6 per cent.

It is established beyond doubt that India's industrial giants in the private corporate sector which include the multinationals have continued their growth in terms of assets, sales, profits and profitability year after year irrespective of the rate of growth of industrial production. I would like to emphasise this particularly, whether the production has gone up or not, whether the rate of production is 1 per cent, or 2 per cent or 6 per cent, their profitability, their assets, their sales have gone up much more.

In 1978-79, the total assets of the 101 industrial giants expanded by 9.4 per cent as against 8.8 per cent in 1977-78. In 1979-80 again, the total assets grew at a faster rate of 15.5 per cent and the growth of assets continued at a higher rate in 1980-81 by 18.8 per cent.

Then about higher profits the gross profits of all the 101 top giants together went up from Rs. 939.1 crore in 1979-80 to Rs. 1,073.0 crore in 1980-81. In terms of gross-profits, Tata Engineering ranks first, with Rs. 57.7 crores.

And, Sir, you will be surprised to know that the giants pay less taxes. The tax provision of all these companies as a proportion to pre-tax profits fell to 36.8 per cent in 1980-81 as against 42.2 per cent in the previous year. As a result the after-tax profits went up from Rs. 373.4 crores to Rs. 435.3 crores. The recent study made by the ICICI covering 417 companies accounting for a little over one-half of the paid-up capital of the public limited companies in the private sector has also shown that the tax provision as a

percentage of profits before tax declined from 45.8 per cent in 1978-79 to 41.7 per cent in 1980-81.

If this is the result, the consequence of the MRTP Act, is the Minister satisfied that something good has come out of it, or it requires more teeth which the present Chairman is not going to have for it? How does he reconcile the two positions? I would like to ask this simple, straight question. You want to control the big business or reduce the concentration of economic power. That is why you have set up this body, which is unfortunately under you. I do not mean personally under you, but you are the administrative Ministry. It should have been under the Ministry of Finance and the Ministry of Industry. But then the result is just the opposite. Less and less number of big houses are controlling more and more resources, more and more capital, more and more sales, more and more raw materials and more and more assets. I would like to have a frank answer from the Government. If this is the intention, why do you have it? Pitiably, the MRTP itself had pointed out both in its eight report and also in its latest report that they do not have even the infrastructure. This is the latest, the tenth report. They cannot even produce year by year reports. We do not have the 1981 report. We have only the 1980 report. I am quoting from that—page 97. k.1

"4.7 As in the past, during the year 1980 also, delays in the various High Courts continued to cause concern. While the respondents are hardly interested in getting the matters finalised, the regional agencies of the New Ministry have not been able to cut short the delays. The principle reason for this is that these agencies appear to be already overloaded with Government litigation. The Commission is of the view that court delays can be appreciably reduced if it chooses its own counsel and give them direct instructions through its law officers. The Commission has already taken up the matter with the Central Government in this regard."

If this is what was stated in 1980: with all humility I would like to ask the hon. Minister: What has to done about it?

In para 4.8—page 97—it is said:—

"In its report for the preceding year, the Commission has pinpointed the need for certain decisions relating to legal and administrative measures if the objects for which the Act was passed are to be fulfilled.

Then it regrets:—

"Unfortunately the decisions which the Commission hoped the Government would take, have not come about during the year under review".

If this is the pathetic state of affairs of the MRTP, if this is the result of the MRTP and if the Bill is to further dilute it—other speakers pointed it out—and when, after all, all this dilution of the MRTP, all the Industrial Policy Resolutions, all the liberalisation of imports and declarations not to nationalise any further and all this bank credit are all the direct results of the blatant, naked intervention of the IMF, why don't you be honest about it and say, "We are here to strengthen the monopoly houses, we are here to strengthen the Birlas, the Sarabhais, the Mafatlals, the Singhanias and the Goenkas for increasing their assets?"

Lastly, before I sit down, this is what—to our utter regret—the ex-Chairman of the Committee on MRTP has said. It is published in "Yojana" dated 15th June, 1981. He said:

"We cannot possibly make a success of our republic unless we remove vast disparities in the urban cities where one per cent wealthiest control 20 per cent of the total urban wealth and 4 per cent of the top control 41 per cent of the urban wealth. Another anguishing reminder. Over 250 million people in our country do not have Rs. 2.50 per cent

for their consumption. To reduce and eliminate massive absolute poverty lies at the very core of development itself".

Again Mr. Sachar went into detail as to how the big business is growing, how the value of their assets is growing and how the rate of taxation is going in their favour. He says:—

"The Private Corporate Sector has constantly made a grievance that the rate of taxation is very high and is a disincentive for savings".

If you examine in details, their taxation has gone sufficiently down.

If this is the scandalous state of affairs, why are you holding a baby which is deformed? Better bury it. We know what you are. Then why have this burqua, this mask, this facade, this veil before you? I am reminded of Somerset Maugham's *Painted Veil*. Why have a painted veil? Lastly, before I sit down, I would only submit about the pernicious objects of the present amendment. In the name of modernization you do not have to go to the MRTP Commission. The sinister amendment that the Government executive bosses, about whose character we know very well, will have the right to exempt any concern, Don't you think that the time has come to reconsider, to review, to have a fresh look at the whole thing and bring a comprehensive Bill? My final submission, final appeal, is: Let us be honest to each other. Mr. Kulkarni paid a great tribute to us. He said that we are for communism. Sometimes, we are failing somewhere. We are for communism. We have liquidated in half the world capitalist monopolies. The working class and the peasants control the means of production. But here we are fighting not for that. Our means of production are gradually being taken away by them. Our fruits of labour are being appropriated by them and here is a Government which is coming in between us to protect the interests of those who have

everything against the interests of those who have nothing.

Thank you.

DR. MALCOLMS ADISESHIAH (Nominated): Mr. Vice-Chairman, Sir, I rise to offer some comments on the Monopolies and Restrictive Trade Practices (Amendment) Bill, 1982 as it is presented to us by the Minister. I really have seven questions to put with regard to this Bill.

The first thing I note is that the Minister has said: that this Bill is in part an attempt to carry out some of the Sachar Committee recommendations, the Committee which was set up (i) to remove possible anomalies in the Act which were there when it was set in operation 10 years ago; and (ii) to plug loopholes in the operation of the Act. . . " The Sachar Committee made a number of recommendations, 70 or 74 recommendations, of which I have noted eight important ones. First, it recommended that the restrictive practices of the big houses and monopoly houses should be identified and the MRTP Commission should be authorised to take a connective action. Now this Bill does not deal with this first recommendation. The second recommendation was to include the public sector in the MRTP Act, which the Bill does not do. The third major recommendation was re-definition of inter-connections to be changed to include one-third of the total voting rights of the unit. This has been accepted. The fourth was with regard to substantial expansion based on growth in the value of assets and for purchase of balancing equipment. This has been accepted. The fifth was the proposal that the MRTP companies for expanding of their existing capacities or setting up new undertakings should be referred to the Commission. This has not been accepted, because we are now giving them certain automatic rights. Then the sixth is that the applications of the Monopolies and big houses for the taking over of new undertakings should be referred to the Commission. This has not been accepted. Then the seventh recommendation was that the MRTP Commission should independently and not make recommendations to the Government. This is not being dealt with

in this Bill. And the eighth recommendation was the prevention of such practices and collective trade agreements, which again, has not been dealt with in this Bill.

My first question, Mr. Vice-Chairman, is this. I have summarised eight recommendations. The Minister might have other recommendations. Am I right that only two major recommendations have been incorporated in this Bill?

My second question is this. I do not understand why we are being presented with a partial Bill. The Minister himself says that they are working on a comprehensive Bill. He is a lawyer. And I as an economist, say that I do not like partial, *ad hoc*, incomplete approaches. Why should a comprehensive Bill not be presented to us in regard to the recommendations of the Sachar Committee which was set up to plug the loopholes in the operation of the Act, to amend the Act in order to tighten the controls. And we are doing just the opposite here. Why should we not have the whole thing presented? That is my second question.

My third question is related to the partial approach. The Minister in his statement said that the reason for the partial approach is that there is urgent necessity for us in this Year of Productivity to increase production and to increase our exports. In order to achieve the socio-economic objectives, to increase the production and to increase exports in this Year of Productivity, this Bill is being brought forward, under which these companies are going to be given the opportunities for capacity expansion and their licences are now going to be dealt with more liberally and so on. Now, Mr. Minister, again, you as a lawyer, legal expert, may not be able to reply to me. I must say, the economics on the basis of which you have brought forward this Bill, I question, because the basis is that you want to expand the capacity to increase the production, this is the assumption of this Bill, expand the capacity and then productivity will be increased. I have a serious economic question about this basic assumption that you can increase production in India today by increasing the capacity because what we

find is that in nine industries we have empirical, factual, statistical evidence—namely, in commercial vehicles, tractors, tyres, textiles, dyes and chemicals, general engineering, steel, aluminium and power cables, the production is being cut today, the capacity use is being reduced, because of the imbalance between supply and demand. I am giving some examples which you probably know. Telco has cut production by 20 per cent per month because they have got 3,000 vehicles which is one month's production now in stock.

Various vehicle-purchasers had to wait from six months to three years for delivery. Today you can get them off-the-shelf if you have got the resources which users don't have. Ashok Leyland has cut its production by 50 per cent because its stock of 3,500 vehicles is equal to two-and-a-half months production. Simpsons, another automobile vehicle producer, has closed down and so on. The same is the story of all the other eight industries. Mr. Minister, my question is: Why are we proposing in this Bill to expand the capacity in various ways when what we see all around us is the problem of not using the existing capacity? The productivity, I believe, in this year can be increased by using the existing capacity and not by continuing with the cutting back in the capacity. I do not understand your rationale for increasing capacity when the existing capacity is not being used fully. As an economist, therefore, I query the basis of this legislation which you have brought forth.

My fourth question is: Why is there no legislative provision in respect of the first recommendation of the Sachar Committee, which I believe is the most important one and which in the 12 years of the MRTP Act, you have not acted upon, namely, the restrictive trade practices.

And you know, Mr. Minister, that the amount of restrictive trade practices that are going on not only among the large businesses but even among the not-so-large houses is so serious that what was more urgent than expanding capacities of the large houses was to bring forward legislation to identify the restrictive trade practices and vest the MRTP Commission with independent authority, not to give

your recommendations which you may not accept, but to stop these restrictive trade practices. Though this is called MRTP, we have done nothing on the TP side, that is, restrictive trade practices.

My fifth question is, this Bill deals with 126 large houses. I do not know where Mr. Kulkarni got the figure he mentioned. This figure of 126 large houses is taken from the MRTP Commissions report itself, and they control 1,240 undertakings. Now this figure is rather small in relation to the total number of industrial units in the country; it is small in relation to the total amount of capital we have, including public sector capital; in the country, and total production. But these companies need to be controlled when they go against the common good, of when they are operating to the common detriment. Now one of the important things, I feel which has made the MRTP Act and the Commission not very effective is the fact that there has been no definition of what is "common detriment". You, as a lawyer, know that unless there is specific spelling out of the term, it cannot be made effective. At the moment, what we do is that we sometimes refer to the original commission which recommended the MRTP Act which gave various quantitative and qualitative criteria for "common detriment", or we refer to section 28 of the Act which speaks of self-reliance, of economic and strategic considerations, of the small-scale sector and so on. I think this has been one of the weaknesses of the Act. I would have hoped that any attempt to bring forward even a partial legislation would have been, after legislating for dealing with restrictive trade practices, to define what is meant by "common detriment". As this has not been done, the big houses and others dealing with black money who are not in this definition, are getting away with very serious malpractices.

Now, we sixth question is that in respect of the various clauses here providing for expansion, what is more urgently needed is to set a time-limit within which the Government and the MRTP Commission would give their decisions and approvals.

That is what would increase production, not the various provisions that you have made here for expansion. You set a time-limit of three months or six months and is within this period the Government and the commission do not give their decision. One should take it that the application is approved and one can act upon it. This, I think, is more important than what you have brought forward.

Finally, Mr. Vice-Chairman, in regard to our priorities in this country—this is where Mr. Kulkarni and I agree, though I did not follow his argument—our priorities are that as 50-odd per cent of the people are living below the poverty-line, we have to fight poverty, we have to create employment and this means that in the industrial field, the small-scale industry, the cottage industry, the tiny industry, the co-operative sector industry, have to be pushed forward in order to create employment and fight against poverty. I do not feel that this kind of amendment that you have brought forward deals with the major problem of bringing about some reduction in poverty, to which you and I are committed to do.

So these are the questions that I have in relation to the Bill that you have brought forward. Thank you.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, although I myself belong to the trade and industry I may have been influenced by Marxist theory or someone else may have been influenced by capitalist theory. I am myself a member of the ISCUS like Mr. Kalyan Roy and have also visited Russia. But the point that we have to take into consideration is that this is the policy that we have laid down for our own country. Right at the moment we have set ourselves as a socialistic pattern of society. So what we have to do and what we are required to do is within the four corners of what that socialistic pattern of society is. And I do not think that much can be done in that respect, that any drastic changes can be brought about, and when certain restrictions are to be imposed upon large houses and others, the actual position has to be taken into consideration as is obtaining in the country. In that

context I view with sympathy the amendments put forward by our Law Minister. I have found from these amendments that the Law Minister has tried his level best to tighten certain controls. Instead of one-third of the whole quantity, he has reduced it to one-fourth. This is the only possibility that he had under the circumstances. The other thing is that where licensing is not required, and people go on producing more, such as cycles and others, he, by this amendment, tries to rope them also so that they also come under the licensing procedure. He has no doubt made certain liberalisations. But what are those liberalisations? The liberalisations are that under the IDR Act a particular company has been given a licensed capacity of a particular quantity to which Mr. Adiseshiah referred, and the point at issue is that if that licensed capacity has not been achieved by that particular concern, the Act only wants that to the extent that licensed capacity has been sanctioned in favour of that company, it should produce to that extent. I do not think this is haphazard growth in production or this is uncalled for. The only thing he has said is that in the core industry 24 to 25 per cent increase is possible. There too he has very categorically stated that the interests of the small-scale industry and medium-scale industry shall not at any point be jeopardized. The small-scale industry and the medium-scale industry will have precedence even in the core sector also. He has also said that the Government may declare certain high priority industries. But for that too he has imposed upon a condition that the industries declared in that list shall be placed before Parliament and when Parliament approves that, then alone the capacity can be increased. So, I do not think that there is anything in these amendments which should call for criticism from our side at the moment. In this year of productivity—Mrs. Gandhi has termed this year as a productivity year—I do not think any Member of this House will disagree with her or the Government that production and productivity—these are two different terms—and be achieved and on that score in this year of productivity it is very essential that these small liberalisations and also certain restrictions and tightenings are there.

I have only one observation to make. The MRTP Act is not applicable to the State of Jammu and Kashmir. It is very good that way because the Government of India in fairness thought that certain multinationals or big companies will come to backward areas like Jammu and Kashmir or NEFA or other places and that this MRTP Act will not apply to them.

But what is happening actually? Although the State Government really clears those schemes, the industrial licensing has to be done by the Centre. When the application is considered at the Centre by the Industries Committee, somebody comes up and says that the particular concern comes under the MRTP. So, the very effect of the MRTP Act not being made applicable to Jammu and Kashmir or any other backward area like Jammu and Kashmir is defeated by the negation of licensing policy followed by the Centre.

There has been the recent case of Cadbury Fry. They wanted to use our fruits which are rotting. Then it took two years and that too at the personal intervention of our Chief Minister. Then only they were allowed to do it. If this Act is not applicable to areas like Jammu and Kashmir, it should be ensured that these big concerns set up industries without any delay. No delay should be caused in allowing them to do it. I would request the hon. Minister to look into this. Sir, I support the Bill wholeheartedly.

SHRI SADASHIV BAGAIKAR (Maharashtra): Sir, I rise to speak with great amount of difficulties because the arguments that we are advancing are either economic or they relate to the industrial policy and the actual implementation of that policy. And we are addressing ourselves to the Law Minister who would simply say: "I am not concerned with all these arguments. I am merely concerned with the clauses of the Bill". This is a very unfortunate situation. All round, statistics are quoted and absolutely they are not registering on the Law Minister. That is why I have this feeling of diffidence when I speak on the Bill. But we cannot do anything else except to hope that he will at least convey to the concerned Ministries all the arguments we have advanced.

As far as the MRTP Act itself is concerned, its failure was obviously in the first five years. If you go through the statistics, you will see that the Act came into force in 1969 and between 1970 and 1975 the assets of the big business increased from Rs. 2,430 crores to Rs. 4,465 crores. It means that their increase in assets in five years from 1970 to 1975 was about 68.6 per cent. The Sachar Committee was constituted to find out how in spite of the MRTP Act the concentration of assets and wealth continued to be in the hands of the 120 families in the first place or the first 20 families. So, it had no impact on the problem of concentration of wealth or assets.

Statistics have been quoted by several friends and I do not want to repeat them. But one thing is obvious. To advance the plea that such an amendment is required in the year of productivity has no meaning. I do not believe in it at all. That argument does not hold water. Productivity, as quoted by my learned friend, is being under-cut by total under-utilisation in several industries. What has MRTP Act to do with that? We are all aware of this problem of under-utilisation of capacity.

We have been discussing the subject of soda ash three or four times in every session either through questions, or Calling Attention Notices or Special Mentions. It has become a ritual to discuss this subject in every session because of restricted trade practices.

5 p.m.

Two or three monopoly houses are able to manipulate this thing in such a way that they create an artificial scarcity and the prices go up and then the Government goes in for imports and then again the situation is eased. But every year we are going through this circus. So, the simple fact is that so far as the MRTP Act is concerned, for the purposes for which it was meant, those purposes it has not served and I am entirely in agreement with Mr. Kalyan Roy that it is better to scrap this useless and worthless piece of legislation. I will give you another instance also. The Law Minister knows very well as to what happened to the Sarkar Commission. He knows very

well that that Commission, after some years of work, could produce no result whatsoever and the Chairman of the Commission, I think, resigned and it was found that that Commission had no report to make and the expenditure on the Commission was absolutely fruitless and useless. Why has this happened? So, Sir, if the Government thinks that the MRTP Act is some instrument through which some egalitarian principles and policies, which as slogans they use on platforms, can be implemented, then it is wrong and it is only a misnomer and this has been proved beyond doubt. Therefore, Sir, the MRTP Act, as it stands today, has nothing to do with the question of reducing the growth of inequality or the question of decreasing the growing disparities and this Act is nowhere near that ideal and this can be clearly understood. Therefore, I think this amendment is a misnomer and I am going to refer to clauses 22 and 22A, that is, the amendments that are now proposed.

Now, Sir, what is the Government trying to do through these amendments? The Government is taking the power in its hands and wants to say that such and such an industry comes in the priority sector or that it is export-oriented and, therefore, it is outside the purview of the Act. This is the substance of these amendments. So, why should we agree to these amendments? We don't grant the *bonafides* of these amendments. These amendments also will be used in the same manner in which the MRTP Act has been used to blackmail, to get money, to get more funds for their political activities and this is what it will ultimately end in. Therefore, Sir, my fear is that the amendment which this Government has brought forward, which this Government wants us to accept, will be misused and unless we have full faith in the *bonafides* of the Government, it would be dangerous to give them this additional power which, like the licensing policy, would be misused to the detriment of growth in this country. Therefore, Sir, I would like the Minister to consider the statistics that have been quoted by my friends like Shri Hukmdeo Narayan Yadav and Shri Kalyan Roy and all others, and I would like the honourable Law Minister to satisfy us on this score as to whether they are true or not. Sir,

his own reports, reports of the Government have been quoted here.

SHRI KALYAN ROY: The MRTP Chairman himself is saying this.

SHRI SADASHIV BAGAIKAR: Yes. So, if all these that we have quoted do not convince you regarding the uselessness of this Act, then what else can convince you? Even our arguments will not cut any ice with you. Therefore, Sir, I strongly oppose these amendments, that is, these two clauses, 22 and 22A, which I believe, will be misused and abused by this Government. Therefore, Sir, I cannot support this amending Bill which the Law Minister has brought forward.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Now, the honourable Law Minister is to reply.

SHRI KALYAN ROY: If he has got anything to reply:

SHRI JAGANNATH KAUSHAL: Mr. Vice-Chairman, Sir, I must, at the outset, say that the limited character of this Bill has been appreciated by a few Members. But otherwise, Sir, the discussion which has taken place was not confined to the various amendments which I have brought forward.

The last hon. speaker said that he doubted our *bona fides*, he has no faith in what we say and, therefore, he would oppose the Bill brought forward by the Government. Well, since he belongs to the Opposition party, he has a right to say so and I also will not try to convince him, because the reason is obvious. I am reminded of a saying where somebody said: Do not try to explain, your friends don't need it and your opponents won't believe it. So my friend started with a total prejudice against what we do and therefore he says that he has no faith in what we talk. Another hon. friend, who is an economist—and I have a great respect for his views—rightly says that the Law Minister knows nothing of Economics. This also may be true. But his main criticism, if I understood him,

was that since the Sachhar Committee had gone into the entire working of the MRTP Act where was such a great hurry on the part of the Government to come forward with a partial measure? I may only bring to his notice that the Sachhar Committee not only examined the MRTP Act but it also examined the Companies Act. The report has been before the Government for quite some time and, as I told in the very beginning, we are contemplating to bring a comprehensive Bill with regard to the Companies Act as well as in regard to the MRTP Act, and we hope to do so soon. But, then, he obviously asked: Why were you in a hurry to bring forward this Bill? Well, I have said so. But he, as an economist, says that this will not happen. That is a different matter. Whether it happens or not, that we will have to see by the results which we achieve, otherwise my main object—I have said so—is that we want more production, and if by this Act more production is generated then we do not want to wait even for a month or so. Our object is that we will encourage more production by this amendment.

SHRI KALYAN ROY: By more closures of jute mills and textile mills.

SHRI SADASHIV BAGAIKAR: What about under-utilisation? (*Time Bell rings*)

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Hon. Members, you have all had your say. Let him reply.

SHRI JAGANNATH KAUSHAL: I would expect the hon. friends to give me a little patience, although, I know, I won't be able to convert you.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Let him reply in peace.

SHRI JAGANNATH KAUSHAL: I started by saying so, and you start with a suspicion which is so deep that it is just not possible to come

forward with any reason to you, and even if I come forward with a reason, you will not listen to it.

SHRI SADASHIV BAGAITKAR:
We have cited facts and statistics from your Reports.

SHRI JAGANNATH KAUSHAL:
I will try to meet them as best as I can.

SHRI SADASHIV BAGAITKAR:
Welcome.

SHRI JAGANNATH KAUSHAL:
The criticism, as they say, is that this MRTP Act is not working at all, you better scrap it, be fair enough because, after the MRTP Act was brought forward results have been just the other way round. Certain figures have been quoted by them. Now, may I, for the benefit of my friends, also quote one figure? One can look at the growth of big houses in terms of growth of assets since the MRTP Act came into force. It may be seen that 94 big houses undertakings had enlarged their assets by about 2-1/2 times between 1972 and 1980. The total assets which were around Rs. 5600 crores in 1972 became Rs. 14,500 crores in 1980, an increase of 20 per cent per annum.

SHRI KALYAN ROY: What are you quoting from?

SHRI JAGANNATH KAUSHAL:
I am quoting the figures about the increase in assets. These are all from Government publications. These are not from my imagination. You can depend on them once I quote.

This is not something abnormal if one were to consider the long term span of 8 years. If you take inflation into consideration, then ultimately the increase would be about 12-1/2 per cent per year. Now, the M.R.T.P. Act does not, in turn, prevent growth

completely. It only regulates growth. Therefore, if these large houses have increased their assets, as I say, by 12-1/2 per cent per year, this is not something abnormal. The other thing which I would wish to bring to your notice is this. A comparison has also been made of the percentage of increase in the assets of the top 20 industrial groups during the 8 year-period preceding 1970 when the M.R.T.P. came into force and more or less an equal period thereafter. From the comparison, it is seen that the top 20 groups increased their assets during the period prior to 1970-71 by about 100 per cent whereas the corresponding increase during the period after coming into force of the M.R.T.P. Act was only 45 per cent. So, to say that we have allowed them to increase would not be correct. On the other hand, there has been a curb on it. There are other arguments which have been raised, and with a lot of force too. Those arguments are that by allowing the large houses to enter certain industries, are we not, in fact, trying to do harm to the small sector and the medium sector? On that I have already said and I wish to repeat that the M.R.T.P. houses are only coming to us for the purpose of licences for other new undertakings or for the purpose of substantial expansion with regard to industries which are in the Appendix and as the hon. Members know much more than me, those industries are not outside the scope of the small scale and medium industries. While granting them licences for new industries or for substantial expansion, this is the primary consideration which is kept in view by the Department. They are not allowed to enter those sectors which are reserved or meant for small scale or medium sectors. They are also not allowed where the public sector can conveniently enter. Only when the public sector shows its inability, we consider them eligible for either substantial expansion or for new undertakings. With regard to the major economic policies which have

been adopted, may I request the hon. Member that the proper occasion for that would be when I come forward with a comprehensive Bill. Have you really serious objection to the various clauses of this Bill because I need not take much time of the House. One hon. Member actually said so. He said that the clauses, so far as they go, are not highly controversial. The only controversial clause is clause 1. I will try to meet it and show whether it generates such a controversy. What we have done is this. We say that dominance has in fact, been tightened. No hon. Member can quarrel with this. Earlier, the dominance was: 2 "If any undertaking by itself or in connection with its connected undertaking, produces one third of the share of the market produce, it was considered to be a dominant undertaking." Now we have reduced it from one-third to one-fourth. We say, even if you control one-fourth of the market, then we will consider you as dominant. The only argument employed against this was that this was done long back in the U. K. We say, if we have done it today, there is nothing wrong about it. In the U.K. they did it long back; they brought it down from 33 per cent to 25 per cent. We have done it now and this is in accordance with the report of the Sachhar Committee. Now, surely, hon. Members are not quarrelling with this.

Now, let us come to the other matter. The other matter, again, I will say should be totally non-controversial because there was a lacuna in the Act. In the Act the lacuna was that if a dominant undertaking produced the goods of the same or similar type to an unlimited extent, they were not permitted, but the other house although that was under the MRTP Act if it was not dominant then there was no limit on its production of the same or similar type of goods. We have brought that house also within the net of the MRTP Act.

DR. MALCOLM S. ADISESHIAH:
Sir, may I interrupt for a minute? You

say one-third has been brought down to one-fourth. The one-third was of the total production, whereas one-fourth is of the total licensed capacity, installed capacity.

SHRI JAGANNATH KAUSHAL:
No, doctor. We have retained both concepts. That I will explain. You are right there. We have retained the earlier concept also. But we have also introduced a new concept. There are two types of industries. One industry is which is regulated by the Industries (Development and Regulation) Act. They are again of two types. One, where they have a licensed capacity. The other, where they are governed by this Act but they have not taken any license. In their case it will be the licensed capacity as compared to the installed capacity in the entire country. But when there are other industries which are not governed by the Industries (Development and Regulation) Act, in their case it is the share of the market which we have retained. Therefore, now a new concept of installed capacity and licensed capacity has been brought in. These are non-controversial clauses.

Now, there is the other clause on which again somebody can say that in the garb of this, this will happen. Otherwise our intention is simple. If there is a sick industry and they are not bringing in new technology, the world is advancing, new machines are coming, and when people are having old machines, what happens is that production goes down. If production goes down, the mill becomes sick, then closure comes and then retrenchment comes. Then we are faced with a situation where the labourers are thrown out. Then everybody comes forward and says, you better nationalise this industry, you take it over. Now, surely the Government is not going to benefit by nationalising the sick industries. After all, it is the tax payers money which is to be given over for the purpose of nationalising. Now, what we are permitting is this. We say, if you

modernise, if you renovate, if you put in the new type of machines, then surely within the licensed capacity you need not come to us.

SHRI NIRMAL CHATTERJEE:

This is creative disequilibrium in economics. This is the way in which you balance and expand your capacity. (Interruptions)

SHRI JAGANNATH KAUSHAL:

My submission to the House would be that something which is so obvious, now you are trying to twist that obvious into something else. Otherwise, do you really want that the old machines should continue? Because if you put in new machines, then obviously the value of assets will certainly go beyond 25 per cent under the old Act. So, if once they put in new machines the value of the assets goes up by 25 per cent and they are within the net. We say: this is unfair. So, this is the third amendment.

The only controversial amendment, which the hon. Members can say so and which I say again is only a matter of faith. The controversial amendment, is if at all you may say so, that the Government has now taken the power that Government by a notification for a period of not more than five years can notify industries by satisfying itself that such and such an industry is of a high national priority. The provision is, the industry has to be notified by the Government in the Gazette. The provision is very specific. Government has to be satisfied from all relevant facts that this is an industry of high national priority. Then, we say that this will not be within the net of the MRTP Act. On this, the criticism can be that the Government has taken all the power to itself and that it is a blanket power with the Government. I would say, this power is not blanket power. This is because, the Government has to satisfy itself from all relevant facts that this is a industry of high national priority. Of course, the Government will take a decision on this. But we will come to Parliament. We will

place the notification on the Table of both the Houses. Parliament has the power to scrap the notification or to make an amendment in it. This, at the most, can be said to be a power which the Government is trying to take to itself in order to get certain industries out of the net of the MRTP Act. So far as the criticism goes, I can accept it. But as I said, we will do it in the interest of the nation's economy, we will do it in the interest of high national priority. Now, my friend, Mr. Bagaitkar says that they have no faith in what the Government does. Well, surely, we are not here to please or satisfy those people who refuse to be satisfied. As I said, we will come before Parliament and this Parliament has the ultimate say.

Then, the other matter which we have now brought forward is a matter where we say, in regard to any industry which is hundred per cent export-oriented, we will not ask them to come for a licence to us. This is because, we certainly need more exports and to say that these industries will not ultimately benefit us is not correct. I am not going to accept this as a statement at all. When the private houses manufacture goods, they have to enter a foreign market which is competitive. Unless they produce proper goods, unless they have foreign markets, surely, they cannot compete. Surely, they are not prepared to sink only for the purpose of getting out of the MRTP Act. They have to sink their own money. They have to find money from their own resources. We will go into all these matters when we settle the scheme. We look to every thing; how much money are you going to spend from your self-generated profits, how much money are you going to have from the financial institutions, how much money are you going to have from the market, what will be the equity share what will be the debt equity ratio; all these exercises are not done in vain. All these exercises are done for the purpose of

finding out whether the goods which they are going to manufacture are going to export and there is an export market.

SHRI NIRMAL CHATTERJEE:

Will such units be allowed to sell 40 per cent of their output in the domestic market?

SHRI JAGANNATH KAUSHAL:

No. Hundred per cent export-oriented. Kindly see the provision.

SHRI NIRMAL CHATTERJEE: You have not defined it. My question is, will such units be allowed to sell 40 per cent of their output in the domestic market? You have mentioned 'exclusively'.

SHRI JAGANNATH KAUSHAL:

Have a look at the Bill itself.

SHRI NIRMAL CHATTERJEE:

Under FERA also.... (Interruptions)

SHRI GHULAM RASOOL MATTO:

That is in the free trade zones. (Interruptions)

SHRI JAGANNATH KAUSHAL:

As I said, only those undertakings will be exempt from coming to the Government of India, for licence either for expansion or for setting up new undertakings, if they produce goods which are meant for hundred per cent export. I do not think, there is any ambiguity in this. This was the only matter. Therefore, I would say, this is a Bill which should be welcome because we want production and more production and nobody quarrels with this. The only quarrel of the Members is that, since the inception of the economy, since the inception of growth, the large houses have become much larger. But that is an issue which has nothing to do with the MRTP Act.

SHRI SADASHIV BAGAITKAR:

At least, will you not accept that this is a fact? (Interruptions)

SHRI NIRMAL CHATTERJEE:

Please name one unit which is one hundred per cent export unit.

SHRI JAGANNATH KAUSHAL:

If there is none, nobody will take

advantage of the provisions of this law. This particular provision is only for the benefit of those units which come within the terms of this provision.

So, what I was trying to say was, the area where the large houses operate is also where they come to us for fresh licences or for substantial expansion because these are the only two sections which I am dealing with. The one deals with the new undertakings and the other deals with substantial expansion, where they come to us for those industries which need high technology, which need intensive capitalisation. Both of them are beyond the reach of the small scale sector and the medium scale sector. If we do not permit them and the small scale and the medium scale sectors also cannot produce those goods, those goods will be imported. That will ultimately be to the detriment of the country.

Therefore, the purpose of the MRTP Bill, the directive principle under which this Bill was conceived is again not to completely check the growth of industry. Normal growth, normal healthy growth is permitted; only it has to be channelised.

SHRI NIRMAL CHATTERJEE:

You are not mentioning sub-clause (c) which relates to establishment in free trade zone where 41 per cent sale within the country is permitted. You are only referring to sub-clause (b).

SHRI JAGANNATH KAUSHAL: I am referring to sub-clause (b), but there is sub-clause (c) also which relates to the free trade zone and that is also 100 per cent export-oriented.

On that there should be no quarrel on facts. Therefore, my very respectful submission to the House is, please do not suspect our *bona fides* because this particular Bill which we have brought forward is with the best of intention. We want more production because we cannot afford...

SHRI KALYAN ROY: In between the intention and performance there is a shadow.

DR. (SHRIMATI) NAJMA HEP-TULLA: He has not replied to my point. What about the reservation for the minorities, for the Scheduled Castes and the Scheduled Tribes?

SHRI JAGANNATH KAUSHAL: Now the Doctor has asked me about reservation I would like to know whether the reservation provisions of the Constitution are applicable to the private houses also. Madam, obviously they are not. The Constitution only talks of public services. All that I can say is, since you have raised this point, we can certainly convey your suggestion to...

DR. (SHRIMATI) NAJMA HEP-TULLA: At least you can give an assurance to the House that you will look into the matter. It is the responsibility of the Government... (Interruptions).

SHRI JAGANNATH KAUSHAL: I am not going to enter into that discussion because ultimately the Constitution does not go beyond public services.

So far as your suggestion is concerned, we will look into it. (Interruptions).

Therefore, my very respectful submission to the House is, please accept the Bill at its face value. Our intentions are honest. Some of the hon. friend has said that we are trying to mislead,

"आंखों में धूल झाँक रहे हैं"

These are very strong expressions which you have the right to say, but they are not in good taste. We have come with an honest, straightforward Bill which, according to me, is totally non-controversial, in the interest of production.

I would, therefore, humbly request the House to pass the Bill.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): I will now put Shri Shiva Chandra Jha's amendment to vote.

The question is:

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:

1. Shri R. R. Morarka
2. SHRI S. W. Dhabe
3. Shri Suraj Prasad
4. Shri Shanti G. Patel
5. Shri Biswa Goswami
6. Shri Rameshwar Singh
7. Shri Hukmdeo Narayan Yadav
8. Shri Kalraj Mishra
9. Shri Hari Shankar Bhabhra
10. Shrimati Mohinder Kaur
11. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): I shall now put the motion moved by Shri Jagannath Kaushal to vote.

The question is:

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

The motion was adopted.

THE VICE-CHAIRMAN SHRI R. RAMAKRISHNAN): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 to 5 were added to the Bill
Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI JAGANNATH KAUSHAL: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF THE ANSWERS GIVEN IN THE RAJYA SABHA ON THE 15TH JULY, 1982 TO UNSTARRED QUESTION 734, REGARDING ALUMINIUM PRODUCED BY HINDALCO.