

SHRI ROHANLAL CHATURVEDI: As far as the point of compensation raised by the hon. Member is concerned, the accident of Gorakhpur Express that occurred on 21-6-69, the compensation is being paid and is in the process of finalisation now and very soon that work will be over within a month or so.

SHRI DAI PAT SINGH: The Ministry has not replied to the second part of my question regarding unmanned level crossings.

SHRI GUIZARILAL NANDA: Sir, there was the question of level-crossings. May I add that the information is that in the year 1969-70, the number of such accidents was 111, as compared to 129 in the previous year, 1968-69?

MR. CHAIRMAN: Yes, Mr. Raj-narain.

श्री राजनारायण: क्या इस सरकार को इस बात की जानकारी है कि उत्तर प्रदेश की पुलिस और उत्तर प्रदेश की सरकार ने जखमिया दुर्घटना के सम्बन्ध में रेलवे अधिकारियों को जिम्मेदार बताया है और रेलवे अधिकारी बताते हैं कि नहीं, यह दुर्घटना कराई गई है सैबोटेज है। इन दोनों विचारों में कहीं साम्यता आई या दोनों अपनी जगह पर डटे हुये हैं। मैं दो-तीन बार वहां गया हूं और सारे रेलवे अस्पताल को देखा है। मैं यह जानना चाहता हूं कि आज सरकार के पास क्या सबूत है कहने के लिये कि यह दुर्घटना सैबोटेज से हुई जबकि उत्तर प्रदेश की सरकार सार्वजनिक रूप से कह चुकी है कि यह रेलवे विभाग के कार्याचारियों की लापरवाही का परिणाम है।

श्री रोहन लाल चतुर्वेदी: श्रीमान्, यह बात सत्य है कि जैसा कि माननीय सदस्य ने कहा कि शुरू-शुरू में उत्तर प्रदेश की सरकार यह बात नहीं मान रही थी कि यह दुर्घटना सैबोटेज के कारण हुई, लेकिन एडीशनल कमिश्नर आफ रेलवे सेफ्टी ने इन्क्वायरी की और जैसा कि माननीय सदस्य जानते हैं कि

वे रेलवे के अधीन नहीं हैं, दूसरी मिनिस्ट्री से आते हैं। उनकी इन्क्वायरी से यह साबित हुआ कि यह मामला सैबोटेज का है और इस कारण इस सम्बन्ध में और जांच की जा रही है।

श्री राजनारायण: उत्तर प्रदेश की सरकार ने माना या नहीं।

श्री रोहन लाल चतुर्वेदी: इसी लिये मैंने कहा कि बाकी डिटेल्स में सभा पटल पर रखदूंगा।

MR. CHAIRMAN: Next question.

SHRI ARJUN ARORA: I thought you would give me a chance, Sir.

MR. CHAIRMAN: I committed a mistake.

MONOPOLIES COMMISSION

*152. **SHRI R. P. KHAITAN:**†
SHRI K. CHANDRASEKHARAN:
SHRI CHITTA BASU:
SHRI PRANAB KUMAR MUKHERJEE:
SHRI ARJUN ARORA:
SHRI KRISHAN KANT:

Will the Minister of COMPANY AFFAIRS be pleased to state:

(a) whether Government have since constituted the Monopolies Commission under the Monopolies and Restrictive Trade Practices Act which came into force with effect from the 1st June, 1970;

(b) if so, the details thereof and the details of the staff recruited at the time of its inception; and

(c) if the answer to part (a) above be in the negative, the reasons therefor?

THE MINISTER OF COMPANY AFFAIRS (SHRI K. V. RAGHUNATHA REDDY): (a) The Government has taken decision on the composition and about Chairman and Members of the Commission and a notification has

†The question was actually asked on the floor of the House by Shri R. P. Khaitan.

been sent for publication in the Gazette Extraordinary, as required by section 5(1) of the Monopolies and Restrictive Trade Practices Act, for constituting the Commission.

(b) The Commission consists of Mr. Justice A. N. Alagiriswamy, Judge High Court of Madras as Chairman and Shri D. Subramanian (Director of Inspection, Central Board of Direct Taxes) and Dr. H. K. Paranjpe (Professor, Indian Institute of Public Administration) as members. Pending the finalisation of the total staff requirement of the Commission which is the appointing authority for its staff, a nucleus staff is being provided for it.

(c) Does not arise.

श्री सुन्दर सिंह भंडारी : श्रीमन्, मैं आप के ध्यान में फिर से उस प्रकार की इंफ़ोप्रॉइटी की बात लाना चाहता हूँ कि जो दो दिन पहले इस सदन में जिक्र में आयी थी। आज अभी इस सवाल के जवाब में माननीय मंत्री जी ने जो कुछ कहा, दिल्ली के सभी प्रमुख समाचार पत्रों में "मोनोपोलिस्ट पैनल कम्स इनटू बीइंग" ऐसा कर के एक समाचार छपा है और जो डिटेल्स सरकार ने अभी बताये वे सारे के सारे उस में छप चुके हैं। मैं यह चाहता हूँ कि आप की तरफ से इस संबंध में कोई व्यवस्था दी जाय कि सदस्यों के द्वारा पूछे गये प्रश्न और जिस दिन उस प्रश्न का उत्तर इस सदन में अपेक्षित हो उस समय के पहले सरकार द्वारा समाचार पत्रों को उत्तर नहीं दिये जाने चाहिए। आज इस प्रकार के उत्तर की सूचना पत्रों में पहले से दे कर सदन की मानहानि का प्रयत्न दुबारा फिर से किया गया है। मैं आप से यह निवेदन करूंगा कि इस संबंध में हम लोगों को आप आदेश दें, सरकार को आदेश दें कि इस प्रकार सरकार के द्वारा किसी प्रश्न का उत्तर, दिये जाने वाले जवाब की प्रीवियस पब्लिसिटी करवाने के सम्बन्ध में क्या नीति बरती जाय।

श्री सभापति : जो पहले इस प्रकार का मामला उठा था उस पर मैं कुछ कार्यवाही कर रहा हूँ...

श्री सुन्दर सिंह भंडारी : उस के साथ आप यह भी जोड़ दीजिए।

श्री सभापति : मैं उस को देख रहा हूँ।

SHRI M. M. DHARIA : Sir, before you give your ruling ...

MR. CHAIRMAN : You want to speak on this privilege point?

SHRI M. M. DHARIA : Yes, Sir.

MR. CHAIRMAN : No, not on this. (Interruptions) I am not discussing it.

SHRI M. M. DHARIA : You allowed Mr. Bhandari to speak. So I also may be allowed to speak.

MR. CHAIRMAN : No please.

SHRI M. M. DHARIA : Sir, I rise on a point of order and you will have to give me a chance to speak on this. (Interruptions) Sir, this is only an administrative order and if this decision is taken, it will be doing great injustice. Mr. Chairman, before giving your ruling ...

MR. CHAIRMAN : I am not discussing this question now. This is the Question Hour.

SHRI M. M. DHARIA : But I am on a point of order.

MR. CHAIRMAN : No points of order during the Question Hour.

SHRI A. G. KULKARNI : Why did you allow Mr. Bhandari then? Mr. Dharia also should be allowed to have his say.

MR. CHAIRMAN : No, I am very sorry.

श्री राजनारायण : क्या श्रीमन् आप ने यह व्यवस्था दी कि क्वेश्चन आवर में कोई प्वाइंट आफ आर्डर नहीं होगा?

MR. CHAIRMAN : I am not calling you, Mr. Khaitan.

श्री आर० पी० खैतान : क्या माननीय मंत्री जी यह बतायेंगे कि जब से...

SHRI M. M. DHARIA : Sir, I am on a point of order.

SHRI RAJNARAIN : Sir, his point of order must be heard.

MR. CHAIRMAN : I am not allowing any points of order during the Question Hour.

श्री राजनारायण : श्रीमन्, उनका प्वाइंट आफ आर्डर।

MR. CHAIRMAN : That was not a point of order.

श्री राजनारायण : श्रीमन्, अगर आप की यह व्यवस्था है तो मैं उससे असहमति प्रकट करूंगा। प्वाइंट आफ आर्डर को प्वाइंट आफ आर्डर की तरह से सुनना ही होगा। आप उसको सुनने के बाद चाहे वैलिड करें या इनवैलिड लेकिन आपको सुनना होगा।

SHRI ARJUN ARORA : I want to submit that your ruling that there can be no point of order during the Question Hour is certainly out of order because a point of order can arise at any stage during the proceedings of this House.

MR. CHAIRMAN : I may clarify what I said. A few days back in response to a point raised by a Member I had said that unless there is an extraordinary case, no point of order should be raised during the Question Hour. That is what I said.

श्री राजनारायण : श्रीमन् आप पता कैसे लगायेंगे बिना सुने कि एक्स्ट्राऑर्डिनरी केस है या नहीं। इसलिए मैं आप से निवेदन करूंगा कि आप श्री मोहन धारिया जी का प्वाइंट आफ आर्डर सुनें और उसको सुनने के बाद चाहे आप उसको डिसअलाऊ कर दें, लेकिन आप उनको सुनिये तो।

MR. CHAIRMAN : Please sit down.

श्री आर० पी० खैतान : क्या माननीय मंत्री जी यह बतायेंगे कि 1 जन से यह लागू है, तो उनके पास उसके बाद कितने केसेज आये हैं कि जिन पर कमीशन को विचार करना

होगा और वह किस प्रकार की इंडस्ट्रीज के लिए आये हैं और उनमें कौन-कौन से मोनोपोलिस्ट्स हैं?

SHRI K. V. RAGHUNATHA REDDY : This Act has come into force on 1st June and the Monopolies Commission would start functioning after the members are sworn in subsequent to the gazette notification. As far as the number of cases that have been received are concerned, while in a particular case it has been decided by the Cabinet that it should get clearance under the provisions of the Monopolies and Restrictive Trade Practices Act, no application has been received from any undertaking.

SHRI CHITTA BASU : May I know from the Minister whether any such cases are under the consideration of the Government to be submitted to the Commission which has been constituted? May I also know whether the Minister agrees that even after the announcement and constitution of the Commission the objective of the Act cannot be fulfilled unless the Government decides to revise the investment policy so far as the public sector financial institutions are concerned and also revise the pattern of under-writing assistance to the companies? Unless this is done, the purpose of the Act will not be fulfilled and, if so, what steps the Government propose to take to fulfil the objectives of the Act? Secondly, may I know whether it is a fact that the Kirloskars of Poona have recently been given a licence for the manufacture of tractors though the firm is included in the Monopolies Commission report as a big monopolist of India?

SHRI K. V. RAGHUNATHA REDDY : As far as the last part of the question about the Kirloskars is concerned, I am not aware of it. Probably the Ministry of Industrial Development may know. If it is included, it would be in the Commission's report. I have not verified it.

SHRI BHUPESH GUPTA : Mr. Dinesh Singh is looking at the list.

SHRI K. V. RAGHUNATHA REDDY : As far as the Department of Company Affairs is concerned, we have not received any application from the Kirloskars so far for clearance under the Act. As far as the first part of the question is concerned, the provisions of Chapter III of the Monopolies Act are very clear about matters arising therefrom which the Government may consider for reference to the Commission. The matters which fall under Chapter III are being studied by the Government.

SHRI PRANAB KUMAR MUKHERJEE : In a reply given on the floor of the House the other day the Minister said that there may be other business houses which should be enlisted in the list of big business houses. In view of that may I know whether the Commission would have a special machinery to study the growth of big business houses so that they may be taken into account?

SHRI K. V. RAGHUNATHA REDDY : Under section 66 of the Act the Commission is entitled to appoint its staff, whatever machinery is necessary for carrying on its work. I certainly hope that the Commission would have a research section for doing all this work.

SHRI ARJUN ARORA : May I know why was the Act not brought into force immediately after the President gave his assent? Why was the appointed date notified so many months after the assent was given by the President? Secondly, may I know how many licences were issued to Tatas, Birla's and others of the monopoly tribe during the period between when the Bill had received the assent of the President and the date of the enforcement of the Act on the 1st of June? Thirdly, may I know, Sir, whether all the licences, which have been issued to the monopoly groups after the Bill got the Presidential assent, would be subjected to the scrutiny by the Monopolies Commission?

SHRI K. V. RAGHUNATHA REDDY : Sir, after the President gave the

assent to the Bill, a number of Rules, Forms and also various aspects of it, for example, the personnel to be appointed, and all the rest had to be considered. In these regards there had to be consultations with other Ministries, and naturally it had to take some time. That is why the delay was made. As far as the second aspect of the question raised by Mr. Arjun Arora is concerned, I may respectfully submit that as far as this Department is concerned, we will be knowing only about those applications that arise under the Monopolies and Restrictive Trade Practices Act. I do not have immediately the information about this, but if he wants I will collect the information and give him. Or he may kindly put a separate question.

SHRI ARJUN ARORA : On a point of order, Sir.

श्री राजनारायण : फिर प्वाइंट ऑफ आर्डर आ गया!

SHRI ARJUN ARORA : I seek your protection. This is not a point of order. I am seeking your protection, Sir. In reply to two important questions including mine, Sir, the Minister said that he has no information on the working of the Ministry of Industrial Development. Here, Sir, do we have one Government in this country or we have many ...

MR. CHAIRMAN : I have heard you.

SHRI ARJUN ARORA : ... empires. Mr. Dinesh Singh having one empire and Mr. Raghunatha Reddy having another empire and both being at war with each other?

SHRI KRISHAN KANT : Sir I would beg of you to kindly hear my question because the Minister may take your protection saying that it does not come within his department. I do not want him to say so and I do not want to raise a point of order if he does not say so. So I would request through you either Mr. Raghunatha Reddy or Mr. Dinesh Singh to come and reply to the questions because, Sir, the same

situation as arose last week, on last Monday, may arise. My two simple questions are, firstly, whether the hon. Minister for Company Affairs does not agree that the limit of twenty crores of rupees as provided for in the Act itself is not big in the context of the socio-economic condition in the country as contained in the Preamble of the Act itself. Secondly, Sir, is it not a fact—this may be heard by the Ministers for Industry and Company Affairs—that the Monopolies Commission, which was appointed, is a dead child because it was given the injection of death by the Licensing Policy itself? Mr. Chairman, Sir, under the Monopolies Act it is a monopoly if it is beyond Rs. twenty crores. But under the new Licensing Policy, which has been promulgated, even many big people can be given the licences in the core sector even if it is beyond Rs. five crores. It means that all monopolies have to grow. *(Interruptions)* I want the Government to explain this position, this contradiction in terms. On the one hand the Monopolies Commission is being appointed to curb monopolies. On the other hand the core industries are being given also to the monopoly sector, which naturally will grow. Are they not contradiction in terms? I want the Government to inform the House whether the Licensing Policy and the Monopolies Commission will work jointly. Let them explain because this is hoodwinking the country and playing a fraud on the people. I want them to explain what the position is.

(Interruptions)

SHRI K. V. RAGHUNATHA REDDY: With your permission, Sir, I would like to say that the Monopolies Inquiry Commission which went into the whole question took five crores for determining business houses and arrived at seventy five business groups. When legislation was sought to be framed, in view of the definition of interconnected undertakings which is provided for in the Monopolies Act, it was considered that twenty crores value of assets—the value of the assets being defined in the Act—would be sufficient for the pur-

pose of attracting the provisions of Chapter III of the Monopolies Act. Whether it is enough, big or small, whether we should have conformed to five crores as stated by the Monopolies Inquiry Commission, are purely matters of opinion and matters of debate. I cannot express any opinion on them. I am only saying what the Act contains.

In respect of the second matter which the hon. Member has raised, as far as the Monopolies and Restrictive Trade Practices Act is concerned, Chapter III read with section 4 of the Act is not in supersession of but in addition to any other law for the time being in force. Therefore it is enjoined on any person who seeks a licence under the Industries (Development and Regulation) Act that he should take the approval in terms of the provisions of Chapter III of the Monopolies and Restrictive Trade Practices Act if the provisions of that Act are attracted. Hence, whether the licensing policy mentions 35 crores or 20 crores, the statute is not affected thereby. The provisions of Chapter III of the Monopolies and Restrictive Trade Practices Act continue to prevail.

SHRI KRISHAN KANT: Sir, my point has not been answered; that is why I requested you earlier. Now, the licensing policy and the Monopolies Act, how are they not contradictory? How will they function together? Is it not contradiction in terms? With the core sector which is given, the Minister should say how they will function together. Are they not contradictory? Are they not defrauding the country?

MR. CHAIRMAN: Do you want to add anything?

SHRI K. V. RAGHUNATHA REDDY: I have submitted, Sir, that whatever the categorisation of the licensing policy, Chapter III of the Monopolies and Restrictive Trade Practices Act will prevail over any policy announcement and the decisions taken will have to conform to the provisions of the statute. In other words, the statute will prevail over everything else.

SHRI KRISHAN KANT : The question is whether the licensing policy is in contravention of the Act or not.

MR. CHAIRMAN : He means to say that it will be done not in accordance with the licensing policy but in accordance with the statute.

SHRI A. G. KULKARNI : May I know from the Government whether the Government is really interested in implementing the Monopolies Act? Because with the recent announcement of the industrial licensing policy and the export promotion policy, I want to know whether both these policies read in conjunction with the Monopolies Act, whether section 3, column 4 or section 4, column 3, I do not know ...

MR. CHAIRMAN : Please put the question.

SHRI A. G. KULKARNI : I am putting the question. My question is whether this export policy resolution and the licensing policy announced by the Government of India during the last few months are in contravention of the Monopolies Act. If so, will the Government appoint another commission headed by the Chief Justice of the Supreme Court to find out what is what and in which jungle what is to grown?

SHRI K. V. RAGHUNATHA REDDY : I have already made a submission that ...

SHRI SUNDAR SINGH BHANDARI : Why do you not say that it is in contravention?

SHRI K. V. RAGHUNATHA REDDY : The guidelines that have been announced for the purpose of deciding a case under the Industries (Development and Regulation) Act have been referred to by the hon. Member. My humble submission is that we should not raise the question of contradiction because the statute will have to prevail over any guidelines that may be there.

MR. CHAIRMAN : Mr. Mohta, last question.

SHRI GODEY MURAHARI : Sir ...

MR. CHAIRMAN : I have not called you, please sit down. Mr. Mohta, last question.

SHRI GODEY MURAHARI : I have a question ...

SHRI M. K. MOHTA : May I ask the hon. Minister if it has been represented to the Government that the definition of 'interconnected companies' that has been given in the Act is so vague and subject to so diverse an interpretation ... (*Interruptions*). If he has not been able to follow ...

MR. CHAIRMAN : Please put your question, a short one.

SHRI M. K. MOHTA : He was talking to another gentleman over there. So I am asking him whether he has been able to follow me. May I ask the hon. Minister whether it has been represented to the Government that the definition of interconnected undertakings that has been given in the Act is so vague and subject to so diverse an interpretation that companies are finding it difficult to decide whether they are interconnected with any other company or not? In view of this, would the Government instruct the Company Law Department to make a list of interconnected companies according to their study and then act on the basis of their findings after giving the companies a chance to submit their objections, if any? Would the Government do a thing like that?

SHRI K. V. RAGHUNATHA REDDY : There are two different opinions. One of them is expressed in the Dissenting Note of the Joint Committee's Report on the Monopolies and Restrictive Trade Practices Bill itself saying that the definition of 'interconnected undertakings' is a very wide one, covering many things, and it must be restricted. There is another opinion which says that, in view of the abolition of managing agencies, the definition has become anaemic. That aspect is also being looked into. As far as the suggestion made by the hon. Member is concerned, the Department of Company Affairs is making some studies but nevertheless any study will not be a decision but would only be an indication, and any company

which feels that it does not attract the provisions of Chapter III can still represent to Government showing how it is not inter-connected.

MR. CHAIRMAN : Next question.

SHRI GODEY MURAHARI : Then I get up on a point of order . . .

MR. CHAIRMAN : Please.

SHRI GODEY MURAHARI : This is very unfair.

श्री राजनारायण : श्रीमन्, आप इतना समय इस सरकार द्वारा बरबाद करवा रहे हैं। मैं आपसे प्रार्थना करता हूँ कि आप कृपा करके इस सदन को सूचित करें कि सरकार का क्या उत्तर है। उत्तर साफ हो; अनावश्यक जवाब सरकार क्यों दे रही है।

SHRI GODEY MURAHARI : Then, Sir, I am giving notice of a Half-an-Hour discussion. Please admit it. I am giving it on the floor of the House.

MR. CHAIRMAN : I will consider it.

(Interruptions)

SHRI KRISHAN KANT : We have already given a motion.

SHRI GODEY MURAHARI : Let me put the question because he says he has already given the motion. He will take all the time and I will not be able to put the question.

DR. BHAI MAHAVIR : The questions have become the monopoly of the Young Turks. Would you not allow some others from here?

MR. CHAIRMAN : Next question.

चुनाव सम्बन्धी कानून

*153. श्री लाल आडवाणी :†

डा० भाई महावीर :

क्या विधि तथा समाज कल्याण मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या चुनाव सम्बन्धी कानून पर विचार करने के लिए लोक सभा के अध्यक्ष के सभापतित्व में सभी राजनीतिक दलों के प्रतिनिधियों की एक समिति नियुक्त करने का कोई प्रस्ताव सरकार के विचाराधीन है;

(ख) यदि हां, तो उसका व्यौरा क्या है ?

‡[ELECTORAL LAW

*153. SHRI LAL K. ADVANI :†

DR. BHAI MAHAVIR :

Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) whether there is any proposal under Government's consideration to appoint a committee consisting of representatives of all political parties under the Chairmanship of the Speaker, Lok Sabha, to consider the electoral law; and

(b) if so, the details thereof ?]

विधि मंत्रालय तथा समाज कल्याण विभाग में राज्य मंत्री (श्री जगन्नाथन राव) :

(क) और (ख) निर्वाचन आयोग ने निर्वाचन विधि के संशोधन के लिए विस्तृत प्रस्ताव भेजे हैं, जिनकी सरकार द्वारा परीक्षा की जा रही है। प्रस्तावों का अध्ययन करने के पश्चात् राजनीतिक दलों के प्रतिनिधियों से विचार-विमर्श किया जाएगा।

‡[THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI JAGANNATH RAO) : (a) and (b) The Election Commission has submitted detailed proposals for amendment of the Election Law, which are being examined by the Government. Discussions with the representatives of political parties will be arranged, after studying the proposals.]

†The question was actually asked on the floor of the House by Shri Lal K. Advani.

‡[] English translation.