

SHRI GIAN CHAND TOTU : May I know from me hon. Minister the stage at which the drilling operations are in Jawalamukhi and Ramshahr ? Have the drilling operations started and, if not, by what time they are expected to start ?

SHRI KESHAV DEO MALAVIYA : About Ramshahr we are building roads. Recently, during the monsoon, a part of the road sagged and there have been some boulders on it. So, perhaps, the road-building programme has been delayed by about two weeks. Immediately, after the monsoon, we shall start drilling in Ramshahr. So far as Jwalamukhi is concerned, there is no block just now. Almost the entire rig has been transported from Kashmir and as soon as it arrives there in October or November, we are going to start the work.

**Statement of Chairman of the
M.R.T.P. Commission**

*243. SHRI BIR CHANDRA
DEB BURMAN :
SHRI KALYAN ROY :
SHRI S. KUMARAN :

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether Government's attention has been drawn to the statement of Shri J. L. Nain, Chairman of the M.R.T.P. Commission, as reported in the Business Standard of August 7, 1976 under the caption "M.R.T.P.C. shifts emphasis: Monopiles no longer whipping boy";

(b) if so, what is the number of cases relating to concentration of economic power and monopolistic trade practices which have been referred to the Commission during the last three years and what are the findings of the Commission thereon;

(c) whether Government propose to amend the M.R.T.P. Act in the light of the suggestions of Shri Nain; and

-The question was actually asked on floor of the House by Shri Kalyan Roy.

(d) if not, what are the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA) : A Statement giving the required information is laid on the Table of the House.

Statement

(a) Government have seen the report referred to.

(b) A Statement is annexed giving particulars of the cases referred to the M.R.T.P. Commission under Part A of Chapter III of the M.R.T.P. Act, 1969 and the action taken thereon. (See Appendix XCVII, Annexure No. 53). In regard to monopolistic trade practices, so far, 3 cases have been referred to the Commission but in all these cases the inquiry proceedings have been stayed by an order of the Delhi High Court.

(c) The Members' attention is drawn to the observations contained in para (i) of Chapter II on page 4 of the Fourth Annual Report on the working of the M.R.T.P. Act, 1969 for the year ended 31-12-74, copies of which were laid on the Table of the House on the 17th May, 1976.

(d) Does not arise.

SHRI KALYAN ROY : Justice I. L. Nain made very serious allegations about the *bona fides* and seriousness of the Government's intentions to fight concentration of economic power. The last few decades, Sir, have seen more and more concentration of economic power in a few big houses and monopoly houses leading to scarcities, high prices and black money and all that the Government talks about fighting monopolies is sheer nonsense and humbug. Has his attention been drawn to the specific charge of Justice Nain that the work-load of the Commission or account of the cases dealing with concentration of economic power and monopoly trade practices was very light ? Regarding the concentration of economic power Justice Nain said that it would be betle

if the Government is clear in its mind as to what should be done in the field. In other words, the charge is that only 25 cases of concentration of economic power have been sent to the MRTPC over all these years. May I know what is the reason of not sending the cases of concentration of economic power to the MRTP Commission and what is the number of cases which have been sent in this year and also since the emergency, with regard to monopoly trade practices and concentration of economic power?

SHRI BEDABRATA BARUA : Actually, in the particular report referred to, the reporter has given his own opinion. I can do no better than quote the actual statement given in other papers. May I quote one sentence from the statement given by him? It says: Mr. Justice Nain explains that the law does not object to industrial bigness *per se* but to only concentration of economic power that is to the common detriment. Consequently, the Commission recognises that for major projects only large industrial houses can mobilise the necessary financial resources. Sir, this is the position that has been taken from the Act itself and, therefore, the question of the *bona fides* being questioned could not arise. Regarding the work-load of the Commission, the Government has consistently taken the view that the Commission could concentrate more on restrictive practices and other aspects where they have *suo motu* powers. Regarding licensing, the Government has referred, as the Chairman said, about ten per cent of the cases and it was not with a view to clearing these licences because even in the Commission, the Commission cleared 90 per cent of the cases. In fact, the Government rejected two cases where the Commission recommended. So, it was not with a view to getting the applications approved but it was only with a view to quicker disposal that this decision was taken and not all cases are referred to the Commission. It is not a fact that the Commission is short of work. It has gone into restrictive and other practices.

SHRI KALYAN ROY : He did not reply to my second question. I am repeating it once again to help the Minister whose memory is slightly falling on this particular question. How many cases of concentration of economic power and monopoly trade practices have been referred to this Commission in 1975 and 1976, since the promulgation of emergency and in how many cases the Government have rejected the recommendations of the MRTP Commission to take action against the concerns which are resorting to monopoly trade practices and restrictive trade practices?

SHRI BEDABRATA BARUA : In regard to the cases that were referred to in 1975, I do not think the reports have come or the Government have taken a decision on them. In fact, I do not have the break-up, year-wise, in regard to the references made. But I can say that the latest decision was about M/s. Philips who wanted to produce GLS-Lamps and fluorescent lamps.

SHRI KALYAN ROY : Since the proclamation of Emergency, one year has passed. I wanted to know how many cases dealing with concentration of economic power and monopolistic trade practices have been referred by you to this body which has no work.

SHRI BEDABRATA BARUA : I think it is not correct to say that the Commission has no work. Government have never stated so; not even the Chairman of the Commission has said so. He said that only in regard to licensing, he has less work. In regard to the references made, I am not concealing anything. If he asks a specific question, I will reply to it.

SHRI BHUPESH GUPTA : How many cases have been referred to the Monopolies Commission? This is a simple question which he can answer.

SHRI BEDABRATA BARUA : There are two types. I think there is some misunderstanding.

SHRI KALYAN ROY : There are two types of cases. One relates to the concentration of economic power and the other relates to the monopolistic trade practices. These are two types of cases.

SHRI BEDABARTA BARUA : There are two ways. As I was trying to explain, first of all, concentration of economic power, what is loosely called concentration, is under Chapter III of the MRTP Act. In regard to this, I have already given the details of the 21 cases where references were made. In regard to the monopolistic trade practices under section 31 of the Act, Government did make references in three cases, namely, M/s Coca Cola, Cadburys and Colgate.

SHRI KALYAN ROY : I wanted to know the number of cases referred to the Commission since the proclamation of Emergency.

SHRI BEDABARTA BARUA : We have made references before the Emergency in these three cases. I would like to inform the hon. Member that in regard to all these three cases, stay orders have been obtained from the Delhi High Court.

SHRI KALYAN ROY : I would like to know the number of cases referred to the Commission since the 26th June, 1975, till August, 1976.

SHRI BEDABARTA BARUA : I would like to say that we have not made any reference because of certain reasons.

SHRI BHUPESH GUPTA : Sir, he has not given the answer. That is why I am asking this simple question. I am repeating it. There are a number of monopoly houses in this country; this is well known. You may give whatever nomenclature to them like large industrial houses and so on. We would like to know, during this period, how many cases involving them from the point of view of concentration of economic power and other monopolistic trade practices have been referred to this Commission. I would also like to

know, how you reconcile your claim with the fact that during this period of Emergency, almost all the big monopolists, Birlas, Tatas and others, have been making statements that they never had it so good as they have now and that they are going on very fine. They have also been paying tributes to the Government for the kind of assistance which has been given to them. Do I take it from this that they are very happy because the objectives of the MRTP Act are being defied and ignored and because of the fact that they are allowed to carry on their concentration of Wealth and economic power and other restrictive trade practices not only with concessions, but also otherwise with the various types of patronages showered on them ?

SHRI BEDABARTA BARUA : I have already stated that the Government's policy is to allow the expansion of big houses only when it is absolutely necessary and when it is in the interest of the country. Government allows the big houses to expand only where it is found that demand projection is high and that scarcity may follow. This is also done in regard to important item: which need large capital investment and expertise. Now-a-days, after the Emergency every application is gone into and in the consumer and low technology fields large houses are not allowed. In regard to the question of concentration of economic power, it is purely looked after by the Government itself. It is the responsibility of the Government to look into the question so that references to the Commission could be made.

SHRI BHUPESH GUPTA : All these are very useful to us, instructive and informative. But what I would like to know this How do the Government reconcile their claim that this law is being implemented when repeatedly statements are being made here and abroad by the Birlas, Tatas and others, that they are having excellent time now, during the period the Emergency, which shows that the various obstacles which are in their way ; being removed ?

SHRI BEDABRATA BARUA : If the big houses support the Government's policy it is well and good. But Government has no explanation to offer in regard to the support given by the big houses.

SHRI B. N. BANERIEE : Sir, the Monopolies and Restrictive Trade Practices Act was passed by Parliament in the year 1969, if I am not wrong, and the restrictive trade practices portion of the Act was only taken up by the Monopolies Commission as late as 1974, and is it correct for us to presume that only because they do not have too many cases on the concentration of economic power that they are busy with the restrictive trade practices portion of the Act ? That is one part of the question. The second part of the question is that if we analyse the statement, which is an annexure to the reply of the hon. Minister, there are 21 items out in there—I have counted. Six have been withdrawn. That leaves us with fifteen. One has been stayed by the court. That leaves us with fourteen. And there are four items relating to explosives which are on the same order. That means during the last three years only nine cases were referred to the Monopolies Commission. Sir, excuse me for being a little lengthy. There is one point which was made by Justice Nain in the statement which I do not very much appreciate. Being the Chairman of the Commission, going out of office and then making statements is not a very healthy thing. But he has pointed out that they were starving because Government themselves decided cases which could have been properly referred to them. Even if it was the implication of the statement, Sir, what is the Minister's reaction to that ?

SHRI BEDABRATA BARUA : First of all, so far as restrictive trade practices are concerned, they are important by themselves. In fact, Government was always toading the Monopolies Commission to go into restrictive trade practices, and from 1974—we are glad to say—the Commission has gone into these cases.

SHRI B. N. BANERIEE : From 1969 to 1974 ?

SHRI BEDABRATA BARUA : Sir, I am not the person to explain the situation, what happened in the Monopolies Commission. But the Government is happy that they have gone into restrictive trade practices and also from the point of view of monopolies. In fact, Chapter III—Concentration of Economic Power—was added. It was a new provision in this country which has not been the subject-matter of monopoly commissions throughout the world, and we are happy that this matter has been gone into by them. Therefore, the references made to the Commission have not certainly been many. But this is because of the deliberate policy of the Government to either reject or accept when it is possible to do it and also because the Act itself provides that the Government has to apply its mind to the matters that are brought before it and take a decision. Only when Government finds that no decision could be taken and it has to be referred for further inquiry by the Commission—that is a statutory provision—that it makes a reference to the Commission. But when there are cases which are very clear either for acceptance or rejection, we do not refer them to the Commission.

SHRI SANAT KUMAR RAHA : Sir, from the statement revealed in the *Business Standard* of the 7th August, four glaring points have been cleared by Mr. Justice Nain. The first point is that concentration of economic power depends upon the policy of the Government. The second point is that regarding monopolistic trade practices also the Government did not show much enthusiasm. The third point is, Mr. Justice Nain feels that the Commission's orders in the cases of restrictive trade practices have laid down the judicial basis of an anti-trust legislation in the country. The fourth point is, Mr. Justice Nain feels that the Commission can become more effective if the Act is amended to widen the scope of the restrictive trade practices to cover monopolistic trade practices and misleading advertisement and if the Commission is empowered to issue interim injunctions pending inquiries. 1

want to know the reaction of the Government on these four points which have been revealed by the statement in the *Business Standard* of the 7th August.

SHRI BEDABRATA BARUA : I have already stated that so far as the report in the *Business Standard* is concerned, it appears to be (he comment of the reporter on the statement itself, as I saw it from other papers. But regarding concentration, Mr. Justice Nain was possibly right in saying that it is for Government to decide as to how to deal with the situation—and Government has been dealing with the situation in the best way possible in view of the need for maintaining production and, at the same time, decreasing the concentration of economic power. Government's policy has always been directed towards that end. Regarding restrictive trade practices, I have already stated that Government has been very enthusiastic about it. In fact, our Registrar who appeared before the Monopolies Commission—he is a Government official—has himself filed a number of cases on restrictive trade practices and the Commission also has inquired into them. There is no question of lack of enthusiasm on the part of the Government in regard to restrictive trade practices. Government considers fighting restrictive trade practices as one of the important matters before the Government including fighting monopolistic tendencies in the industrial system as a whole.

Regarding the amendments, I thank the honourable Member for raising the point. The Monopolies and Restrictive Trade Practices Commission made references and we had discussions with them. The Commission made a number of suggestions and each one of them is being considered by the Government. The Government have to take a decision shortly, after which the Government will come up before this august House for necessary amendments to enable the Monopolies and Restrictive Trade Practices Commission also to function more efficiently.

Foreign assignments of Rail India Technical and Economic Services limited

244. SHRI JAGDISH JOSHI :

SHRI IBRAHIM KALANIYA :

SHRI KHURSHED ALAM

KHAN : SHRI KALP NATO RAI

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Will the Minister of RAILWAYS be pleased to state :

(a) whether it is a fact that Rail India Technical and Economic Services Limited has secured some assignments abroad ;

(b) if so, what are the details of these assignments; and

(c) what is estimated foreign exchange likely to be earned by the undertaking from these assignments ?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MOHAMMAD SHAFI QURESHI): (a) to (c) A statement giving the details of assignments secured by R. I. T. E. S. and the estimated foreign exchange likely to accrue therefrom is laid on the Table of the Sabha. [See Appendix XCVII, An-nexure No. 54].

श्री जगदीश जोशी : श्रीमन्, क्या माननीय मंत्री महोदय यह बताने की कृपा करेंगे कि उनके स्टेटमेंट के अनुसार अभी तक जो ठेके उनको मिले हैं, वे फिजिविलिटी रिपोर्ट, सर्वे रिपोर्ट और कन्सल्टेंसी के ठेके मिले हैं। रेलों के निर्माण के ठेके मिले हैं,— इसका कोई उल्लेख नहीं किया गया है। तो क्या माननीय मंत्री जो यह बताने की कृपा करेंगे कि उन देशों और कितने और देशों में भी रेलों का क्या कोई सीधे निर्माण कार्य का ठेका भी मिला है, जैसे कि रेलवे पटरी बिछाना, लाइन डालना, स्टेशन बनाना आदि। ऐसे काम भी मिले हैं या नहीं मिले हैं और क्या उनके लिये कोई प्रयास जारी है ?

t The question was actually asked on the floor of the House by Shri Jagdish Joshi.