

Title: Discussion on the National Housing Bank (Amendment) Bill, 2000. (Bill passed)

14.06 hours

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Sir, I beg to move:

"That the Bill further to amend the National Housing Bank Act, 1987, as passed by Rajya Sabha, be taken into consideration. "

The National Housing Bank (NHB) was established in July 1988 under the National Housing Bank Act 1987 to operate as a principal agency to promote housing finance institutions in the country and for providing refinance to them. It has also been entrusted with the task of regulating and supervising the Housing Finance Companies (HFCs) much in the same manner as RBI regulates and supervises the Non-Banking Finance Companies (NBFCs). The housing finance companies are a sub set of NBFCs. The proposed provisions will enable NHB to promote healthy and universal growth of housing finance companies as also to safeguard the interest of depositors.

The National Housing Bank is also being entrusted with the responsibility of developing a secondary mortgage market in the housing mortgages in the country.

There has been a long standing demand from the housing finance institutions for a speedier method of recovery of dues from the defaulting borrowers. It is proposed to provide for a simple, speedy and cost effective method of recovery of overdues by the housing finance institutions by providing for the sale of property charged as security for the assistance granted by such institutions through recovery officers. A provision is also being made for establishment of Appellate Tribunal to hear appeal against the decision of recovery officer.

It is also considered necessary to enlarge the capital and shareholder's base of the National Housing Bank. Consequently, it is proposed to provide for enhancement of the authorised capital of the National Housing Bank to rupees three hundred fifty crores with an enabling provision for further increase up to rupees two thousand crores. It is also proposed that the National Housing Bank may offer its shareholding to institutions, besides the Reserve Bank of India, in such manner that the Reserve Bank of India, the Central Government, public sector banks, public financial institutions or other institutions owned or controlled by the Government, shall in aggregate at any time hold not less than fifty-one per cent of the issued capital of the National Housing Bank. It is also proposed to provide for restructuring of the Board of Directors of the National Housing Bank.

In the light of the experience gained in the operations of the National Housing Bank since its establishment, it is felt necessary to bring certain amendments to the said Act for the smooth working of the National Housing Bank and to authorise it to undertake certain additional business of financing of agricultural and rural development banks, making of loans and advances for residential township-cum-housing development projects, undertaking securitisation of loans, setting up of mutual fund and undertaking or participating in housing mortgage insurance business.

Sir, I move that the Bill as passed by Rajya Sabha be taken into consideration.

MR. SPEAKER: Motion moved.

"That the Bill further to amend the National Housing Bank Act, 1987, as passed by Rajya Sabha, be taken into consideration. "

श्री मुलायम सिंह यादव (सम्भल) : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है।

श्री प्रियरंजन दासमुंशी (रायगंज) : अध्यक्ष महोदय, मेरा भी व्यवस्था का प्रश्न है। अभी मंत्री जी जो बिल लाये हैं, वह बहुत अच्छा और महत्वपूर्ण बिल है। इसका उद्देश्य बैंक बनाना है और तुरंत बैंक बनाना ही सबका उद्देश्य है। लेकिन इस बिल में कोई स्टेटमेंट ऑफ आब्जेक्ट्स एंड रीजन मेमोरैंडम नहीं है। आप रूल 64 के तहत देखिये कि किसी भी बिल में पब्लिकेशन से पहले स्टेटमेंट ऑफ आब्जेक्ट्स एंड रीजन मेमोरैंडम होना चाहिए, लेकिन इस बिल में नहीं है। रूल 64 के तहत आप तभी अनुमति दे सकते हैं।

...(Interruptions) It is not one amendment, there are several amendments, including increasing the quantum of the paid-up capital from Rs.350 crore to Rs.2000 crore...(Interruptions)

DR. NITISH SENGUPTA (CONTAI): It has been passed by Rajya Sabha.

SHRI PRIYA RANJAN DASMUNSI : So what? Passed by Rajya Sabha does not mean that Lok Sabha should shut its eyes. We are, in our own sphere, competent enough to do it.

Mr. Speaker, Sir, I am only making a request. I am not moving any motion. It is an important Bill. Such a thick and important Bill should be re-examined by the Select Committee and then the Government can get this Bill passed. It is not merely anything but it is a question of setting up a bank. We are going to pass a legislation for setting up a bank. Should we discuss this Bill and pass it within just one-and-a-half hours? That is my submission.

MR. SPEAKER: In the Business Advisory Committee, we have already taken a decision that this Bill should be passed.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, I am not questioning it. Sir, there is no Statement of Objects and Reasons here. इसमें कोई औब्जेक्ट नहीं है, मैमोरंडम नहीं है, कुछ नहीं है। इतने सारे अमेंडमेंट हुए। *(व्यवधान)*

श्री मुलायम सिंह यादव : यह पहले ही तय हो गया था कि बिना बहस के पास करेंगे। ये फैसला नहीं करते हैं, यही मुश्किल है। *(व्यवधान)*

श्री प्रमोद महाजन : आप कौन से बिल की बात कर रहे हैं।

श्री मुलायम सिंह यादव (सम्भल) : आप वाले बिल की बात कर रहे हैं।

श्री प्रमोद महाजन : वह अभी इंट्रोड्यूस हुआ है और मंडे को आयेगा। *(व्यवधान)*

आप सेलरी बिल की बात कर रहे हैं।

श्री मुलायम सिंह यादव : उस पर भी मेरा समर्थन आज से ही है।

श्री प्रमोद महाजन : कानून के हिसाब से वह मंडे को आयेगा। *(व्यवधान)*

SHRI PRIYA RANJAN DASMUNSI : Sir, Rule 64 says:

"The Speaker may, on request being made to him, order the publication of any Bill "

...(Interruptions)

SHRI YASHWANT SINHA: Mr. Speaker, Sir, I wish to offer a clarification. ...(Interruptions)

MR. SPEAKER: The hon. Minister wants to clarify.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, I want a ruling from you because it is concerning the rules. How can the Minister reply to this? ...(Interruptions)

SHRI YASHWANT SINHA: Let me correct a factual error. ...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : This has never happened. I raised a point of order regarding the rules. ...(Interruptions)

SHRI YASHWANT SINHA: I am only trying to correct a factual error. ...(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Every Member has a right to offer a clarification before the Speaker takes a decision. The Statement of Objects and Reasons has been there. ...(Interruptions)

SHRI YASHWANT SINHA: Sir, a Statement of Objects and Reasons is attached to the Bill. There are Notes and Clauses. There is a Financial Memorandum. There is a Memorandum regarding delegated legislation. All these are a part of the Bill that we have circulated. Therefore, Sir, this cannot be the reason.

Now, we are not going to set up a new bank. I said in my introductory remarks that the bank has already been set up and it has been functioning since 1987. We are merely trying to improve its functioning by bringing some amendments over a period of time. Similar amendments have been introduced in the RBI Act in 1987 to control the non-banking finance companies.

श्री मुलायम सिंह यादव : हमारा व्यवस्था का सवाल है।

अध्यक्ष महोदय : इस बिल के बारे में है?

श्री मुलायम सिंह यादव : जी नहीं। उस बिल के बारे में तो इन्होंने सोमवार के लिए कह दिया है। सोमवार को मैं रहूंगा।

अध्यक्ष महोदय : यह बिल होने के बाद बोलिये।

श्री मुलायम सिंह यादव (सम्भल) : मेरा एक व्यवस्था का सवाल है कि देश की जनसंख्या कल 100 करोड़ हो गई और एक बच्चे को सफदरजंग अस्पताल में 100 करोड़ का बच्चा मान लिया। प्रधानमंत्री जी ने सदन के बाहर तो घोणा की पर प्रधान मंत्री जी को उसकी घोणा सदन के अंदर करनी चाहिए। यह सबसे महत्वपूर्ण मामला है। यह मामला राजनैतिक नहीं है, सत्ता और विपक्ष का सवाल नहीं है। हमारे देश की आबादी बढ़ती जा रही है, जमीन सिकुड़ती जा रही है। संसाधन और सिकुड़ रहे हैं। दूसरी तरफ आप देखेंगे कि फिजूल खर्च हो रहा है। **â€¦**(व्यवधान) **MOV** चल रहा था, घोणा सदन के अंदर करनी चाहिए थी। इसमें किसी की दो राय नहीं है कि जनसंख्या पर नियंत्रण होना चाहिए। ये कहेंगे कि एक बच्चा पैदा हुआ है। हमें उस बच्चे के पैदा होने की खुशी है। उस परिवार के लिए शुभाकामनाएँ हैं। लेकिन इतना बढ़ावा क्यों दे रहे हैं कि बच्चा पैदा हुआ तो सब उसे गोद में लिये घूम रहे हैं। इसके मायने और बच्चे पैदा कीजिए और जनसंख्या नियंत्रण मत कीजिये। उस गांव की महिला जिसे कोई सूचना नहीं है, जिसने किसी ऐसे गांव में बच्चे को जन्म दिया होगा जहां सड़क, पानी, बिजली, सफाई या डाक्टर नहीं है, क्या उस महिला के बच्चे को किसी ने उठाया? सरकार ने इसी बच्चे को ही 100 करोड़ का कैसे मान लिया। **â€¦**(व्यवधान) यह गंभीर सवाल है। **â€¦**(व्यवधान)

MR. SPEAKER: Yesterday, the hon. Prime Minister was to make a statement in the House but the Members have not allowed him.

श्री मुलायम सिंह यादव : आप नई राजधानी कहां बनायेंगे। आप सबों का बंटवारा करेंगे, राजधानी, सचिवालय, गवर्नर हाउस, असेम्बली बनायेंगे और पूरी जमीन कम करेंगे। जनसंख्या पर नियंत्रण नहीं करेंगे।

अध्यक्ष महोदय : यह जीरो ऑवर नहीं है।

श्री मुलायम सिंह यादव : यह व्यवस्था का सवाल है। यह गलत है। मैं चाहता हूँ कि सदन के अंदर घोणा करनी चाहिए। यह बाहर बात करने की परम्परा मत डालिये। आज यह चिन्ता का विषय है। बड़ी चिन्ता होगी जब हम पानी, बिजली, मकान, रोटी नहीं दे पाएंगे।

देश की यह हालत होने वाली है, इसलिए इस सवाल की यहां घोणा करनी चाहिए थी, बाहर इसकी घोणा करना अनुचित है। **â€¦**(व्यवधान)

श्री प्रमोद महाजन : मुलायम सिंह जी जो बढ़ती हुई जनसंख्या के बारे में चिन्ता व्यक्त कर रहे हैं, उससे सब सहमत हैं। प्रधान मंत्री जी ने देश की आबादी 100 करोड़ हो गई, ऐसी कोई घोणा नहीं की। 100 करोड़ आबादी होना किसी की घोणा का मोहताज नहीं है, इसमें सरकार को घोणा करने की कोई आवश्यकता नहीं है। यह निरन्तर चलने वाली प्रक्रिया है। मैं मुलायम सिंह जी से इस बात में सहमत भी हूँ कि जिस बच्चे को 100 करोड़ का बच्चा माना जा रहा है, वह किसने तय किया है, मुझे पता नहीं है, क्योंकि यहां एक मिनट में 50 के करीब बच्चे पैदा होते हैं। अपनी जो क्लॉक चली थी, उसमें 12.56 बजे कौन सा बच्चा था, पता नहीं है। वह गांव में भी कहीं हो सकता है, सुदूर किसी प्रान्त में हो सकता है, अब मीडिया को कोई न कोई कार्यक्रम लगता है, करना था, इसलिए उन्होंने दिल्ली में जाकर एक होस्पिटल में बच्चे को कहा कि यह 100 करोड़ का बच्चा है, इसका कोई साइंटिफिक रीजन नहीं है। **â€¦**(व्यवधान) जहां तक स्टेटमेंट का सवाल है।

श्री मुलायम सिंह यादव : इस बच्चे को सरकार की मंत्री ही गोद में लिये हुए थीं और बच्चे के परिवार को पुरस्कार भी दिया गया।

श्री प्रमोद महाजन : हो सकता है कि किसी बच्चे को मंत्री जी ने गोद में लिया हो। **â€¦**(व्यवधान)

श्री प्रियरंजन दासमुंशी : मैं कहता हूँ कि झगड़ा खत्म करो। मुलायम सिंह जी खुद गांव के बच्चे को गोद में लें। **â€¦**(व्यवधान)

श्री मुलायम सिंह यादव : हम गांव के गरीब का बच्चा गोद में लेंगे, जिसको कोई नहीं उठाता। शहर के सम्पन्न परिवार के बच्चे को लेने वाले तो बहुत हैं, हम तो उस बच्चे को लेंगे, जो गंदा है, मैला है, हम उस बच्चे को गोद में लेंगे। उसको हम अपने हाथ में लेंगे। **â€¦**(व्यवधान)

श्री प्रमोद महाजन : मेरी प्रार्थना है कि नेशनल हाउसिंग बैंक के बिल पर बहस शुरू करें।

...(Interruptions)

MR. SPEAKER: About Shri Dasmunsi's objection, the Bill has been passed by Rajya Sabha. In such a Bill, the Statement of Objects and Reasons are appended at the introduction stage only. Copies are also circulated to the hon. Members.

SHRI RAMESH CHENNITHALA (MAVELIKARA): I welcome this piece of legislation brought by the hon. Finance Minister in this House. Every citizen in this country or everywhere has a dream to have his own house. Sir, food, clothing and shelter are the three very important issues before the people of India since Independence. An extensive housing programme is the need of the hour. There is a large scale of influx from the rural areas to the urban areas. By that, we are able to see that slums are growing in the metropolitan cities and in other areas. The problems of the slum dwellers are increasing day by day. Right now, Shri Mulayam Singh Yadav rightly pointed out that our population has touched one billion. This is a very serious issue.

SHRI ALI MOHD. NAIK (ANANTNAG): Why is it a serious issue? ... (Interruptions)

SHRI RAMESH CHENNITHALA : The population is growing and the housing problem is also growing along with this. This legislation seeks to amend the Act which was passed in 1987.

14.19 hours (Shrimati Margaret Alva *in the Chair*)

The National Housing Bank was established in the year 1988 under the National Housing Bank Act. This is the

principal agency to promote housing finance institutions and provide refinance to the people. This organization is primarily responsible for regulating and supervising housing finance companies as the Reserve Bank of India regulates and supervises the Non-Banking Financial Institutions in our country. This piece of legislation will enable us to streamline the activities of the housing finance institutions. Definitely, this is going to help augment the functioning of this institution so that more and more houses can be built in the urban and rural areas of our country.

The proposed provision to promote a healthy and universal growth of housing finance companies will definitely help our poor people who are living in the rural areas.

In this Bill one important feature which I am able to see is the method of speedy recovery of the loans. The speedy recovery of dues which is overdue is one of the important features in this Bill. By this amendment the Bank will be able to realise the loans very easily and also the appellate tribunal which is going to be set up will be helpful. Because if there is any complaint regarding the decision of the recovery officers they can approach this appellate tribunal to redress their grievances. This is very important and this will be helpful for the people. And the most important thing, which is mentioned in this Bill, is regarding the speedy recovery. Earlier there were cases about the realisation of the debts. That was the main problem before the financial institutions and banks also. By setting up this appellate tribunal people will get benefit out of that. At the same time, the Bank will be able to realise the money easily and speedily.

This amendment is brought because of the changed atmosphere and the advances were given to townships. This will help the housing or mortgage insurance business also.

Another feature is the authorised capital which has been enhanced to Rs.350 crore from Rs100 crore.. At the same time the Central Government in consultation with the Reserve Bank of India by a notification can raise it up to Rs.2000 crore. This will help because they are giving the loans and the time period for recovery will be long. The longevity of the loan period will always be a hurdle before the Bank. By this amendment this problem will be solved. The mortgage facility is also creating the correct atmosphere in the functioning of the Bank.

I would only like to know from the hon. Finance Minister regarding the equity. Here it is said that it would be less than 51 per cent. The Government will be having 49 per cent only. So, for all practical purposes the Government should have 51 per cent so that Parliament can have control and the Government will have control. But it is seen that only 49 per cent should be given. It is a burning issue and I would like a clarification from the hon. Finance Minister regarding the equity. That is only one point about which in future there can be lot of problems. So, I would like to know from the hon. Finance Minister why it has been kept at 49 per cent in this case.

I do not want to go into much of the details. This legislation is definitely going to help the people in our country. This is going to give a new atmosphere and the National Housing Bank can help the people in the rural areas for constructing more and more houses. The Government should plan an extensive housing programme throughout the country.

Madam, as I mentioned earlier, this is a burning issue before the nation. So, housing should be given more priority. By this amendment, I think, that an extensive housing programme can be taken up by the Government.

MR. CHAIRMAN : Dr. Nitish Sengupta to speak now. You are allotted only ten minutes.

DR. NITISH SENGUPTA : Madam, Chairperson, I thank you very much. I will take much less than ten minutes since I do not have anything to criticise.

Madam, I welcome this Bill. I recall that when it came into being in 1987, it was a half-baked measure. It was kept just as an organ of the Reserve Bank of India with only one Director. There were not enough of checks and balances. With the result, willy-nilly, the National Housing Bank was drawn into the scam in a very big way. The present Bill has done a lot to introduce these necessary checks and balances so that it can function in a foolproof manner as the apex body of a pyramidal kind of structure of the housing finances.

Madam, I have one or two short comments to make. One is that the authorised and paid-up capitals of the National Housing Bank shall be Rs. 350 crore. To my mind, this is absolutely inadequate and pittance. With the kind of activities we are envisaging for this Bank, I think, this proviso should be done away with and this capital should be fixed at Rs. 2,000 crore.

For housing activity where many thousands of crores are required and the kind of housing finance bodies which this Bank is supposed to service, I think, some of them may have larger share capital. So, without any further ado about it, I think, the authorised and paid up capitals of the National Housing Bank shall not be less than Rs. 2,000 crore or

something like that should be added. This uncertainty should be removed because very soon in the course of its working, I am quite sure, Rs. 350 crore will be found sadly inadequate. Then, again, the Government will have to come before the House with an amendment of the Act.

Madam, I think, Shri Dasmunsi, did not really understand the whole position. He thought that it was a new Bill whereas in actual fact, the National Housing Bank Bill has been in existence since 1987, when the Bill was first introduced. So, it should not be treated as a new Bill altogether and should be treated in that light.

I have to make another suggestion. Why is it necessary for the Government to hold 49 per cent of shareholdings? Why should the Government be at all in the picture? I think, the Reserve Bank of India should be the particular body to deal with this matter. I do not think there is any need for direct Government shareholding except for a token, let us say 26 per cent and not more than that. And in that way, public funds for which other bodies are starved, more essential fields are starved, I think, can be saved and use of unnecessary funds can be avoided.

Madam, I have seen the various checks and balances which have been proposed like utilising, recovering the debts, etc., as it is a land revenue, under the Public Debts Recovery Act. It is very salutary. The provision about the Appellate Tribunal is also very salutary. I do hope with these checks and balances, the National Housing Bank will be in a position to discharge its full role in an area which is of utmost importance for the nation's economy because nothing is more important for the growth of the economy than the fact that the housing sector is functioning properly. Therefore, more money flows into the housing sector. I think, there is a lot of opportunity and the country will grow.

My only other suggestion is that do not treat the National Housing Bank only as a body to finance housing finance bodies.

I think there should be some provision for it to directly lend to some of the big housing companies or co-operatives or large municipalities or corporations. I think they need not operate only through the housing finance institutions; there should be some provision so that the National Housing Bank can operate directly in appropriate cases of very significant large-scale housing activity.

With these changes, I do hope that the scam which took place and obscured the whole scenario dramatically in the year 1991-92, where the Housing Bank, I remember, played a very big role, will not be repeated. In fact, the famous cheque issued by the Grindlays Bank to Harshad Mehta was made to pass through the Housing Bank, when the Housing Bank did not even have the funds to absorb that kind of money. Well, it was a rumour that the then Managing Director acted under some instructions from some sources and those sources eventually chose to simply not come out, and, therefore, poor Manohar Shervani, a very sincere and hard-working banker, lost his life on account of that. It was very very unfortunate and I do hope that all these will be things of the past with these new checks and balances which have been suggested.

I welcome this National Housing Bank (Amendment) Bill. Thank you very much, Madam.

MR. CHAIRMAN : Shri V. Radhakrishnan. Your name has not been sent as yet.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Now I am sending it.

MR. CHAIRMAN: I cannot respond to sign language from the front Benches.

SHRI VARKALA RADHAKRISHNAN : Madam Chairperson, generally speaking, I cannot fully support this Bill. It is very unfortunate that we will have to discuss a lengthy Bill like this within an hour or one-and-a-half hour. This is an august House. We are elected to legislate but we are asked not to legislate. Lok Sabha is no substitute for Rajya Sabha. In the matter of legislation and in certain other matters, this House is supreme. Even if the Rajya Sabha differs, this House has the final word. But the Government thinks that they can move anything here after getting it passed in the Rajya Sabha and give us no time to discuss the matter. The heading will be "As introduced and passed by the Rajya Sabha". It is just to threaten us. They should not do this. They always bring legislations like this so that the Members need not take time, they need not discuss, they need not suggest any amendments. That has become the procedure of the day. I ask the Government, who gave them this power? How did they come to such a conclusion? The Constitution has given us the authority to take the final decision whenever there is a difference of opinion, and the Government takes it for granted to get the Bill passed within an hour or two, without undergoing the formalities and without even discussing it in the Business Advisory Committee.

This is a very lengthy Amendment, more or less, like an original statute. If we have to read it, we will require at least one hour for a thorough reading of this Bill. They should not put us to such hardship. They should not harass us. Already we are harassed. At the time of legislation, matters like population control methods are taken up. Once the legislation is taken up, no other business should be taken up at that time. But here, everything is taken up.

MR. CHAIRMAN: Shri Radhakrishnan, please come to the Amendment.

SHRI VARKALA RADHAKRISHNAN : No, Madam, I will have to say this. Here, everything is spoken. There is no restriction. But legislation is the most important function of this House. When that matter is taken up, you are not expected to take up any other matter. But we are not following that procedure. I am sorry to say this.

In the instant case, this Bill is brought to find provision for three years. This is the most important Amendment. They are very much concerned about the recovery and, therefore, the recovery proceedings have been brought in by this Amendment.

You are very much interested in recovery. But you are not interested in the disbursement of loans. Have you gone through the statements of the banks? The poor men are not getting the loans. The poor men will be embroiled in so many technical difficulties. They will ask the poor men to bring encumbrance certificate, property certificate and so many other certificates. They will be asked to submit all these things by the financial institutions. They will be put to so many difficulties. You must realise that a man's lifetime ambition is to have a house. It is everybody's lifetime ambition. It is very natural. It is vital that we go threadbare into this Bill. But, unfortunately, we did not get the time. We are not given the time to look into the technicalities involved in this Bill.

You have appointed an official receiver. The other difficulty is that when an order passed by the appellate tribunal, there is no appeal. No provision for appeal is provided. It is not a concession when you say that he can go to the court under articles 226 and 227. It is not a matter of concession that you are giving. This is a fundamental right given to every citizen of India. The hon. Minister sitting by your side, Shri Ram Jethmalani is fully aware of it. Is this a concession that you are giving to the citizens to take the matter to the High Court and the Supreme Court under articles 226 and 227? It is certainly not. You have said that they can raise the matter under articles 226 and 227 against the decision of the appellate tribunal. What is the difficulty in allowing an appeal? When the citizen is aggrieved by the order of the appellate tribunal he should file an appeal. Is the appellate tribunal a higher authority? The presiding officer of the appellate authority is the person who is having the status of a district judge. A person who is eligible to be appointed as district judge can be appointed as the presiding officer. That is his qualification. Then, what is the difficulty or legal sanctity of a decision of the appellate tribunal? Why not the citizens be given the right to appeal against its order? Why should you say that he could go to the High Court or to the Supreme Court under articles 226 or 227? Is it enough?

Secondly, why do you not think of making the loan procedure simpler and easily accessible to the poor man? That is the crux of the problem. You think of recovery. It is all right. On what basis the loans are not given? A long period is given for recovery of the loan. I do concede it. But why do you not think of having easy methods of disbursing the loan? Supposing a poor man applies for a housing loan, he will get it in three to four instalments and that too after waiting for one or two years. You know that the construction of a house is a very costly affair. If a day is lost or a month is lost, the prices of the materials will increase. He might have applied for a loan of Rs. 10,000. But by the time the entire loan is disbursed to him, the cost of construction will reach Rs. 20,000 or Rs. 25,000. He will be put to a lot of difficulties. If you have any care for the poor man, about his primary need, I would request you or I would appeal to you to make the disbursement procedure easy. It should not be in so many instalments. One can definitely put conditions to know whether the money is utilised for the same purpose for which it was granted. I agree on that. But do not put so many conditions. He is given the first instalment when the basement or the foundation is completed. The second instalment is given after a certain stage of completion and the third instalment is given after the completion of the house. Why do you put the poor man to so much of hardship and harassment for the simple reason he has applied for a loan from the financial institutions?

MR. CHAIRMAN : Shri Radhakrishnan, you have to conclude now.

SHRI VARKALA RADHAKRISHNAN : I am speaking only about the Bill. I am not going into politics.

MR. CHAIRMAN: I know that. The time is limited. The time allotted to your party is over.

SHRI VARKALA RADHAKRISHNAN : What can I do? This is a very important Bill. I have to refer to very important Sections.

Regarding Directors, the Bill provides shareholders or the depositors to elect two Directors. That is a good thing, but two other Directors have also to be appointed when there is a contingency with regard to Chairperson or Director or both. The Chairperson or the Managing Director can either be full-time or part-time. It is not compulsory to have full-time Chairperson or Managing Director. So, I would suggest that the Chairperson should be a full-time officer. It need not be a contingent affair. If the Chairman is absent, the Managing Director can assume office as a full-time officer. That is the rule which is now formulated. That is not enough. We have to think over it.

Regarding recovery, I would like to submit that revenue recovery proceedings should be initiated as the last resort when every other mode has failed. ...(*Interruptions*)

MR. CHAIRMAN: There are too many pages to go through.

SHRI VARKALA RADHAKRISHNAN : I am referring to a particular page. ...(*Interruptions*) It is provided that the Bank can issue a certificate for the amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as the arrears of land revenue. It is also mentioned in the former part of the Section that the National Housing Bank may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery. My suggestion is that it should be used as the last resort after all other modes of recovery have been exhausted.

MR. CHAIRMAN: It will take twenty years.

SHRI VARKALA RADHAKRISHNAN : Madam Chairperson, you may realise that in such matters the tendency on the part of bank people will be to put the poor man to harassment. His sheep will be attached, his cows will be attached, and even his house will be attached, but they will not take action against hundreds of other people having crores of rupees of arrears and they would be let free. There will be no Collector's report and there will be no revenue recovery proceedings in their cases. If a poor man, whose life's mission is putting up a building with Rs. 20,000 or Rs. 25,000, defaults in repayment, these people will be very vigilant and they will write to the Collector. The revenue recovery proceedings will be initiated immediately and the Vigilance Officer will go to his house and attach everything he has. He will be put to starvation. Such is the experience we had throughout India. They will not take action against a person who has taken a loan of Rs. 20 lakh or Rs. 25 lakh for a double-storeyed building or even a five-storeyed hotel. No recovery proceedings will be initiated against them. So, the first thing I want to make it clear is that the disbursement procedure should be made easier. Not only one should be able to get loan as early as possible but he should get it without difficulty also. Secondly, the recovery proceedings should also not be so stringent and the poor man should get some relief. He should not be put to trouble simply because he has taken a loan.

MR. CHAIRMAN: You can speak on the whole Bill for two hours if you want, but the time is limited.

SHRI VARKALA RADHAKRISHNAN : I could not refer to certain other aspects, for example, about the Board of Directors and about the powers of the Reserve Bank in relation to the Housing Bank. Previously, the powers were enjoyed by the Reserve Bank. Now, after this Amendment, the National Housing Bank will enjoy those powers. To what extent and how far it will work are matters, which we will decide afterwards. With our experience in the past, we should be doubly cautious. As pointed out in the Amendment itself that due to liberalisation, these changes have been made in the Bill.

MR. CHAIRMAN : I have to call the next speaker, Shri Girdhari Lal Bhargava. Please wind up.

SHRI VARKALA RADHAKRISHNAN : Now, I would request the Finance Minister to go into the details. I do not ask for an amendment to the Bill, but my suggestion here is that these can be rectified in the rules to be framed later by the Government. When the rules are made, please ensure that the proceedings are made easy, and the difficulties experienced by the poor man are removed. I think, the Minister will consider all these aspects with a humanitarian view.

With these words, I conclude.

MR. CHAIRMAN: You can send in your suggestions for the rules to be drafted in writing. All your points have been noted. Thank you very much.

श्री गिरधारी लाल भार्गव (जयपुर): स्भापति महोदय, राष्ट्रीय आवास बैंक की स्थापना 1987 में की गई थी। माननीय मंत्री जी ने यह महसूस किया कि लोगों के लिये मकान एक प्रमुख आवश्यकता है, इसलिये इस विधेयक में काफी संशोधन लाये हैं। मैं इस विधेयक का समर्थन करता हूँ और माननीय मंत्री जी को बधाई देता हूँ।

स्भापति महोदय, कांग्रेस पार्टी के श्री पी.आर.दासमुंशी ने कहा कि इसमें स्टेटमेंट और अब्जैक्टिक्स नहीं हैं। मैं ऐसा समझता हूँ कि जब राज्यसभा में बिल आया था तो उसमें स्टेटमेंट और अब्जैक्टिक्स थे। शायद इसमें अमेंडमेंट्स इतने हैं कि मंत्री जी ने उन्हें लाना आवश्यक नहीं समझा।

स्भापति महोदय, समय सीमा को समझता हुआ मैंने अपना भाषण छोटा कर दिया है। इस विधेयक में बताया गया है कि कैपिटल कितना होगा, डायरेक्टर कौन होगा, उसकी कार्य प्रणाली कैसी होगी और जो कम्पनी हाउसिंग का काम कर रही है, उसके रजिस्ट्रेशन का तरीका क्या होगा। साथ ही यदि वह कम्पनी किसी प्रकार की कोई गड़बड़ी करती है तो उससे रकम किस प्रकार वसूल की जायेगी। जैसे कलेक्टर लैंड रेवेन्यू एक्ट के तहत ड्यूज की रिकवरी करता है, उसी प्रकार से कम्पनी से भी पैसा लिया जायेगा। यदि कम्पनी गड़बड़ी करती है तो उसका रजिस्ट्रेशन कैसे कैंसिल किया जायेगा। इसके लिये कम्पनी को प्रॉपर मौका दिया जायेगा कि किस कारण से कम्पनी का रजिस्ट्रेशन कैंसिल किया जा सकता है। इसमें अपील करने का अधिकार केन्द्रीय सरकार को होगा। केन्द्रीय सरकार पैनल इंस्ट्रस्ट दे सकती है। स्पेशल ऑडिट के नाते जो वसूली की जानी होगी, वह भी जायेगी। इसके अलावा इसमें कम्पनी को वाइंड अप करने का तरीका बताया गया है। यह भी बताया गया है

कि राष्ट्रीय आवास बैंक के निर्णय पर कोई व्यक्ति किसी कोर्ट या ट्रिब्यूनल में नहीं जा सकता। इसी प्रकार से जो एपीलेट आफिसर होगा, वह अपने पद पर पांच साल के लिये काम करेगा जिसे निर्णय लेने का अधिकार होगा।

मैं समझता हूँ देश में हाउसिंग समस्या को हल करने के लिए तथा लोगों को रहने के लिए मकानों का मिलना बहुत आवश्यक है, इसको समझते हुए माननीय मंत्री जी सुन्दर और अच्छे ढंग से जो अमेंडमेंट लाये हैं, मैं समझता हूँ कि उसके लिए वे निश्चित रूप से बधाई के पात्र हैं। इसमें स्टेटमेंट ऑफ ऑब्जेक्ट्स की आवश्यकता नहीं थी। 1987 के एक्ट में जो अमेंडमेंट आये हैं, मैं अपनी तथा अपने दल की ओर से इनका समर्थन करता हूँ। आपने मुझे बोलने का समय दिया, इसके लिए मैं आपको धन्यवाद देता हूँ।

SHRI P.H. PANDIYAN (TIRUNELVELI): Madam, Chairperson, I would like to express my views on the National Housing Bank (Amendment) Bill, 2000.

Madam, housing is a Fundamental Right 'Right to Shelter' has been guaranteed under our Constitution. This is the interpretation of article 21 of our Constitution by a judgement of the Supreme Court. Now, this National Housing Bank (Amendment) Bill has been brought to cater to the needs of the Financial Institutions to build houses for the people. There are also lakhs of people in every State who are living in the slums. For example, in Chennai, Mumbai, Delhi and in some other parts of the country there are people who are living in the slums. They have not been guaranteed any shelter. Instead, they have been evicted from their houses on the ground that they have encroached upon Government land. The Central Government, at this juncture, while granting loan to the financially sound persons to build houses should at the same time concentrate on eradicating the slums and building houses for the poor and the middle class people.

Sir, I appreciate the change of punishment for contravention of Section 49 by the Financial Institutions. Earlier, Section 49 read as under:

"Whoever fails to comply with any order made by the authorised officer under sub-section (2) of section 36A, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine of not less than rupees fifty for every day during which such non-compliance continues; "

This section has been dispensed with by section 52(A). Even then this punishment is warranted. At the same time, there is no provision in any of the Financial Institutions, except this National Housing Bank (Amendment) Bill, to impose a fine in the Debt Recovery Tribunals (DRT). The Judge has no power to impose a fine on any individual or a corporate firm or any firm. This is a stringent provision for the Financial Institutions. It may not be on individuals. I am talking of section 52(A). The Financial Institutions are going to suffer the penalty and not the individuals. But even then it is a stringent provision. But for recovery, one has to use some coercive method to recover the money.

Sir, as far as the question of Presiding Officer is concerned, it has been said that 'he has been or is qualified to be a District Judge'. That is correct. But it has also been said, 'has been a Member of the Indian Legal Service'. I am not able to follow this 'Indian Legal Service'. Further it says, 'has held the post in grade-II of that service for at least three years'. What is meant by 'Indian Legal Service'? I do not think, as on date there exists any service called the 'Indian Legal service'. There is no Indian Judicial Service also. To decide a case, one should have a judicial behaviour. So, the first clause is sufficient to enforce this provision, that is, to adjudicate any dispute in cases between the Financial Institutions and the banks.

Sir, as far as the enforcement of order of revenue by a Recovery Officer is concerned, I would like to submit that it has to be there and it must be there. Otherwise, you cannot realise any loan unless you enforce an order through a Recovery Officer.

The appellate recovery tribunal, to be known as Housing Finance Institution Debt Recovery Tribunal, is given teeth.

I welcome this measure. At the same time, I urge upon the Finance Minister to concentrate his energies on building houses for the poor and on eradicating slums. He should have uppermost in his mind the interest of the poor man who is living on the pavements and in slums.

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Madam, Chairperson, this amendment to the Housing Bank Act, 1987 is a welcome measure. What we require today is to provide roofs over the heads of millions of poor Indians. I presume that this amendment will accelerate the activity of construction of houses for the poor people in the country.

As far as debt recovery is concerned, if the authorities concentrate on catering to the needs of 25 per cent creamy

layer of the population, how can houses be built for poor people in the country? The Minister must evolve programmes wherein more houses can be built with less money, rather than just giving higher amounts to banks that lend money for the purpose of construction of mansions and palaces. Seventy per cent of the country's population does not have houses to live in. Our laws should aim at constructing more houses for the poor people. I am sure that following this amendment, new houses would be constructed, with a liberal attitude and at a lower rate of interest, to the millions of poor people. I am sure the hon. Finance Minister will keep this in mind and strive to provide shelters to the homeless.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : स्थापित महोदय, माननीय वित्त मंत्री जी जो राष्ट्रीय आवास बैंक विधेयक लाए हैं, 1987 में इसे अधिनियमित किया गया था। अब इसमें ये संशोधन लाए हैं जिसमें इन्होंने दावा किया है कि रिजर्व बैंक को 1997 में संशोधन करके शक्तियां दी गईं कि नॉन बैंकिंग कंपनियों पर कड़ाई से कानून लागू करेंगे। 1997 वाला कानून हम देखते हैं तो देश भर में बैंकिंग कंपनियों में जो छोटे-छोटे इन्वैस्टर गरीब आदमियों ने पेट काटकर पैसा जमा किया था, उन सबको लूटकर वे कंपनियां भाग गईं। वे बेचारे दर-दर भटक रहे हैं और उनको देखने वाला कोई नहीं है। फिर इन्होंने दावा किया कि उसी तरह की नॉन बैंकिंग कंपनियों पर जिस तरह से रिजर्व बैंक को ज्यादा पावर्स देकर अधिकार दिया गया था कि कोई शोण नहीं कर सके, लूटकर भाग नहीं सके, उसी तरह के अधिकार फिर राष्ट्रीय आवास बैंक को भी दे रहे हैं जिससे जो ऋण लेने वाला होगा, नॉन बैंकिंग कंपनियां होंगी, उन पर ज्यादा सख्ती से कार्रवाई कर सकेंगे जो स्वीडिजी कंपनियां होंगी। मंत्री जी दावा करते हैं लेकिन हमें पूरा संदेह है क्योंकि इनके जनरल बैंकों का हाल ही चौपट है जो 98,000 करोड़ देश भर में हाल है कि एन.पी.ए. (नॉन परफॉर्मिंग ऐसेट) हो गया, वह डूबने वाला खाता है। तो यह कानून बनाने से क्या सुधार होने वाला है? गरीब आदमी ने खासकर राष्ट्रीय आवास बैंक का नाम ही नहीं सुना है। गरीब आदमी को उससे कोई मतलब नहीं है। शहरों में बड़ी-बड़ी अट्टालिकाएं बन रही हैं। पटना में नीलगिरि, हिमगिरि नाम से बन रही हैं और वे लोग इस बैंक से लोन लेकर अट्टालिकाएं बनाएंगे और उसमें खण्ड-खण्ड करके बेचते हैं। इसमें यह क्लॉज है कि इसकी पूंजी साढ़े तीन अरब से बढ़ाकर 20 अरब रुपये की जाए। इससे पता चलता है कि मंत्री जी इस मामले में कितने उदार हैं। आम गरीब जो बिलो पवर्टी लाइन है, उसको इंदिरा आवास योजना से भी लाभ नहीं होता है। उसकी बहुत खराब हालत है।

15.00 hrs.

दिल्ली शहर में जो गरीब लोग 20वां से झुग्गी झोंपड़ी बना कर रह रहे हैं, उनको आप उजाड़ रहे हैं। उनके घरों पर आप बुलडोजर फिरवा रहे हैं। इसको कोई देखने वाला नहीं है। बड़े लोगों को सहूलियत हो, वह अपने पैसे से घर बनाये और उनको अपने पैसे से दिक्कत है तो उनके लिए बैंक भी खोल कर दे दिये जायें। श्री गोपाल सिंह नेपाली ने कहा है कि यह नहीं चलने वाला है। मैं श्री यश्वन्त बाबू को याद दिला

दू कि श्री गोपाल सिंह नेपाली की प्रथम कविता थी--

जब चंद्र किरण से महलों की दीवार चमकती रहती है,

चांदनी झोंपड़ी से लिपट-लिपट भर रात सिसकती रहती है।

इसलिए मैं इस विधेयक, कानून का पन्ना पलटकर देख रहा था कि इसमें कहीं गरीब आदमी का भला होने वाला है, उसके लिए एक भी घर बनने वाला है, ऐसा कुछ नहीं है। जो होशियार आदमी है, पैसे वाला है, उन सबके घर कैसे महल बन जायें और जिनकी झोंपड़ी है वह खत्म हो जाये यानी जो कामगार लोग हैं वे देश से उजड़ जायें, गरीब हो जाये, ऐसी व्यवस्था है। यह आवास बैंक कड़ाई करे, इनका पैसा न डूबे और इससे देश की तरक्की हो इसकी हम कामना करते हैं। लेकिन इस तरह के कानून जो बड़े आदमी को बढ़ाने वाले हैं और गरीब आदमी की उपेक्षा करने वाले हैं, वे हमको पसंद नहीं आते हैं।

गांव में राष्ट्रीय आवास बैंक से कोई घर बनेगा? किसी को मदद मिलेगी, नहीं मिलेगी। यह ऐसा कानून है जिसमें आदमी लिखा-पढ़ी करते-करते, दौड़ते-दौड़ते बेदम हो जायेगा और उसको कुछ नहीं मिलेगा। हम माननीय मंत्री जी से अपेक्षा करेंगे कि हिन्दुस्तान की जो परिस्थिति है, गरीबों की जो तीन मौलिक समस्याएं हैं -रोटी कपड़ा और मकान, वे सबको मिलें। आप खजाना मंत्री हैं इसलिए यह आपकी जिम्मेदारी है। आपने पी.डी.एस. पर दाम बढ़ा दिये हैं। इसके लिए हम शांता कुमार जी को घेरते हैं तो वे किसी तरह जवाब देकर अपनी जान बचाते हैं। लेकिन सारा कसूर आपका है। आप सारा फिस्कल डेफीसिट गरीबों पर लाद रहे हैं। आप हिन्दुस्तान के खजाने के मालिक हैं इसलिए हम आपसे अपेक्षा करेंगे।

Ⓔ (व्यवधान)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खण्डूजी (गढ़वाल) : मंत्री जी बिहार के हैं इसलिए काफी प्यार उमड़ रहा है।

श्री रघुवंश प्रसाद सिंह : बिहार के हैं, यह ठीक है। लेकिन ये बिहार के पक्ष में काम नहीं करते, ऐसा हमको कभी अहसास नहीं हुआ। हमारे बिहार के मंत्री हैं। ये बहुत कठोरता से काम करते हैं। लोग शिकायत करते हैं कि ये बिहार राज्य हैं। वे आलोचना के लिए कहते हैं कि जनसंख्या पर नियंत्रण नहीं है। बहुत से राज्य पिछड़े गये हैं जिसमें बिहार, उत्तर प्रदेश, उड़ीसा, मध्य प्रदेश, राजस्थान है। इन सबको बिहार राज्य कहा जाता है। इनको बिहार राज्य इसलिए कहते हैं कि वहां जनसंख्या पर नियंत्रण नहीं हो रहा है अथवा Ⓔ (व्यवधान) बिहार में उड़ीसा नहीं है तो आप उड़ीसा का पन्ना अलग कर लीजिए। हमसे तो आप 1937 में ही अलग हो गये थे। 1937 तक तो बिहार और उड़ीसा एक ही साथ थे। किस बात में आपमें फर्क है। सब कुछ एक जैसा है। इसलिए बिहार राज्य पर लोग हंसते हैं लेकिन बिहार राज्य को वाह-वाही भी देनी चाहिए क्योंकि उनके बीच रीजनलिज्म नहीं है। वे असली राष्ट्र की मुख्य धारा वाले लोग हैं। इसलिए जब वित्त मंत्री बिहार की फेवर नहीं करते हैं तो हम इन पर नाराज होते हैं। लेकिन हम गौरवान्वित भी होते हैं कि बिहार से श्री जगजीवन बाबू मंत्री हुए, सुबग बाबू हुए, कंदार पाण्डे हुए आदि मंत्री हुए। अन्य लोग अपने राज्य का बजट लेकर चले जाते हैं कि यह बंगाल बजट है, महाराष्ट्र बजट है लेकिन हमारे यहां के जो मंत्री हैं, उन्होंने कभी बिहार का फेवर किया हो, कुछ ज्यादा हिस्सा दे दिया हो ऐसा कोई आरोप नहीं आता है। इसके लिए हम गौरवान्वित हैं। हम इसलिए छटपटाते हैं कि वह चाहे हमारे यहां का मंत्री हो या देश के किसी हिस्से का मंत्री हो, वह हिन्दुस्तान का मंत्री है। हम भी हिन्दुस्तान का दसवां हिस्सा हैं। उसकी पीड़ा से हम मंत्री को अवगत कराते हैं कि हमारी यह पीड़ा है। मैं यह भी कहता हूँ कि जब तक बिहार आगे नहीं बढ़ेगा, हिन्दुस्तान आगे बढ़ जायेगा, नहीं बढ़ सकता। जॉन हुल्टन आई.ए.एस आफिसर था। उसने एक किताब लिखी - Bihar is the heart of India.

वह अंग्रेज अफसर था। उसने आजादी की लड़ाई के समय किताब लिखी थी। हिन्दुस्तान भर में गरीबी की रेखा से नीचे रहने वाले लोगों के लिए कहीं एक शब्द भी नहीं कहा। यदि उनके बारे में कुछ कहेंगे तो हमें संतोष होगा, नहीं तो हमें बराबर आपत्ति रहती है कि यह भी कानून आ रहा है, वह भी कानून आ रहा है। सब बड़े आदमियों को बनाने वाला है कि उनकी तरक्की, उनका धन बढ़े। फिस्कल डेफीसिट में एक भी बड़े आदमी को छूने का काम नहीं किया। Ⓔ (व्यवधान) मिट्टी के तेल के दाम दुगने कीजिए।

â€¦ (व्यवधान)

समापति महोदय : अभी तो हाउसिंग बैंक की बात कीजिए।

डा. रघुवंश प्रसाद सिंह : रोटी, कपड़ा और मकान तीन मुख्य आवश्यकताओं में एक मकान भी है। हमारी पीढ़ा है कि गरीब आदमी को बैंक से सहूलियत दें। लेकिन गरीब आदमी को इसमें कहीं कुछ मिल रहा। इसमें एक क्लॉज वही रहता कि यदि गरीब आदमी लोन लेकर घर बनाना चाहता है तो वह बिना परेशानी के बना सकता है। इन्हीं शब्दों के साथ हम अपनी बात समाप्त करते हैं।

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): This particular Bill is beneficial for the poor people only but not beneficial to those who want to construct palatial buildings as they are prohibited from getting this type of fund. The middle class people are beginning to invest their savings in the housing area. They expect to own a house in their life time. That is the ultimate aim of their life. The hon. Finance Minister knows that there many Societies in Madras which get lot of deposits from the middle class people. The Societies finance the amount for the purpose of constructing houses. In Madras there 10 to 15 such benefit funds with a total deposits of about Rs.400 crore, but they are now closed. All the profits are taken away by the Board of Directors by diverting the funds to some other purposes. I suggest that when such large funds are entrusted to institutions, those institutions should have some credibility so that those funds are properly utilised and the investors should also be protected. The middle class people, and especially the Scheduled Castes and Scheduled Tribes have financed the schemes for getting houses constructed. After the construction of their houses, they cannot even afford to repair their houses after three or five years. The Government is not having any scheme at the Central level or State level, to get their houses repaired. In the same way, the ordinary labourers also cannot afford to get their houses repaired. Government has got investment of 51 per cent. Some amount of money should be given for these poor and middle class people so that they get the benefit direct instead of only getting their borrowings recovered. I am not saying that poor people are not repaying. They are repaying. In this connection, I would like to draw the attention of this House to provision to 36 (e) which states:

"Makes any default in repayment of any assistance or any instalment thereof or otherwise fails to comply with the terms of such agreement in instalment thereof."

Even if one instalment is due, the institution will come forward with action against that particular beneficiary.

Section 36T is much more dangerous and it says:

"Where an appeal is preferred by a borrower, such appeal shall not be entertained by the Appellate Tribunal unless such person has deposited with the Appellate Tribunal seventy-five per cent of the amount due from him as determined by the recovery officer."

So, what will happen to the ordinary middle-class people who have defaulted for two or three instalments? They have to immediately borrow from other places and pay 75 per cent of the total debt. That is very stringent for the ordinary people. They will be debtors forever if this type of things are allowed.

There are national level institutions and State-level institutions that are getting funds and are levying service charges before giving them to the district-level institutions. I am saying this on the basis of the experience in Tamil Nadu. Tamil Nadu is having a Housing Development Society. It borrows money from various sources. They charge a certain amount and then give it to the district-level institutions, which, in turn, charge further service charges. Then, they are given to the primary banks. Thus, a three-way service charge is to be paid by the borrower. Therefore, I would like to suggest that the primary banks should be directly funded so that the service charges to be paid by the ordinary people could be reduced. Presently, they pay too much by way of service charges because the funds that they receive flows through different institutions. So, this aspect should also be taken note of.

There are three institutions that have been created for the recovery of the fund: one is through the Collector, another is through the Chief Judicial Magistrate and the third is through the Recovery Tribunal. I would like to suggest that instead of the other two institutions, we could straightway go in for the Recovery Tribunals.

I appreciate the drafters for giving benefits for the lawyers also to be appointed as judges. In 36K, it has been said:

"A person shall not be qualified for appointment as the Presiding Officer of an Appellate Tribunal, unless he -

(a) is, or has been, or is qualified to be a District Judge;

(b) has been a Member of the Indian Legal Service and has held a post in Grade II of that Service for at

least three years."

This type of a mention about practising lawyers to get such appointments in this type of Tribunals is very important because there are many people specialising in this particular field and their knowledge could be utilised for this purpose.

With these words, I conclude my speech.

डॉ. संजय पास्वान (नवादा) : माननीय स्थापति महोदय, आपने इस महत्वपूर्ण बिल पर बोलने का अवसर दिया, आपका बहुत-बहुत धन्यवाद। मैं सबसे पहले बधाई देना चाहता हूँ कि इस व्यवस्था ने नेशनल हाउसिंग बैंक की जरूरत को समझा। हमारे रघुवंश भाई ने बड़ा अच्छा कहा था कि इसे कोई जानता नहीं है, यह सही बात है। 1987 से यह बैंक बना हुआ था, लेकिन इसे कोई नहीं जानता था, लेकिन आज से यह बैंक जाना जायेगा, इतना हमें विश्वास है। जो एमेंडमेंट पहले होने चाहिए थे, वे एमेंडमेंट 10 साल, 13 साल में नहीं किये गये। मकानों की आवश्यकता को वाजपेयी जी ने समझा है और यशवन्त सिन्हा जी ने समझा है और तभी यह एमेंडमेंट किया है। निश्चित तौर से जो रोटी, कपड़ा और मकान की बात कई मित्रों ने कही, हाउसिंग बैंक में एमेंडमेंट के बाद, जितने बेघर इस देश में हैं, खास कर गरीब लोग जो बेघर हैं, उनको घर बनाने में, मकान देने में सुविधा मिलेगी। इसके लिए तमाम नियमों का सरलीकरण किया गया है, लोन लेने के लिए पहले जो दस्तावेज 1000 पन्ने के थे, इस रिकमेंडेशन से उनको हल्का किया गया है, सिम्प्लीफाई किया गया है, इससे काफी लाभ होगा और निश्चित तौर से मकान बनाने में जो दिक्कतें हैं, वे दूर होंगी। मकान बनाने से रोजगार के अवसर प्रदान होते हैं, मकान बनाने से रोजगार का एक रास्ता खुलता है। मकान में ईंट लगती हैं, गारा लगता है, सीमेंट लगता है, बालू लगता है, इसलिए विभिन्न रास्ते खुलते हैं, एवेन्यूज खुलते हैं, एम्प्लायमेंट की पोसिबिलिटीज़ खुलती हैं, इसलिए इसका सीधे उल्टे ताल्लुक है। हमारे पी.एम. साहब ने एश्योर किया था, कमिट किया था कि रोजगार के अवसर प्रदान करेंगे।

इस हाउसिंग बैंक संशोधन रोजगार के अवसर पैदा होंगे। बेघरों को घर और बेरोजगारों को रोजगार मिलेगा। इस संशोधन के बाद से पंचायत में जो पैक्स होता है और लैम्प्स होता है, नेशनल हाउसिंग बैंक को उल्टे से भी सम्पर्क करके कार्डिनेट करके काम करना चाहिए। अनुसूचित जाति और जनजाति के लिए एन.एच.एफ.डी.सी., बैकवर्ड क्लासेज के लिए एन.एस.एफ.डी.सी. हैं, जो ये तमाम बैंकिंग इंस्टीट्यूशंस हैं, इनके साथ मिलजुल कर काम करे तो बेकारों की संख्या जो ओ.बी.सी. में ज्यादा है, कम होगी और उनको सहायता मिलेगी। यह एक क्रांतिकारी कदम उठाया गया है। इस संशोधन के बाद से गरीबों को फायदा होगा।

आपने जो कहा है कि एक किस्त न देने के बाद डिफाल्टर माना जाएगा, उसकी एन.पी.ए. बढ जाएगी। यह ठीक है कि एक किस्त न देने पर डिफाल्टर करना चाहिए। लोग अक्सर ऐसा ही करते हैं, क्योंकि कोई एजेंसी ऐसी नहीं है जो इसके लिए सख्ती से वसूली कर सके इसलिए सख्ती होनी चाहिए। हर गरीब और भारतीय में पैसा बचाना स्वभाव से है। हर किसी की लाइफ में एक सपना होता है कि उसका घर हो। इसलिए सब लोग बचत करते हैं। अगर कोई किस्त नहीं देता तो वह निश्चित रूप से डिफाल्टर माना जाए, चाहे वह कितना ही गरीब क्यों न हो। घर से सभी को लगाब होता है। आपने यह प्रावधान ठीक किया है कि एन.पी.ए. बढ जाएगी, इससे जो पहले ही इसका बोझ है, उस पर और बोझ नहीं पड़ेगा इसलिए हम लोग डिफाल्टर वाली बात से सहमत हैं। मेरा विश्वास है कि जो यह नियम बनाया है इसका सख्ती से पालन होना चाहिए। इससे बेघरों को घर मिलेगा और बेरोजगारों को रोजगार मिलेगा।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और अपनी बात समाप्त करता हूँ।

MR. CHAIRMAN : There are two more hon. Members who want to ask some questions, for a minute each. First, Shri Mani Shankar Aiyar. What is the question that you want to ask?

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Madam, in view of the very important suggestions made by several of our colleagues here, in particular, Shri Sudarsana Natchiappan, may I request the hon. Minister to please refer this Bill to the Standing Committee or a Select Committee and not press for a vote this afternoon?

श्री लक्ष्मण सिंह (राजगढ़) : स्थापति महोदया, मंत्री जी जो नेशनल हाउसिंग बैंक एक्ट लाए हैं, मैं समझता हूँ आपने जो सात लाख मकान एक वर्ग में बनाने का वादा देश की जनता से किया है, अगर उसको पूरा कर सकें, मैं फिर से कह रहा हूँ अगर उसको पूरा कर सकें तो यह एक्ट एक मील का पत्थर साबित होगा। अगर ऐसा हुआ तो हम आपके साथ हैं।

स्थापति महोदया, मंत्री जी ने जो स्टेटमेंट आफ आब्जेक्शन रीजन बिल में दिए हैं। उसमें आखिरी प्राथमिकता यह रही, रूलर हाउसिंग एंड एग्रीकल्चरल हाउसिंग। I hope it is the last and not the least. सबसे आखिर में आपने ग्रामीण क्षेत्र की आवास योजना के बारे में सोचा और कृषि से जुड़े लोगों की आवास योजना के बारे में सोचा। मैं चाहता हूँ इसको सबसे ज्यादा प्राथमिकता दी जाए। आपने कारपोरेट सेक्टर को कुछ टैक्स छूट दी हैं। एन.एच.बी. के माध्यम से जो कारपोरेट सेक्टर की प्रॉब्लम्स हैं, उनको हल करने में उनकी मदद करने जा रहे हैं। मैं समझता हूँ हमारे देश की आवास समस्या की प्राथमिकता तय करनी चाहिए। कारपोरेट सेक्टर के लोगों की हाउसिंग समस्या हल करने के लिए हमारे देश की जनता पर क्यों भार डाला जा रहा है, मेरी समझ में नहीं आ रहा है।

बोर्ड आफ डायरेक्टर्स के बारे में मैं कहना चाहूंगा कि कुछ अनुभवी लोगों को इसमें रखें। हैबीटेट सेंटर के लोगों को न बना दें। नाम हैबीटेट है, हैबीटेट के अलावा वहां सारी बातें होती हैं, लेकिन हैबीटेट की कोई बात नहीं होती। मैं चाहूंगा हाई-फाई लोगों को बोर्ड में न लें। ऐसे लोगों को लें जो पिछड़े राज्यों से जुड़ी आवास समस्याओं को जानते हों। इसमें फारेन पार्टिसिपेशन भी होगा, यह ठीक बात नहीं है।

MR. CHAIRMAN: Shri Lakshman Singh, please conclude. The Minister has to reply and we have to finish it by 3.30 p.m.

श्री लक्ष्मण सिंह : मैं एक मिनट में खत्म करता हूँ। मैं मंत्री जी से कहना चाहूंगा कि नौवीं पंचवर्षीय योजना में आवास समस्या को हल करने के लिए कोई टार्गेट रखिए।

नेशनल हाउसिंग बैंक के माध्यम से इसे हम कैसे हल कर सकें, इस बारे में सोचना चाहिए। आपने 350 करोड़ रुपये से लेकर 2000 करोड़ रुपये तक का प्रावधान नेशनल हाउसिंग बैंक के लिए किया है, मैं माननीय मंत्री जी से निवेदन करूंगा कि वह इसे 2000 करोड़ रुपये तक नहीं बढ़ाएं, बल्कि 1000 करोड़ रुपये तक ही रखिए क्योंकि पांच वर्ग तक नेशनल हाउसिंग बैंक उन प्राथमिकताओं को पूरा कर सकता है जो आवास से जुड़ी समस्याएं हैं। बाद में बढ़ा सकते हैं लेकिन एकदम बढ़ाना उचित नहीं होगा क्योंकि देश की जनता पर इसका भार पड़ेगा।

स्भापति महोदय : लक्ष्मण सिंह जी, आपने दो मिनट मांगे थे क्योंकि हमारी पार्टी का समय समाप्त हो गया है। उधर से भी बहुत से लोग बोलने के लिए बैठे हैं।

...(व्यवधान)

श्री लक्ष्मण सिंह : इससे आवास की समस्या जुड़ी हुई है और कई माननीय सदस्यों ने इस पर अपनी चिंता व्यक्त की है। जो लोग गांव छोड़कर शहरों में रोजगार ढूढ़ने के लिए आते हैं, अनुमान लगाया जा सकता है कि सन् 2015 तक मुम्बई और कलकत्ता जैसे शहरों में आधी आबादी तो उन लोगों की होगी जो गांव छोड़कर शहरों में रोजगार के लिए आ रहे हैं। उनकी आवास समस्या को हल करने के लिए नेशनल हाउसिंग बैंक के माध्यम से कोई प्लान बनाइए, टारगेट बनाइए ताकि इस संशोधन का लाभ हो सके।

यह बहुत महत्वपूर्ण बिल है और मैं मणि शंकर जी का समर्थन करता हूँ कि इसे सलेक्ट कमेटी में भेजा जाना चाहिए क्योंकि यह आवास से जुड़ी समस्या है। लोगों को रहने के लिए मकान नहीं है, हम लोग इसे ऐसे कैसे पास कर देंगे ?

MR. CHAIRMAN: It has already been passed in the other House.

Now, the Minister may reply.

SHRI YASHWANT SINHA: In its 12th incarnation, the Lok Sabha, discussed and adopted a National Housing Policy. This Amendment Bill is a follow up to that Policy that was adopted in 1998. Now, there are four aspects to this Bill.

The first aspect is regulating the Housing Finance Commission. The powers have already been given to the RBI under the RBI Act. It was long over due. Now, we are assigning improved version of powers given to the RBI to the NHB because that is the body which controls the Housing Finance Company. We are giving more teeth to it to make sure that depositors do not lose money. The second aspect is that we want to create a mortgage market. Why is housing activity not going up in this country? Basically, it is a question of money and it is a question of finance. We have not created a financial instrument in this country which will enable this sector to take off. This is a very progressive piece of legislation which will ensure this by creating a secondary market for mortgagors. If we want to create secondary market for mortgages, then it is essential that we make the process of recovery speedy. That is exactly what we have done. At the same time we are taking steps to ensure that laws of natural justice are not violated and that everybody is given enough opportunity to ensure that nobody is put to a loss as a result of any defect in the Act. We are emphasising on the speedy recovery because without that the secondary mortgage market cannot be created. Now, let me come to fourth aspect. When I was moving the Bill for consideration, I said in my introductory remarks that after this Amendment, National Housing Bank will be enabled to lend money to the Agricultural and Rural Development Banks, the erstwhile Land Development Banks. This is the provision we are making through this amendment to authorise the NHB to lend money to residential township and housing development projects. These are essentially slum development projects. Therefore, we have taken enough care to make sure that moneys are diverted for housing for the poor. So, let not anybody be under the misconception that it is going to help only the well to do and not the poor.

The primary purpose of this is to ensure that the poor get houses.

The fifth aspect of this amendment is to strengthen the NHB. I would like to say that the Government will retain 51 per cent control. Government means, the RBI and the financial institutions which we control. Through all these, it will be determined how much should the Government have and how much should the RBI have. But we will retain 51 per cent and the balance 49 per cent only will be given to the public at large.

As far as the paid-up and the authorised capital is concerned, we are merely taking the enabling power to raise it up to Rs.2000 crore. At the moment, through a Notification, the paid-up capital of NHB is Rs.350 crore. This is being regularised through this amendment. We will add to the paid-up capital and raise the limit as and when it becomes necessary. We are giving strength to the NHB and I am quite sure, as I said, Madam, that as a result of this very progressive piece of legislation, the poor will get the maximum benefit.

I am glad it has received the most widespread support in this House. I am particularly grateful to my friend Shri Chennithala for having set a very positive tone to the discussion. I would like to assure both Shri Raghuvansh Prasad Singhand Shri Radhkrishnan that we will take care of the poor. It is not that this is going to help the rich. It is basically going to help the poor. It is going to make sure that the housing for the poor people actually takes off. I would like to say that we have set a target of 2 million houses. According to the figures which I have collected, we have reached a level of something like 1.7 million houses, either constructed or under construction in 1998-99. We are hoping to almost double the figure in 1999-2000, according to the information which we have. This is the manner in which we will continue to push through budgetary and financial institutions' support, the prospects of housing of this country. It is one sector which gives the largest employment. It supports a large number of industries like steel and cement and, therefore, in all my three Budgets I have given the maximum encouragement to housing. I

would suggest, therefore, that the suggestion that Shri Mani Shankar Aiyar...(*Interruptions*)

SHRI MANI SHANKAR AIYAR : May I request the Minister to kindly reply to the point raised by a gentleman who defeated his predecessor in the last electio? He has raised a very important point.

SHRI YASHWANT SINHA: He has raised some very important points. This is only to enable the lending company to be able to approach the recovery officer for the recovery of dues. That is the only thing. If you do not want that power then the mortgage market will not take place....(*Interruptions*) Otherwise, your mortgage market will not take place. It has to be there.

MR. CHAIRMAN : The question is:

"That the Bill further to amend the National Housing Bank Act, 1987, as passed by Rajya Sabha be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House shall now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 29 stand part of the Bill."

The motion was adopted.

Clauses 2 to 29 were added to the Bill.

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

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

SHRI YASHWANT SINHA: Sir, I beg to move:

"That the Bill be passed. "

MR. CHAIRMAN: The question is:

"That the Bill be Passed."

The motion was adopted.

15.29 hrs