

सीमा पर है जिला झांसी में, जहाँ जैनियों का सब से महत्वपूर्ण और प्राचीन मन्दिर है। श्रीमन्, आप जानते होंगे। मैं देवगढ़ गया था। स्थिति यह है कि एक जर्मन स्कालर वहाँ पर आया।

श्री सभापति : आप प्रश्न पूछ लीजिये।

श्री राजनारायण : क्या सरकार की जानकारी में यह बात आई कि एक जर्मन स्कालर वहाँ आया और वह जर्मन स्कालर तीन महीने तक वहाँ रहा, उसने एक पुस्तक लिखी "हेयर स्टाइल इन देवगढ़" और उसने सब मूर्तियों पर मार्क बना दिया। तो वह सारी की सारी मूर्तियाँ काटी गई, किसी का सिर ले जाया गया, किसी का कुछ, और कई पूरी मूर्तियाँ गई हैं। क्या सरकार के पास इसकी कोई जानकारी है कि यहाँ पर कोई बत्ता कम्पनी है दिल्ली में, वह बत्ता कम्पनी इस तरह की मूर्तियों की चोरी करवाती है और मुख्य मुख्य मूर्तियों की चोरी करवा कर वह दो-दो, चार-चार, छः-छः लाख रुपये में एक एक मूर्ति विदेशों में बेची जाती है। क्या सरकार को इस बात की जानकारी है।

इसी के साथ साथ एक दूसरा और सवाल है।

श्री सभापति : एक ही सवाल रहने दीजिये। अब आप बैठ जाइये कहना मानिये।

श्री राजनारायण : फिर तो आप खड़े होने नहीं देंगे। मैं यह जानना चाहता हूँ...

श्री सभापति : आपने पूछ लिया है काफी।

श्री राजनारायण : अब तक तो मैंने पूछ भी लिया होता और वह जवाब दे दिये होते।

क्या सरकार ने एकानामिक टाइम्स पढ़ा है जिसमें यह है कि 80 लाख रुपये की लक्ष्मी की मूर्ति किसी बैंक से चोरी हो गई। क्या उसकी भी सरकार को जानकारी है।

MR. CHAIRMAN : I disallow this. Now please sit down.

प्रो० डी० पी० यादव : श्री राजनारायण के प्रथम प्रश्न के उत्तर में यह है कि वह मुझसे जानकारी लेना चाहेंगे तो मैं लिखित जानकारी उनको दे दूंगा। द्वितीय प्रश्न का जहाँ तक सवाल है, सरकार अपने बिल में प्राइवेट एंटी-क्वे डीलर्स को एवालिश करने जा रही है। सरकार इसकी सेल और परचेज को अपने हाथ में लेने जा रही है। जब बिल पास हो जायगा तब हम उसकी डीलिंग शुरू करेंगे। और कोई स्पेसिफिक कम्पनी अभी क्या कर रही है इसकी जानकारी हमारे पास नहीं है।

MR. CHAIRMAN : Next question.

श्री राजनारायण : और वह 80 लाख रुपये की मूर्ति का क्या जवाब हुआ ! फाइनेंस मिनिस्टर से जवाब दिलवाइये।

MR. CHAIRMAN : No, no. Please sit down.

#### COMPANIES REGISTERED UNDER MONOPOLIES ACT

33. DR. SALIG RAM : f SHRI BALACHANDRA

MENON : SHRI KRISHAN KAN I : SHRI RAJENDRA PRATAP

SINHA :

SHRI ARJUN ARORA

SHRI R. P. KHAITAN :

Will the Minister of COMPANY AFFAIRS/ कम्पनी कार्य मंत्री be pleased to state :

(a) the number of companies which should have got themselves registered under the Monopolies and Restrictive Trade Practices Act according to the findings of the Dutt Committee;

(b) the number of companies that have actually been registered up to now; and

(c) what action Government proposes to take against the companies that have not yet got registered under the Act?

fThe question was actually asked on the floor of the House by Dr. Satin Ram.

THE DEPUTY MINISTER IN THE DEPARTMENT OF COMPANY AFFAIRS/कम्पनी कार्य विभाग में उपमंत्री (SHRI BEDABRATA BARUA) : (a) to (c) A statement is laid on the Table of the House.

#### STATEMENT

(aj) Dutt Committee Report determined various companies as belonging to certain industrial houses on the basis of the criteria laid down by it in para 2.16 of its Report. The criteria for applicability of the provisions of section 26 of the MRTP Act are laid down in section 20 read with section 2(g) thereof. The two sets of criteria are not identical. Therefore, the question of registration under section 26 of the MRTP Act, of every company shown by the Dutt Committee as belonging to any industrial house, does not *suo moto* arise.

(b) Up to 15th My, 1971, 752 undertakings were registered under section 26 of the MRTP Act, 1969.

(c) Up till 15th July, 1971, 135 'show cause' notices were issued to undertakings, which *prima facie* appear registerable under the Act but had not done so. Subsequent to the issue of show cause notices, 19 undertakings have already got themselves registered under the Act. Government proposes to launch prosecution against undertakings which have not got themselves registered under the Act and fail to satisfy Government that they are not liable to register.

डा० शालिग्राम : स्टेटमेंट जो रखा गया है उससे पता चलता है कि एम० आर०टी० पी० ऐक्ट की धारा 26 के तहत केवल 725 अन्डर-टेकिन्ग्ज रजिस्टर हुईं और कुछ के मुताल्लिक सरकार को नोटिस देना पड़ा जिनका नम्बर है 135। 135 में से भी अभी तक सिर्फ 19 ऐसी अन्डरटेकिन्ग्ज हैं जो कि रजिस्टर हुईं। तो सरकार उनके मुताल्लिक क्या कार्यवाही करने जा रही है, क्या उनके खिलाफ ऐक्शन लेने जा रही है ? जिन्होंने नोटिफिकेशन करने 606RSS/71-2

के बाद अपने आप को रजिस्टर नहीं किया और इस तरह बाकी जो 116 हैं, उनके मुताल्लिक सरकार क्या कार्यवाही कर रही है ?

SHRI BEDABRATA BARUA: It is a fact that show-cause notice has been served against such companies. This is the only procedure by which we have to file prosecutions against a company for not registering under this Act. It is bound to take some time in view of certain procedural difficulties.

डा० शालिग्राम : क्या सरकार इसके मुताल्लिक सोच रही है कि बाकी कम्पनीज एण्ड अन्डरटेकिन्ग्ज जिन्होंने आज तक अपना रजिस्ट्रेशन नहीं करवाया, इसके बावजूद कि वे रजिस्ट्रेशन करवाने के काबिल थीं, उनके लाइसेंस कैंसिल कर दिए जाएंगे ?

SHRI BEDABRATA BARUA : There is no provision for cancellation of licences under this Act but action has been taken.

SHRI BALACHANDRA MENON: The Government have stated that out of 135 show-cause notices, only 19 undertakings have already got themselves registered. Will the Government take action immediately on those who have refused to get themselves registered ? Why should further time be given when they have refused to comply even with this show-cause notice and immediately get themselves registered ?

SHRI BEDABRATA BARUA : On all these companies that have defaulted show-cause notices have been served. If they fail to register themselves, proper action will be taken as has been already assured.

SHRI BALACHANDRA MENON : It has been given to 135 people and the majority of them have not cared to get themselves registered. Why not immediate action be taken ?

SHRI BEDABRATA BARUA: According to section 2(g) of the Act for the identification of a company as belonging to one of the big business houses, the criterion applied was the

managing agency of that big business house. But the managing agency system was abolished. Due to that very fact we have to fall back on other criteria-listed and most of the other criteria under Section 370 require one-third shareholding. So the Ministry had to go into a detailed study of the shareholding pattern and other facts from the companies and that requires time naturally. The companies were to give the facts. If they failed, it is for the Ministry to find out whether the company comes within the mischief of this section and therefore the Government had to be properly prepared on facts. The facts are to be supplied by the companies and if they do not give them, we can give notice under section 43. No attempt is made not to launch prosecutions against these people. Proper action will be taken but the Government wishes to be prepared thoroughly before taking action.

SHRI KRISHAN KANT : It is very interesting that a Ministry presided over by Mr. Raghunatha Reddy is using the same interpretation as Dr. Subba Rao gave. May I know what is the precise difference between that the Dutt Committee said and the MRTP Act? My interpretation is not very different because, is it not a fact that the Licensing Policy Resolution of last February 1970 said that the Company Law Board will have to see the list of Dutt Committee and find out what is the exemption to be given ? The list will be as provided by the Dutt Committee and the Company Law Board will look into only those which applied for exemption. How many have applied? Has any study been made into the so-called new criteria ? What is the present position ? Is it not a fact that the Government undertakings, particularly regarding classification, which have been given to the Monopolies Enquiry Commission comes to 1400 and the new rules, according to Dr. Subba Rao's interpretation, cover only 350 ? May I know why this reduction is there ? What are the new criteria? Is it a fact that one of the business groups is being ex-

empted and the Monopolies Commission has been asked not to look into the case because ...

MR. CHAIRMAN : You shorten your question.

SHRI KRISHAN KANT : In the same way, Century Rayon which belongs to the Birla Group has applied for being excluded. The whole M.R.T.P. Act is being flouted.

AN HON. MEMBER: Sabotaged.

SHRI KRISHAN KANT : Yes; sabotaged. May I know what the hon. Minister has got to say about these things ?

SHRI K. V. RAGHUNATHA REDDY : In reply to the question put by my hon. friend, Mr. Krishan Kant, I would only like to make this submission for his information that as far as the Industrial Licensing Policy Enquiry Committee is concerned, it proceeded with its study on the basis of certain criteria which have been mentioned fully and thoroughly in the Industrial Licensing Policy Inquiry Committee Report itself. On the basis of those criteria they came to certain conclusions with regard to the classification of industrial business groups. When the Cabinet considered the Industrial Licensing Policy Inquiry Committee Report it was felt that there were cases which did not actually fall within the categories mentioned by the Industrial Licensing Policy Inquiry Committee and if any business concern or company came up with an application that it should not be included then the Department of Company Affairs was asked to look into it and come to a decision with respect to that. This has nothing to do with the administration of the Monopolies and Restrictive Trade Practices Act. Now for applying the criteria under section 20 of the M.R.T.P. Act for the purposes of classification of companies, section 20 of this Act has to be read with the definition given in section 2(g).

SHRI ARJUN ARORA : Sir, he is not replying to the question; he is spending time with his eye on the clock.

SHRI K. V. RAGHUNATHA RED-DY :  
Therefore there is nothing like a wrong interpretation given by me.

SHRI KRISHAN KANT : Why is the difference between the two ? That is what I am asking. He is quoting the section.

SHRI K. V. RAGHUNATHA JAED-DY :  
My submission is that the criteria evolved by the Industrial Licensing Policy Inquiry Committee are different from the criteria laid down in section 2(g) of the M.R.T.P. Act and therefore the distinction applies when we come to the question of classification.

SHRI ARJUN ARORA: Sir, on a point of order. The Minister in his statement and in his subsequent reply has not given any reply to part (a) of the question which asks for the number of companies which should have got themselves registered. That number is being concealed by the Minister and he is arguing as if he is arguing in the Sessions Court in Hyderabad.

SHRI KRISHAN KANT : Sir, this Monopolies and Restrictive Trade Practices Act is one of the important Acts of the Government of India with which we went to the people in the last elections saying that we have done this to curb the monopolies, but here an attempt is being made to completely sabotage it. Now the actual facts are completely at variance with what he has told here. I asked him four or five specific questions but he has not answered them; instead he is trying to mislead the House and confuse the House. In view of all this we demand not a half-an-hour discussion but a Short Duration Discussion to discuss how to Monopolies and Restrictive Trade Practices Act is being implemented so that we can show how the whole thing is being sabotaged.

MR. CHAIRMAN : The question Hour is over.

## WRITTEN ANSWERS TO QUESTIONS

### REPORT OF DR. HAZARI ON DIFFERENTIAL RATE OF INTEREST

\*34. SHRI M. K. MOHTA :

KUMARI SHANTA  
VASISHT :

SHRI PRANAB KUMAR  
MUKHERJEE :

SHRI GOLAP BARBORA:

SHRI N. G. GORAY :

SHRI MAHITOSH PURA-  
KAYSTHA :

SHRI SUHRID MULLICK  
CHOUDHARY:

SHRI R. P. KHAITAN :

DR. B. N. ANTANI :

DR. SALIG RAM :

SHRI A. G. KULKARNI :

SHRI B. S. SAVNEKAR :

SHRI S. B. BOBDEY :

SHRIMATI VIMAL PUNJAB  
DESHMUKH :

DR. (MRS) MANGLADEVI  
TALWAR :

SHRI RAJENDRA PRATAP  
SINHA :

SHRI KRISHAN KANT :

SHRI N. P. CHAUDHARY :

SHRI T. G. DESHMUKH •,

SHRI ARJUN ARORA :

Will the Minister of FINANCE/ वित्त मंत्री be pleased to refer to the reply to Unstarred Question No. 99 given in the Rajya Sabha on the 25th May, 1971 and state :

(a) whether the Committee appointed under the Chairmanship of Dr. Hazari to evolve a procedure regarding application of differential rate of interest has since submitted its report;

(b) if so, the essential features thereof; and