

>18.31 hrs.

Title: Discussion on the Negotiable Instruments (Amendment and Miscellaneous provisions) Bill, 2002. (Bill passed)

THE MINISTER OF FINANCE AND COMPANY AFFAIRS (SHRI JASWANT SINGH): I beg to move:

"That the Bill further to amend the Negotiable Instruments Act, 1881, the Bankers' Books Evidence Act, 1891 and the Information Technology Act, 2000, be taken into consideration."

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Negotiable Instruments Act, 1881, the Bankers' Books Evidence Act, 1891 and the Information Technology Act, 2000, be taken into consideration."

SHRI MOINUL HASSAN (MURSHIDABAD): Sir, only on two points I would like to have clarification from the hon. Minister. There is almost a consensus on passing this Bill. So, I am speaking only on two points.

The first point is about a report that I came to know. It is a fact that when the Working Group was constituted, they have reported that there are a lot of cases pending in different courts in different parts of the country. There is a Report known as Bombay Report. Nearly seventy thousand cases are pending which are worth Rs. 6,000 crore. So, my question to the hon. Minister is that how to speed up the disposal of the cases. My second question to the hon. Minister is regarding Section 141. I suppose this is a little bit harsh because there is no difference between the Executive Director and the ordinary Director. So, there is scope to harass the common people through this Section. I would like to request the Finance Minister to address these points. I am in favour of the Bill.

* The Bill was introduced on 19.7.2002

डा. रघुवंश प्रसाद सिंह (वैशाली) : अध्यक्ष महोदय, फिर वही दिक्कत आ रही है। नैगोशिएबल इंस्ट्रुमेंट्स का हिन्दी में अनुवाद किया है 'परक्राम्य लिखत'। नैगोशिएबल का अर्थ तो सब जानते हैं, लेकिन यह जो परक्राम्य लिखत लिखा है, इसकी जानकारी भी लोगों को होनी चाहिए। गांव के व्यक्ति को अगर जानकारी नहीं होगी कि चैक डिस्ऑनर होगा तो उसके लिए दंड का प्रावधान बढ़ाने जा रहे हैं, तो कैसे उसे पता लगेगा। अगर कोई इस पर बहस नहीं होगी, लोग जान नहीं पाएंगे, तो कैसे आप लोगों को सावधान कर पाएंगे? कानून है कि इग्नोरेंस आफ ला इज नॉट एन एक्सक्यूज।

आपने कानून बना दिया गया, जनता जाने या नहीं जाने कि चैक डिस्ऑनर हो जाएगा तो उनको सजा बढ़ जाएगी। फिर इसमें एक बैंककार बही साक्ष्य अधिनियम विवत मंत्री का है। सूचना प्रौद्योगिकी अधिनियम में भी संशोधन है। जो सूचना प्रौद्योगिकी मंत्री बैठे हैं, उनका भी विधेयक इसमें शामिल कर दिया। तीन-तीन विधेयक इसमें है जिसमें संशोधन एक विधेयक में ले आया गया। सभी की राय है कि इसको पास कर दिया जाए। लेकिन इसका नाम थोड़ा ठीक होना चाहिए। (व्यवधान)

अध्यक्ष महोदय : क्या नाम रखना चाहिए? आप क्या सुझाव दे रहे हैं?

डॉ. रघुवंश प्रसाद सिंह : एक तो पराक्रम शब्द हम लोग जानते थे लेकिन परक्राम्य कहां से आ गया? इंस्ट्रुमेंट्स की हिन्दी लिखत किस हिसाब से हो गई? इंस्ट्रुमेंट्स का मतलब औजार होता है। कहां से लोग डिक्शनरी देखते हैं कि ऐसा-ऐसा खतरनाक कानून बन रहा है। जनता नहीं जानती है कि उसका पैसा घट गया या सजा बढ़ जाएगी। इसलिए इन सभी बातों में सुधार होना चाहिए। (व्यवधान)

अध्यक्ष महोदय : प्रमोद जी, आपने मेरा भी काम कर दिया।

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I have strong objection to this. If we pass this Bill without discussion, a very difficult situation will arise....(Interruptions) It is against the Indian Evidence Act. It is against the process of summons in the Civil Procedure Code. No lawyer in India will agree to this. It cannot be passed like this. I have strong objection to this. It has to be discussed....(Interruptions) Otherwise, I do not agree to this. As I said earlier, the Indian Evidence Act, the Civil Procedure Code and so many things are there. The entire legal community will revolt against us if we agree to this proposal as it is. We will have to have sufficient safeguards. Now, the Speed Post and the Courier services are there. Therefore, please do not do it now. Mr. Parliamentary Affairs Minister, you will be thrown out by the lawyers. Do not say that there is total consensus now as far as this Bill is concerned. There can be no compromise. We will have to discuss it.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): You do not want us to be thrown out! If you want it, let us do it.

SHRI VARKALA RADHAKRISHNAN : I take strong objection to this way of passing it. We cannot pass it without proper discussion, without proper amendments to it.

MR. SPEAKER: Mr. Minister, please proceed. He has made his point.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : We will be inviting trouble from the lawyers throughout India if we pass this. I cannot go out. The lawyers will revolt against me and they will ask me how we have passed this Act without any discussion. Please do not do that. There can be no consensus on this. There can be no compromise. We will have to discuss this provision threadbare. Otherwise, we will have to face serious consequences. For Heaven's sake, I request you to have discussion in this matter. It is not a simple matter.

SHRI JASWANT SINGH: Sir, the hon. Member has made a valuable suggestion. We will take into account the point about the Executive Director, Section 141 etc.

So far as discussing this Bill is concerned, I would like to say that this has been discussed and considered by the Standing Committee. It is based on the recommendations of the Standing Committee which is unanimous. रघुवंश बाबू ने इसके नामकरण पर कुछ आपत्तियां उठाई है। लेकिन मैं रघुवंश बाबू को बता दूँ कि यदि वह इसको देखें तो जो पूर्व बिल है, वह 125 साल पुराना है। उसका नाम भी नेगोशिएबल इंस्ट्रुमेंट्स एक्ट, 1881 और फिर बैंकर्स बुक्स एवीडेंस एक्ट, 1891 था तो रघुवंश बाबू इतना तो जानते हैं कि बिहार एक पढ़ा-लिखा, सुशिक्षित प्रांत रहा है। वहां आपकी बैंक की प्रणाली बहुत पहले आई और राजस्थान जैसे प्रांत से कहीं पहले आई। आप 1881 से परिचित हैं। बिहार का गांव-गांव इससे परिचित है। आप इस पर आपत्ति न उठाएं तो अच्छा रहेगा। (व्यवधान) यह 125 साल से, अंग्रेजों के जमाने से है।

श्री राजो सिंह (बेगूसराय) : अंग्रेजी के शब्द ज्यादा समझने लायक हैं। जो हिन्दी इन्होंने उठाई है, वह गलत है। (व्यवधान)

श्री जसवंत सिंह : लेकिन रघुवंश बाबू को उसी से आपत्ति है कि आपने अंग्रेजी का शब्द क्यों रहने

दिया? मैं निवेदन करता हूँ कि इस बिल को पास किया जाए। (व्यवधान)

MR. SPEAKER: The question is:

"That the Bill further to amend the Negotiable Instruments Act, 1881, the Bankers' Books Evidence Act, 1891 and the Information Technology Act, 2000, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4 - Amendment of Section 81

SHRI G.M. BANATWALLA (PONNANI): I beg to move:

Page 2, --

after line 29, insertâ€

"provided that the banker who made the payment shall always be entitled to call for the truncated cheque within thirty days of the payment" (1)

MR. SPEAKER: I shall now put amendment no.1 moved by Shri G.M. Banatwalla to the vote of the House.

The amendment was put and negatived.

MR. SPEAKER: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 8 were added to the Bill.

Clause 9 -- Amendment of Section 142

SHRI G.M. BANATWALLA : I beg to move:

Page 3, line 18, --

after "prescribed period,"

insert "but not later than six months after the prescribed period," (2)

MR. SPEAKER: I shall now put amendment no. 2 moved by Shri G.M. Banatwalla to the vote of the House.

The amendment was put and negatived.

MR. SPEAKER: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 13 were added to the Bill.

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

MR. SPEAKER: The Minister may now move that the Bill be passed.

SHRI VARKALA RADHAKRISHNAN : Mr. Speaker, Sir, I cannot be a party to the passing of this Bill.
...(Interruptions)

18.42 hrs

*(At this stage, Shri Varkala Radhakrishnan and some other
hon. Members left the House.)*

SHRI JASWANT SINGH: I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.43 hrs.

***The Lok Sabha then adjourned till Eleven of the Clock
on Friday, November 22, 2002/Agrahayana 1, 1924 (Saka).***