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Title: Further discussion on the motion for consideration of the Banking Laws (Amendment) Bill, 2011 (Discussion not concluded).

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MR. DEPUTY-SPEAKER: Now, the House will take up Item No. 28. Shri Anurag Singh Thakur.

Motion Moved:

"That the Bill further to amend the Banking Regulation Act, 1949, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and to make consequential amendments in certain other amendments be taken into consideration. "

श्री अनुराग सिंह ठाकुर (हमीरपुर, हि.प.): माननीय उपाध्यक्ष महोदय, मैं माननीय मंत्री जी से पूछना चाहता हूँ कि जो अमेंडमेंट मूव किए गए थे, क्या माननीय मंत्री जी ने अमेंडमेंट विदड़ा कर लिए हैं?...(व्यवधान)

SHRI BASU DEB ACHARIA (BANKURA): Mr. Deputy-Speaker, Sir, I am on a point of order.

उपाध्यक्ष महोदय : जब डिसकशन होगा तब विचार होगा। अभी नहीं होगा।

â€¦(व्यवधान)

श्री अनुराग सिंह ठाकुर : महोदय, मैं चाहूँगा कि मंत्री महोदय पहले इस पर जवाब दें।

PROF. SAUGATA ROY (DUM DUM): Sir, is this Discussion on the Banking Laws (Amendment) Bill?...(Interruptions)

MR. DEPUTY-SPEAKER: Yes.

श्री अनुराग सिंह ठाकुर: माननीय उपाध्यक्ष महोदय, मैं आपके माध्यम से आग्रह करना चाहता हूँ कि जो अमेंडमेंट्स फाइनेंस मिनिस्टर ने मूव किए हैं...(व्यवधान)

उपाध्यक्ष महोदय : जब डिसकशन होगा तब बोलिएगा।

â€¦(व्यवधान)

श्री अनुराग सिंह ठाकुर : मुझे लगता है कि सब सदस्यों का एकमत है।...(व्यवधान)

उपाध्यक्ष महोदय : डिसकशन के समय आपको मौका दिया जाएगा।

â€¦(व्यवधान)

श्री अनुराग सिंह ठाकुर : महोदय, मैं वही पृष्ठ उठा रहा हूँ और बाकी सदस्यों का भी यही मत है।...(व्यवधान)

उपाध्यक्ष महोदय : बाद में मौका दिया जाएगा।

â€¦(व्यवधान)

SHRI BASU DEB ACHARIA : Sir, he has Tabled a new amendment.

MR. DEPUTY-SPEAKER: Please sit down.

SHRI BASU DEB ACHARIA : This Bill should be referred to the Standing Committee.

MR. DEPUTY-SPEAKER: Now, the hon. Minister to speak.

श्री अनुराग सिंह ठाकुर : मैं आपके माध्यम से मंत्री महोदय से पूछना चाहता हूँ कि जो अमेंडमेंट इन्होंने मूव किया था, क्या वे पार्लियामेंट और बाकी अमेंडमेंट विदड़ा कर चुके हैं? मुझे लगता है कि बाकी सदस्य भी यही जानना चाहते हैं। अगर मंत्री महोदय पहले उल्लेख कर दें तो उसका लाभ मिलेगा।

उपाध्यक्ष महोदय : आपने नोटिस दिया है, जब वलॉज बाइ वलॉज डिस्कशन होगा तब मौका दिया जाएगा। इसमें कोई व्यवस्था का पूंन नहीं उठता है।

â€¦(व्यवधान)

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Shri Saugata Roy and Shri Basu Deb Acharia, please sit down for a minute....(Interruptions)

SHRI BASU DEB ACHARIA : I am on a point of order.

SHRI P. CHIDAMBARAM: I have taken his leave. He has asked me to speak.

Sir, in response to the suggestions made during the course of consultation, although the new clause was recommended by another Standing Committee, since the rest of the Bill is important, I have already given notice that that new clause will not be pressed.

Therefore, the discussion should continue. We will debate the rest of the Bill.

पू. सौगत राय : सर, मिनिस्टर जो कह रहे हैं...(व्यवधान) मेरी बात सुनिये।...(व्यवधान)

उपाध्यक्ष महोदय : इनके कहने के बाद कुछ नहीं बचता, उन्होंने बोल ही दिया है।

श्री शरद यादव (मधेपुरा): उपाध्यक्ष जी, आप मेरी बात सुनिये। पाइंट ऑफ आर्डर उन्होंने उठाया है, मंत्री जी ने जवाब दिया है। मैं आपसे कहना चाहता हूँ कि पाइंट ऑफ आर्डर को आप अवाइड नहीं कर सकते।

उपाध्यक्ष महोदय : हम एवाइड नहीं कर रहे हैं।

श्री शरद यादव : लेकिन आप सौगत राय की बात सुनिये। पाइंट ऑफ आर्डर उसी समय होगा, जिस क्षण वह उठाया जा रहा है। उसी समय उसका निर्णय होगा आप रूलिंग दीजिए। एवसैट करें या न करें, यह आपका अधिकार है। लेकिन सौगत राय को बोलने तो दीजिए, जो पाइंट ऑफ आर्डर उठा रहे हैं। ... (व्यवधान) वह क्या बोलना चाहते हैं, बोलें।... (व्यवधान)

पू. सौगत राय : मुझे बोलने दिया जाए।... (व्यवधान)

उपाध्यक्ष महोदय : आपने जो लिखकर दिया है, उसके अनुसार जब वलाज बाई वलाज डिस्कशन होगा, तब आपको मौका मिलेगा।

â€¦(व्यवधान)

पू. सौगत राय : सर, आप दूसरों को मत सुनिये, मेरी बात सुनिये। मैं रूल 376 के अनुसार पाइंट ऑफ आर्डर उठा रहा हूँ। रूल 376 क्या बोलता है कि हाउस में जो बिजनेस है, उस पर चर्चा के लिए अगर कोई सवाल उठाना चाहता है तो उसे पाइंट ऑफ आर्डर कहा जाता है। The point of order shall relate to interpretation or enforcement of Rule 376. ... (Interruptions)

I would advise Shri Sanjay Nirupam not to be part of the shouting brigade of the party. There are other people who can be part of. ... (Interruptions) The point of order probably relates to Rule 80 on the question of amendment. ... (Interruptions) I need a ruling. The following conditions shall govern the admissibility of amendments to clauses or schedules of a Bill – (i) an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.

I gave a written point of order, which you should have allowed me before allowing the Minister to speak. But may I further say that this point of order relates to the amendment No.3 proposed by Shri Chidambaram. He proposed insertion of new clause regarding introduction of forward trading by the banks. Then, he also moved an amendment – Amendment No.18 – to say this rule which I just quoted, should be suspended so that he could move it. It is gracious of you that you have accepted this point, that you should not insert a new clause. ... (Interruptions)

SHRI P. CHIDAMBARAM: I have not said the point of order is correct. I have not interrupted the point of order. ... (Interruptions) You are attributing that I have accepted the point of order. Don't say I have accepted it.

PROF. SAUGATA ROY : You are interrupting me. Is this the proper parliamentary practice? ... (Interruptions)

उपाध्यक्ष महोदय : आपको बोलने का समय दिया है, अब आप समाप्त कीजिए।

PROF. SAUGATA ROY : Mr. Deputy Speaker, Sir, you must give a ruling for posterity. The whole point is that Ministers are introducing the Bill in the House and after introduction the Bill is referred to the Standing Committee. The Standing

Committee sends back a Report and on the basis of that Report or otherwise, the Minister may introduce any number of amendments. There is no problem with that. The problem arises that even after the Report of the Standing Committee if the Minister comes and says that I will insert certain new clauses which have not been considered by the Standing Committee. The problem comes because under the Rules of the House there is no rule under which you can again refer the Bill to a Standing Committee. So, the introduction of new clause *suo motu* by the Minister is not deliberated by the Standing Committee.

I want a ruling from you. This may relate to Mr. Jairam Ramesh's Bill also later that after the Report of the Standing Committee, the Ministers are coming and saying that they want to introduce new clauses. It should be made a rule in the House that no new insertion of new clauses should be made after the Report of the Standing Committee is presented and the amendments are placed because that will take away the privilege of the Standing Committee to consider it properly.

MR. DEPUTY-SPEAKER: Please conclude now.

प्रो. सौगत राय : सर, आपको मुझे बोलने देना चाहिए था। आपने ऐसा न कर के मेरे साथ अन्याय किया है। ...(*Interruptions*) Sir, I gave a notice before the House re-assembled. So, I want you to give a ruling on this.

उपाध्यक्ष महोदय : जब अमेंडमेंट आएगा तब आपको बोलना है। आप पूरा एक्सप्लेन किए जा रहे हैं।

â€¦।(व्यवधान)

प्रो. सौगत राय : सर, मुझे कंप्लीट करने दीजिए। ...।(व्यवधान) आप धीरज खो रहे हैं। मैं एक मिनट में अपनी बात समाप्त करता हूँ। ...।(व्यवधान)

उपाध्यक्ष महोदय : इसमें धीरज खोने का सवाल नहीं है।

PROF. SAUGATA ROY : Sir, let me complete.

Sir, it is good that Mr. Chidambaram has withdrawn the new clause. But this should not happen in future.

उपाध्यक्ष महोदय : अब आप अपनी बात कंवलूड कीजिए।

PROF. SAUGATA ROY : Sir, suspension of Rule 80 (i) should not be done by the Ministers in future. This is not the way to run the business of the House violating all the norms. ...(*Interruptions*) You cannot have after thoughts. If you want to insert new clause, you should bring another amendment here. Let it be passed by the House. I have no objection. But this is not the way to do it. In future, Ministers should not come and introduce new clauses as an after thought.

सर, आप यह समझने की कोशिश कीजिए। भविष्य काल में लोग आपकी रूनिंग पढ़ेंगे कि डेप्युटी स्पीकर ने एक अच्छी रूनिंग दी थी, जिससे संसद की महिमा रखी जाएगी। अभी स्पीकर नहीं हैं, लेकिन आपको उस वेयर पर पूरी पॉवर है। आप भविष्य के लिए एक रूनिंग दीजिए कि यह कभी और नहीं किया जाएगा। This is an abuse of the Rules of the House.

SHRI P. CHIDAMBARAM: Mr. Deputy-Speaker, Sir, let me reply to the point of order. I would like to make it clear that I am not pressing that clause. I am withdrawing the clause in deference to the wishes expressed by different sections of the House. In a parliamentary democracy, there has to be some give and take and we have agreed that if a section of the House believes that, this clause should not find a place now and more discussion is required, although another Committee chaired by another hon. Member in which every party was represented unanimously recommended the clause, I am not standing on prestige and we have said, 'All right, we will not have the clause'.

But the point of order, with great respect to my dear and noble friend Prof. Saugata Roy, is completely misplaced. ...(*Interruptions*) I only said, 'misplaced'; I have not said anything else.

Sir, Rule 80 is intended for the contingency of introducing a new clause in the House when official amendments are moved. Ever since this Parliament came into being, there are hundreds and hundreds of examples of invoking Rule 80 to introduce a clause which is a new clause. Only the other day, 10 minutes before this Bill was taken up, three times Rule 80 was invoked and three new clauses were introduced.

PROF. SAUGATA ROY : It is wrong.

SHRI P. CHIDAMBARAM: Just a moment. The Chair should say whether it is right or wrong. Neither you nor I can say that. ...(*Interruptions*) You have explained your point very well. Let me explain the other point of view.

Rule 80 is intended for the purpose when some official amendments cannot be introduced as an amendment to the existing Clause. Some official amendments have to be introduced only in the form a new Clause. I do not want to go back into history. When I did discuss with the Leaders of Opposition, I brought to their notice that Rule 80 had been invoked so many

times. I have given examples, where Rule 80 has been invoked (Interruptions)

उपाध्यक्ष महोदय : मंत्री जी को बोलने दीजिए

â€¦(व्यवधान)

PROF. SAUGATA ROY : Not Rule 80, but suspension of Rule 80.

SHRI P. CHIDAMBARAM: Rule 80 is invoked to suspend the Rules of the House to enable a new Clause to be introduced.

There are hundreds of examples. I have in my hand examples of recent times where Mr. Yashwant Sinha, Mr. Pramod Mahajan, Mr. Aruj Jaitely, Mr. Suresh Prabhu, Mr. Srinivas Prasad, Mr. Jaswant singh, Dr. Murli Manohar Joshi, Mr. Anant Gangaram Geethe, have all invoked Rule 80. There are hundreds of examples...(Interruptions)

SHRI GURUDAS DASGUPTA (GHATAL): Is it a bipartite agreement?

SHRI P. CHIDAMBARAM: It is not a bipartite agreement, just allow me to complete...(Interruptions) I am just giving examples...(Interruptions)

SHRI GURUDAS DASGUPTA : Why does not he give the examples of Ministers of his own Party?...(Interruptions)

MR. DEPUTY-SPEAKER: Please, let him speak.

...(Interruptions)

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Sir, you give your ruling...(Interruptions)

SHRI P. CHIDAMBARAM: I have given examples of non-Congress Ministers. There are hundreds of examples when Congress Government was here and there is my own example of last week; three times we invoked Rule 80; this House passed the Bill after introducing three new Clauses.

Please give the ruling, Sir, that Rule 80 can be invoked in such circumstances...(Interruptions)

उपाध्यक्ष महोदय : मैं रूलिंग दे रहा हूँ।

â€¦(व्यवधान)

पू. सौगत राय : महोदय, मुझे एक छोटी सी बात कहनी है।...(व्यवधान)

उपाध्यक्ष महोदय : आपकी बात छोटी नहीं होती है।

â€¦(व्यवधान)

पू. सौगत राय : महोदय, तब स्टैंडिंग कमेटीज चालू नहीं हुई थीं। स्टैंडिंग कमेटीज हाउस में रिलेटिवली न्यू कॉन्सेप्ट है।

उपाध्यक्ष महोदय : आप मंत्री जी के बोलने के बाद कितना बोलेंगे?

पू. सौगत राय : महोदय, मंत्री जी ने कोई खास बात नहीं बोली है, आपकी असली बात है।

उपाध्यक्ष महोदय : हम रूलिंग दे रहे हैं। आप बैठेंगे तभी तो हम रूलिंग देंगे।

पू. सौगत राय : मंत्री जी क्या बोलेंगे, आप बोलेंगे।

उपाध्यक्ष महोदय : आप बैठिए, तब हम रूलिंग देंगे।

पू. सौगत राय : महोदय, मेरी बात सुनिये। स्टैंडिंग कमेटीज चालू होने के बाद अगर ऐसा हुआ है तो गलत हुआ है। स्टैंडिंग कमेटी के बिना नया वलॉज एडीशन नहीं किया जा सकता है। अगर पहले ऐसा हुआ है तो गलत हुआ है। किसी भी मिनिस्टर ने किया है तो वह गलत किया है। You give a ruling for finality, for posterity...(Interruptions)

SHRI BASU DEB ACHARIA : Sir, he is advising you on what ruling you should give...(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down.

SHRI GURUDAS DASGUPTA : Sir, I will just take one minute. I am only saying that this is the mindless way in which the Government is running. In order to get their Bills passed they make compromises with different Parties and this politics of compromise in spite of ...(Interruptions)

SHRI BASU DEB ACHARIA : This is politics of compromise...(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down.

SHRI GURUDAS DASGUPTA : Sir, the hon. Minister should be honest enough...(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down.

SHRI GURUDAS DASGUPTA: Sir, in order to buy the support,...(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down.

श्री शरद यादव : आप उन्हें रूनिंग देने दीजिए...(व्यवधान)

उपाध्यक्ष महोदय : यह मुद्दा श्री सौगत राय जी के द्वारा गलत समय पर उठाया गया है। यह प्वाइंट ऑफ ऑर्डर नहीं है।

...(व्यवधान)

पू. सौगत राय : प्वाइंट ऑफ ऑर्डर नहीं है।

उपाध्यक्ष महोदय : एक मिनट, अभी हमने रूनिंग नहीं दी है, आप सुन तो लीजिए। यह केवल एक सुझाव है, फिर भी मैं अपनी रूनिंग दे रहा हूँ।

"In this context, I would like to inform the House that whenever requests are received from the Government for suspension of the Rule 80(1), the practice has been to allow the Minister concerned to move the motion. Therefore, as per the past practice and as per existing Rule 388 the hon. Speaker has permitted the hon. Minister to move the motion for suspension of Rule 80(1)."

...(Interruptions)

SK. SAIDUL HAQUE (BARDHMAN-DURGAPUR): Sir, the Bill should be referred to the Standing Committee...(Interruptions)

उपाध्यक्ष महोदय : हमने रूनिंग दे दी है।

â€!(व्यवधान)

उपाध्यक्ष महोदय : रूनिंग वैंलेज नहीं होती है। हमने रूनिंग दे दी है, रूनिंग वैंलेज नहीं होती है।

â€!(व्यवधान)

उपाध्यक्ष महोदय : आपने रूनिंग देने के लिए कहा, मैंने रूनिंग दे दी है। आप फिर वैंलेज कर रहे हैं। ऐसे कैसे चलेगा?

â€!(व्यवधान)

MR. DEPUTY-SPEAKER: I have given the ruling. You do not challenge it.

...(Interruptions)

MR. DEPUTY-SPEAKER: Speaker's ruling cannot be challenged.

...(Interruptions)

14.20 hrs

At this stage, Shri M.B. Rajesh and some other hon. Members came and stood on the floor near the Table.

...(Interruptions)

उपाध्यक्ष महोदय : आप लोग अपनी सीट्स पर वापस जाइए। आप लोग बैठ जाइए। हमने रूनिंग दे दी है। आप उसको वैंलेज नहीं कर सकते हैं। आप बैठ जाइए।

â€!(व्यवधान)

उपाध्यक्ष महोदय : श्री अनुराग ठाकुर, आप शुरू करें। सिर्फ अनुराग ठाकुर जी की बात रिकार्ड पर जाएगी।

(Interruptions)* â€!

श्री अनुयाग सिंह ठाकुर : माननीय उपाध्यक्ष जी, आपने अपनी रूनिंग दी है, लेकिन जैसा आपने देखा कि हाउस में सभी सदस्यों ने, भारतीय जनता पार्टी की ओर से या बाकी दलों के सदस्यों ने, सभी ने इस बात का विरोध किया कि माननीय मंत्री जी ने जिस तरह से अमेंडमेंट मूव किया है, उसको किसी ने भी अपना मत नहीं दिया और यही कहने के लिए हमने पहले भी बात कही थी कि अगर माननीय मंत्री जी ने सभी दलों को नाराज़ करके इस बिल को लाना था तो ऐसे बिल का क्या लाभ है और ऐसे पीसमील अमेंडमेंट्स का क्या लाभ है जिससे न बैंकिंग सैक्टर को लाभ होने वाला है और न ही सदन के बाकी दल आप और मुझसे सहमत रहेंगे। अगर आप अभी भी देखेंगे तो अधिकतर दल इसका विरोध कर रहे हैं। आपने अपनी रूनिंग दे दी, लेकिन माननीय मंत्री जी ने जो बात कही कि उन्होंने जो अमेंडमेंट्स इंट्रोड्यूस किए हैं, उसको विदज़ा करने के लिए वे तैयार हैं, लेकिन अगर हाउस ही ऑर्डर में नहीं होगा ...(व्यवधान)

उपाध्यक्ष महोदय : अनुयाग ठाकुर जी के अलावा किसी की बात रिकार्ड में नहीं जा रही है।

(Interruptions) Æ!*

श्री अनुयाग सिंह ठाकुर : उपाध्यक्ष जी, न मैं कुछ सुन पा रहा हूँ, न मैं इससे ज्यादा ज़ोर से बोल सकता हूँ। ...(व्यवधान) यह बहुत महत्वपूर्ण बिल है। पीसमील अमेंडमेंट्स लाने के बजाय अगर मॉडर्न बैंकिंग लॉ लाते तो शायद सदन के सभी सदस्य इससे सहमत होते। ...(व्यवधान)

आदरणीय उपाध्यक्ष महोदय, न आप मेरी बात सुन सकते हैं ...(व्यवधान) क्या आप मेरी बात सुन सकते हैं?...(व्यवधान)

MR. DEPUTY-SPEAKER: The House stands adjourned to meet again at 2.45 p.m.

14.22 hrs

The Lok Sabha then adjourned till Forty-Five Minutes past

Fourteen of the Clock.

14.45 hrs

The Lok Sabha re-assembled at Forty-Five Minutes past Fourteen of the Clock.

(Shrimati Sumitra Mahajan in the Chair)

BANKING LAWS (AMENDMENT) BILL, 2011--contd.

सभापति महोदय: अनुयाग जी, आप बोलिए। आप एक मिनट बात को समझ लीजिए।

Æ!(व्यवधान)

14.45½hrs

At this stage, Shri M.B. Rajesh, Shri C. Sivasami and some other hon. Members came and stood on the floor near the Table.

...(Interruptions)

सभापति महोदय: उन्होंने अमेंडमेंट को विदज़ा कर लिया है, बिल कैसे विदज़ा करें?

Æ!(व्यवधान)

श्री अनुयाग सिंह ठाकुर : आदरणीय सभापति महोदय, आपने मुझे बहुत महत्वपूर्ण विषय पर अपनी बात रखने का मौका दिया है, इसके लिए मैं आपको धन्यवाद देता हूँ। बैंकिंग लॉ अमेंडमेंट बिल, यह पहली बार नहीं आया है। सन् 2005 में भी बैंकिंग लॉस अमेंडमेंट बिल को पेश किया गया, लेकिन 14वीं लोक सभा के खत्म हो जाने के कारण ये बैंकिंग बिल बीच में ही पड़ा रहा। सन् 2011 में तत्कालीन वित्त मंत्री, आदरणीय प्रणब मुखर्जी जी एक बार फिर लोक सभा में बैंकिंग लॉस अमेंडमेंट बिल लेकर आए, जिसको स्टैंडिंग कमेटी को रेफर कर दिया गया। स्टैंडिंग कमेटी ने इसमें अपने बहुत महत्वपूर्ण सुझाव देते हुए वापस भेजा है। लेकिन मुझे खेद इस बात का है कि माननीय वित्त मंत्री जी ने इस बिल को लाने से पहले कुछ अमेंडमेंट्स साथ में मूव कर दीं। उनकी वजह से, आज इस सदन के अधिकतर दल उन अमेंडमेंट्स के खिलाफ थे। ...(व्यवधान) फारवर्ड कॉन्ट्रिब्यूट की जो बात 3-ए के अंतर्गत कही गई, वह न भारतीय जनता पार्टी को मंजूर थी और न ही बाकी दलों को मंजूर थी। हम लोग उसका लगातार विरोध करते रहे। ...(व्यवधान) आज माननीय मंत्री जी ने सदन में आकर अफसोस किया है कि जो अमेंडमेंट्स उन्होंने मूव की थीं, उन अमेंडमेंट्स को ये विदज़ा कर रहे हैं। ...(व्यवधान)

सभापति महोदय, मैं आपके माध्यम से पूछना चाहता हूँ कि जो सुझाव हमारी स्टैंडिंग कमेटी ने माननीय यशवंत सिन्हा जी की अध्यक्षता में भेजे थे, उनमें से अधिकतर सुझाव माने गए हैं। ...(व्यवधान) आज ये जो अमेंडमेंट्स हैं, ये कोई कॉर्पोरेटिव माडर्न बैंकिंग लॉ नहीं है। ...(व्यवधान) आज देश को ये अमेंडमेंट नहीं चाहिए, देश कॉर्पोरेटिव माडर्न बैंकिंग लॉ का इंतज़ार कर रहा है। ...(व्यवधान) अगर हम कम्पनीस लॉ बिल को एवं अन्य बिलों को ला रहे हैं तो देश के हित में यह होगा कि माडर्न बैंकिंग बिल लाया जाए, तब देश को लाभ मिलेगा। ...(व्यवधान)

मैंडम, मैं आपके माध्यम से सदन में कहना चाहता हूँ कि बैंकिंग की जहां तक बात है, बैंकिंग कोई आज की बात नहीं है। ... (व्यवधान) अगर हम प्राचीन समय की बात करें तो इतिहास गवाह है। ... (व्यवधान) हमारे वेदों में भी लिखा हुआ है कि शूद्रों का काम पैसा कर्ज पर देने का होता था। ये आज कोई नयी बात नहीं हुई है। ... (व्यवधान) कई बार यह देखने को मिलता है, आम आदमी को लगता है। ... (व्यवधान)

सभापति महोदय: कृपया आप एक बात समझ लें, आपने अपनी बात भी रखी थी, प्वाइंट ऑफ आर्डर भी रखा था, अध्यक्ष महोदय ने भी अपनी बात बता दी है, आपने यह भी कहा, मंत्री जी ने वह प्लॉज वापस भी ले लिया है, ये सब बातें हो गई हैं। यह बिल महत्वपूर्ण है।

â€¦! (व्यवधान)

सभापति महोदय: आपको इस बिल को हल्ले में ही पास करना हो तो हमें इसे हल्ले में पास करना पड़ेगा। आपकी बात मान ली गई है। This will not do.

â€¦! (व्यवधान)

श्री अनुग्रह सिंह ठाकुर : मैंडम, आम आदमी को यह लगता है कि शायद अंग्रेज भारत में आये, तभी बैंकिंग देश में आया, लेकिन ऐसा नहीं है। ... (व्यवधान) जैसे मैंने वेदों का उदाहरण देकर कहा, मनु स्मृति में भी स्पष्ट शब्दों में कहा गया है कि किस तरह से उस समय शूद्र कर्जा देने के लिए भी आगे आया करते थे, ... (व्यवधान) उनका जिम्मा होता था, लेकिन जब सोशल बैंकिंग का नाम कहीं न कहीं जुड़ता है तो मैं यह कहना चाहता हूँ कि सोशल बैंकिंग कहने की आवश्यकता नहीं है। ... (व्यवधान) बैंकिंग का उद्देश्य ही सोशल कार्य करना है, सामाजिक कार्य करना है, ... (व्यवधान) लेकिन शायद हमने बैंकों को केवल इन्वैस्टमेंट तक सीमित कर दिया है। ... (व्यवधान) यह बिल बहुत महत्वपूर्ण है, यह केवल बैंकों के मर्जर के लिए ही महत्वपूर्ण नहीं है। आज भी देश में लगभग 75 हजार ऐसी बस्तियां हैं, ... (व्यवधान) जो दो हजार से ज्यादा जनसंख्या वाली हैं, लेकिन उन गांवों में बैंकों की ब्रांचें नहीं खुली हैं। ... (व्यवधान) सरकार कैश ट्रांसफर की बात करती है, उसका लाभ लेने की बात तो करती है, ... (व्यवधान) लेकिन क्या आज गांवों में बैंक ब्रांच खुली हैं, क्या सरकार उस दिशा में कोई काम कर पाई है? ... (व्यवधान) आज भी अगर आप देखें तो पूरी दुनिया में 51 प्रतिशत लोगों के बैंक खाते हैं ... (व्यवधान) और विकासशील देशों में देखें तो 41 प्रतिशत लोगों के बैंक खाते हैं, लेकिन अगर भारत को देखा जाये तो एक रिपोर्ट के मुताबिक केवल 35 प्रतिशत लोगों के बैंक खाते हैं। ... (व्यवधान) इन सारे आंकड़ों से यह पता चलता है कि इनमें से अधिकतर बैंकिंग खाते शहरों या छोटे शहरों तक सीमित हैं। ... (व्यवधान) ग्रामीण भारत में अभी तक 10 से 20 परसेंट से ज्यादा बैंकिंग खाते नहीं हैं तो क्या हम बैंकों के मर्जर की जो बात कर रहे हैं, ... (व्यवधान) इससे आम आदमी को लाभ होगा या नुकसान होने वाला है? ... (व्यवधान) अगर एक बड़ा बैंक छोटे बैंक को खरीदता है या डूबते हुए बैंक को खरीदता है। ... (व्यवधान) और दूसरे बैंक की शाखा उससे लगभग दो किलोमीटर दूर है तो क्या वे दोनों ब्रांचें चलेगी या एक ब्रांच को बन्द करके उसके कर्मचारी दूसरी ब्रांच में काम करेंगे। ... (व्यवधान) यह बहुत महत्वपूर्ण है, इसे जानने की आवश्यकता है। ... (व्यवधान) आखिर इसमें ऐसे क्या-क्या पाइंट्स हैं? मैं चाहूंगा कि एक-एक पाइंट पर विस्तार से चर्चा की जाये, ... (व्यवधान) लेकिन दुर्भाग्य यह है कि शायद न आप मेरी बात सुन पा रही हैं, न मंत्री जी मेरी बात सुन पा रहे होंगे और मुझे भी जितनी जोर-जोर से बोलना पड़ रहा है, ... (व्यवधान) मैंडम, इसके लिए हाउस को ऑर्डर में लाना होगा, नहीं तो मैं अपनी बात नहीं कह पाऊंगा। ... (व्यवधान) इस पर मुझे बहुत ज्यादा बातें करनी हैं। इसमें बहुत सारे विषय हैं। ... (व्यवधान) मुझे यह भी सुनाई नहीं दे रहा कि आप क्या कह रही हैं। ... (व्यवधान)

सभापति महोदय : आपने अगर अपनी बात पूरी कर ली हो तो मैं बिल पास करवा लूँ।

श्री अनुग्रह सिंह ठाकुर : मेरी बात अभी कम से कम 40 मिनट में पूरी होगी। अभी मेरी बात पूरी नहीं हुई। ... (व्यवधान) अगर बैंकिंग के ऊपर हम बात कर रहे हैं तो सबसे महत्वपूर्ण बात है, जो वोटिंग राइट अब बढ़ाये गये हैं। ... (व्यवधान) वोटिंग का अधिकार क्यों बढ़ाया गया, इसकी आवश्यकता क्यों पड़ी, इसमें स्पष्ट शब्दों में लिखा हुआ है, It says:

"The Bill proposes that the voting rights of the shareholders of private sector banks be made proportionate to their shareholding rights. It has been felt that this would help the private bank to access capital for the development of the banking business. "

इसलिए मैं आपसे कहना चाहता हूँ कि बैंकिंग में जो अधिकार शेयर होल्डर्स के वोटिंग राइट का था, ... (व्यवधान) वह 10 परसेंट से बढ़ाकर 26 परसेंट किया गया है। पहले जब यह 10 प्रतिशत हुआ करता था तो 10 प्रतिशत की वजह से जो शेयर होल्डर्स थे, ... (व्यवधान) वे सब्सिडियरीज़ बनाते थे और अपना 50 परसेंट का अधिकार करते थे, ... (व्यवधान) अपने शेयर्स जो थे, वोटिंग राइट 50 परसेंट का करते थे, लेकिन अब केवल 26 परसेंट किया है। ... (व्यवधान) इससे कोई बड़ा अन्तर नहीं पड़ने वाला, लेकिन इतना अन्तर जरूर पड़ेगा कि यह वीटो करने के काम आएगा। ... (व्यवधान) यह 26 परसेंट होने के बाद कहीं न कहीं मुझे लगता है कि अपनी बात रखने का उन शेयर होल्डर्स को मौका मिलेगा, ... (व्यवधान) उन लोगों को, जिन्होंने बैंकिंग में पैसा लगा रखा है, इसलिए बहुत महत्वपूर्ण है कि कहीं न कहीं यह 10 परसेंट से बढ़ाकर जो 26 परसेंट किया गया है, ... (व्यवधान) for the time being इसका बहुत लाभ मिल सकता है, इसलिए इसको 26 परसेंट करना चाहिए और आने वाले समय में देखना चाहिए कि किस तरह हमें आने और क्या निर्णय लेना है। ... (व्यवधान)

14.54 hrs

At this stage, Shri Kalyan Banerjee and some other hon. Members came

and stood on the floor near the Table.

श्री अनुग्रह सिंह ठाकुर : एक और जो बहुत महत्वपूर्ण विषय है कि कम्पटीशन कमीशन ऑफ इंडिया के परव्यू से इस बात को बाहर निकाल दिया गया है। ... (व्यवधान) जो बैंकिंग का मर्जर है, उस मर्जर को कम्पटीशन कमीशन ऑफ इंडिया के परव्यू से निकाल कर आर.बी.आई. को एंथॉरिटी बना दिया जाये। ... (व्यवधान) मैंडम, मैं इसमें यह बात कहना चाहता हूँ कि कम्पटीशन कमीशन ऑफ इंडिया का आखिर काम क्या है? My next point is related to the exemption from the purview of the Competition Commission of India. The Competition Act, 2002 mandates the Competition Commission of India to scrutinise and regulate

acquisition/merger/amalgamation/absorption of companies including banking companies. However, Section 2 of the Bill under discussion today seeks to exempt all banks whether the private or nationalise or Gramin or Cooperative from all such scrutiny or control by or regulation or supervision of the Competition Commission instead of merger/acquisition and amalgamation.

Madam, what does the Government wish to accomplish here? आखिर कम्पटीशन कमीशन ऑफ इंडिया के प्रिव्यू से क्यों निकाला जा रहा है? ...*(व्यवधान)* आरबीआई जिसकी बात हो रही है, मैं यह कहना चाहता हूँ, ...*(व्यवधान)* आरबीआई को यह अधिकार दिया गया है। आखिर कम्पटीशन कमीशन ऑफ इंडिया के पास तो शायद आम आदमी चला भी जाये, लेकिन क्या आरबीआई के पास आम आदमी जाकर अपनी बात रख सकता है? ...*(व्यवधान)* इस सदन में पिछले पांच वर्षों से मैं अपनी बात रख रहा हूँ, लेकिन बैंक की नयी ब्रांच नहीं खुलती है। ...*(व्यवधान)* जो बैंक से हम लोन लेते हैं, कर्ज जिस दर पर मिलता है, सरकार ने दस बार कह दिया होगा, लेकिन आरबीआई आज भी उसकी ब्याज दर कम करने के लिए राजी नहीं है। ...*(व्यवधान)* यह बहुत महत्वपूर्ण है। ...*(व्यवधान)* आरबीआई को हम अधिकार तो दे रहे हैं, लेकिन आरबीआई इसमें करने क्या वाला है? ...*(व्यवधान)* इसको सिर्फ कुछ समय तक देना चाहिए, ताकि कुछ समय के बाद यह चर्चा जरूर की जाये कि क्या कम्पटीशन कमीशन ऑफ इंडिया और आरबीआई इसे ज्वाइंटली देखे, ताकि ऐसा न हो कि मर्जर्स के नाम पर हमारे देश के बैंक जो एक विस्तार कर रहे थे, वे शायद उतना नहीं कर पायेंगे। ...*(व्यवधान)* डिपॉजिटर एजुकेशन एंड अवेयरनेस फंड की बात यहां पर कही गयी। ...*(व्यवधान)* इसमें सबसे महत्वपूर्ण बात यह है ...*(व्यवधान)* Now, I come to Depositors' Education and Awareness Fund.

The Bill proposes to establish Depositors' Education and Awareness Fund. The Fund will take over the depositors' accounts, which have not been claimed or operated for a period of 10 years or more. मैडम, केवल दस वर्षों की यहां बात कही गयी है। ...*(व्यवधान)* मैं बताना चाहता हूँ कि वर्ष 2005 में यह अमेंडमेंट लायी गयी थी ...*(व्यवधान)* इसको नोटीफाई बिल में किया गया था ...*(व्यवधान)* लेकिन आज अगर आप देखें ...*(व्यवधान)* आरटीआई के माध्यम से जानकारी मिली है कि एक करोड़ लोगों का पैसा पूरे देश भर में ...*(व्यवधान)* जिसमें दो हजार चार सौ इक्यासी करोड़ रूपए पड़े हैं। ...*(व्यवधान)* मैडम, यह कोई छोटी एमाउंट नहीं है। ...*(व्यवधान)*

सभापति महोदया : प्लीज कांक्ल्यूड करें।

â€¦*(व्यवधान)*

श्री अनुग्रह सिंह ठाकुर : मैडम, नो योर कस्टमर, के.वाई.सी. नॉर्मर्स की बात कही है, क्या उसको हम लागू कर पा रहे हैं? ...*(व्यवधान)* अगर उसको हम लागू नहीं कर पा रहे हैं, तो मैं आपसे पूछना चाहता हूँ कि ...*(व्यवधान)* 482 करोड़ रूपए बैंकों में पड़ा है, क्या वह आम आदमी को कभी मिलेगा? माननीय वित्त मंत्री जी यह बतायेंगे कि वह पैसा लोगों को क्यों नहीं मिल रहा है? ...*(व्यवधान)* मैडम, इस पर मैं कुछ सुझाव देना चाहता हूँ। ...*(व्यवधान)* आखिर किन बैंकों के पास यह पैसा पड़ा हुआ है, केनरा बैंक के पास चार सौ करोड़ रूपए, यूनियन बैंक ऑफ इंडिया के पास तीन सौ छः करोड़ रूपए, पंजाब नेशनल बैंक के पास दो सौ सत्तर करोड़ रूपए, फॉरेन बैंक्स के पास चालीस करोड़ रूपए, प्रूडवेट बैंक्स के पास ...*(व्यवधान)*

MADAM CHAIRMAN: The House is not in order. The House stands adjourned to meet again at 3.15 p.m.

15.59 hrs

The Lok Sabha then adjourned till

Fifteen Minutes past Fifteen of the Clock.

MADAM CHAIRMAN: Please let the discussion start.

...*(Interruptions)*

SHRI GURUDAS DASGUPTA : Madam, please listen to me. I have to make a suggestion to the Government.

I am suggesting to the Government that the discussion on the Banking Bill may kindly be postponed for some time. Let them discuss with some of us, those who have serious misgivings, and I assure them that after the discussion, whatever may be the result, we will express our views and if necessary, we shall call for a division, but everything will be in the way everybody likes.

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Madam, the hon. Member has requested that he needs to discuss this, he wants to clarify certain things and he wants to hear our views. He has also assured, and I appreciate him assuring on the floor of the House, that the Bill will be taken up after some time.

Madam, it will be passed today because we would like to take this Bill to Rajya Sabha. ...(*Interruptions*)

MADAM CHAIRMAN: All of you should not shout.

SHRI KAMAL NATH: Madam, if this is an agreement, if we can agree on this and this is an understanding, then Government has no objection on this. We can take up the next item, the Constitution (Amendment) Bill.

Prior to that, the Leader of the House, if you permit, may be allowed to make a statement.

MADAM CHAIRMAN: Yes.

16.30 hrs.

BANKING LAWS (AMENDMENT) BILL,2011--Contd.

MR. CHAIRMAN : Now, we go back to Item No. 28. I would request Shri Anuragh Singh Thakur to continue his speech.

...(*Interruptions*)

MR. CHAIRMAN: Let the House be in order.

...(*Interruptions*)

MR. CHAIRMAN: Hon. Members, please take your seats. Those who want to leave the House they can leave, and I would request the other Members to be seated.

...(*Interruptions*)

श्री अनुयाग सिंह ठाकुर (हमीरपुर, हि.प्र.): धन्यवाद सभापति महोदय, एक बहुत ही महत्वपूर्ण विषय पर मैं बोलना चाहता हूँ। ...(व्यवधान)

MR. CHAIRMAN: Shri Anuragh Singh Thakur, you can start your speech now.

...(*Interruptions*)

MR. CHAIRMAN: Please maintain silence.

...(व्यवधान)

श्री अनुयाग सिंह ठाकुर : सभापति महोदय, आपने मुझे एक बहुत ही महत्वपूर्ण विषय पर बोलने की इजाजत दी है और जिस तरह से मैंने शुरुआत में कहा कि बैंकिंग केवल इंवेस्टमेंट के लिए महत्वपूर्ण नहीं है। बैंकिंग से आम आदमी के जीवन पर बहुत फर्क पड़ता है। जब कई लोग सोशल बैंकिंग का नाम लेते हैं तो मेरा अपना मानना यह है कि बैंकिंग का परपस ही सोशल है और अगर समाज को उसका लाभ मिलता है ...(व्यवधान)

MR. CHAIRMAN: Please maintain silence.

...(व्यवधान)

श्री अनुयाग सिंह ठाकुर : सर, बैंकिंग केवल इंवेस्टमेंट के लिए ही महत्वपूर्ण नहीं है बल्कि बैंकिंग सोशल सेक्टर के लिए भी महत्वपूर्ण है। इस लॉ की वजह से जहां हम एक ओर उम्मीद करते हैं कि बैंकिंग के क्षेत्र में सुधार आएं लेकिन पिसमिल अमेंडमेंट लाने से शायद कुछ नहीं होगा। स्टैंडिंग कमेटी जो माननीय यशवंत सिन्हा जी की अध्यक्षता में बनी है उन्होंने भी अपनी रिपोर्ट में स्पष्ट शब्दों में कहा है कि बारबार पिसमिल अमेंडमेंट लाने से बैंकिंग सेक्टर का सुधार नहीं होगा। हम कंपनी बिल पर चर्चा करेंगे और बाकियों पर भी चर्चा करेंगे। लैंड ऐक्वीजिशन बिल भी इस सदन में आ रहा है लेकिन हमारा और स्टैंडिंग कमेटी का एक ही सुझाव था कि पिसमिल अमेंडमेंट्स न लायी जाए। मॉडर्न बैंकिंग लॉ लाई जाए ताकि उससे पूरे सेक्टर को इसका लाभ मिल सके। मैं इसके कुछ महत्वपूर्ण विषयों पर अपनी बात रखूंगा और आशा करता हूँ कि जिस तरह से मंत्री महोदय ने अपनी ओर से जो अमेंडमेंट मूव की थी, वह उन्होंने विद्वां कर ली है जिसके खिलाफ पूरा सदन था। लगभग हर पार्टी के लोग फारवर्ड कॉन्ट्रैक्ट के उस विषय के खिलाफ थे ताकि उसको इसमें सम्मिलित न किया जाए। मंत्री महोदय ने उसको विद्वां किया है जिसका

में स्वागत करता हूँ। इसके साथ-साथ मेरा यह भी कहना है कि जो डिपॉजिटर एजुकेशन एंड अवेयरनेस फंड, एक पार्ट इसमें कहा गया है कि :

"The Bill proposes to establish Depositors' Education and Awareness Fund. The Fund will take over the depositors' accounts, which have not been claimed or operated for a period of 10 years or more. "

एक आरबीआई के माध्यम से पता चला है, कि उसमें एक करोड़ बैंक खाते ऐसे हैं जिनमें लगभग 2481 करोड़ रुपया जमा है और यह केवल उन खातों की बात की गई है जो 10 वर्ष तक ऑपरेट नहीं किए गए लेकिन बहुत सारे ऐसे खाते होंगे जो 10 वर्ष से कम ऑपरेट किए गए हैं। इसका मतलब है कि कई हजार करोड़ रुपये बैंकों के पास ऐसे पड़े हैं जो उन बैंक एकाउंट धारकों का है लेकिन उन तक पहुंचाया नहीं गया। इनमें नेशनलाइज्ड बैंक ज्यादा हैं जिनके पास यह पैसा ज्यादा है। केनरा बैंक के पास 400 करोड़ रुपये, यूनियन बैंक ऑफ इंडिया के पास 306 करोड़ रुपये, पंजाब नेशनल बैंक के पास लगभग 270 करोड़ रुपये और विदेशी बैंकों, स्टैंडर्ड चार्टर्ड बैंक के पास लगभग 40 करोड़ रुपये पड़े हैं। मुझे एक बात की हैरानी होती है कि वर्ष 2002 में हमने बात की और 2005 में कमेटी ने इसे नोटिफाई भी कर दिया, यहां इसमें नोटिफिकेशन हो गई और कह दिया कि 'Know Your Customers', हमने KYC Norms की बात कही। क्या बैंक उन्हें लागू कर रहे हैं? अगर लागू कर रहे हैं तो आज सात वर्षों के बाद भी बैंकों के पास एक करोड़ खाते ऐसे हैं जिनके 2,481 करोड़ रुपये देने हैं। अगर देना है तो इसका मतलब बैंक गंभीर नहीं है कि कस्टमर्स को उनका पैसा वापिस मिले। मैं माननीय मंत्री जी से जानना चाहता हूँ और आशा करता हूँ कि वे अपने उतर में इसका जवाब देंगे कि क्या KYC Norms केवल बनाने के लिए बनाई गई थी कि कस्टमर्स को कभी उनका पैसा वापिस मिल पाएगा? अगर मिल पाएगा तो उसके लिए क्या कानून, गाइडलाइन्स हैं, उस पर मैं जानकारी चाहता हूँ।

मैं अपनी ओर से कुछ सुझाव देना चाहूंगा। बैंक्स को उन एकाउंट्स का लगातार रिव्यू करना चाहिए जो खाते ऑपरेट नहीं किए जा रहे हैं। कम से कम उन लोगों तक पहुंचने के लिए लिखित रूप में इन्फॉर्म भी करना चाहिए ताकि यदि किसी का फिक्स डिपॉजिट या कोई ऐसा एकाउंट है जिसकी जानकारी शायद उस एकाउंट धारक के पास नहीं है, तो उसे जानकारी मिल सके। कई बार ऐसा होता है कि कस्टमर अपना घर, कारखाना, दुकान शिफ्ट करता है तो एड्रेस सेम नहीं रहता। उसकी वजह से भी बहुत सारे एकाउंट ऑपरेट नहीं हो पाते। कई बार आपके लैटर्स डिलीवर नहीं होते तब भी जानकारी नहीं पहुंच पाती। इसलिए मैं सुझाव देना चाहता हूँ कि जो लोग एकाउंट खुलवाते समय इंट्रोड्यूस करते हैं, बैंक उन तक पहुंचे ताकि जिन लोगों का एकाउंट है, उनके माध्यम से उनका पैसा पहुंच सके। क्या आप आरबीआई या डायरेक्टरी बैंकों को बोलकर गाइडलाइन्स ईशू करेंगे ताकि जिन कस्टमर्स का पैसा पड़ा है, वह उन तक पहुंचे? केवल यह कहने से कि आप एक Depositors' Education and Awareness Fund बनाएं, उससे काम नहीं चलने वाला है। हमारी इच्छा होनी चाहिए और मेरी मांग भी है, मैं जनता का प्रतिनिधि होने के नाते कहना चाहूंगा कि जिन लोगों का पैसा बैंकों में पड़ा है, वह बैंक का नहीं है, लोगों का पैसा है। वह उन तक पहुंचे, उनके लिए हमें प्रयास करना चाहिए। उसके लिए यह भी करना चाहिए कि केवल बैंकों के पास जाकर डिपॉजिट जमा न हो जाए। हमें कहना चाहिए कि यह पैसा उन्हीं लोगों का है जिनका बैंक एकाउंट है। वह पैसा चाहे बैंक के पास पड़ा रहे। जब वे एक महीने के अंदर अर्जी दें तो उन डिपॉजिटर्स के पास यह पैसा वापिस जाए, ऐसा प्रावधान इसमें करना चाहिए। आप विशेष तौर पर नेशनलाइज्ड, प्राइवेट बैंकों को लिखित रूप में कहें कि जल्द से जल्द केवाईसी नॉर्म्स लागू किए जाएं और मैंने जो सुझाव दिए हैं, उनके माध्यम से भी लोगों तक पैसा पहुंचे।

आपने Uniform Authorised Capital के बारे में कहा कि तीन हजार करोड़ रुपये तक की कैप को नहीं मानना चाहिए, खत्म करना चाहिए। आपने 51 प्रतिशत शेयर केपिटल को भी कम करने की बात कही है। आपने कहा कि हम बैंकों को अंतर्राष्ट्रीय स्तर पर कम्पीट करने के लिए तैयार कर रहे हैं। हम अंतर्राष्ट्रीय स्तर पर बैंकों को कम्पीटिशन में लाने की बात कर रहे हैं लेकिन अपने देश में हजारों लोग ऐसे हैं जिनके बैंक खाते आज तक नहीं खुले हैं। क्या बैंक अपने नेटवर्क को बढ़ाने की बात कर रहे हैं या समेटने की बात कर रहे हैं? आप एक ओर सरकार का शेयर परसेंटेज कम करने की बात कर रहे हैं, यूनीफार्म केपिटल को कम करने की बात कर रहे हैं, आप कहते हैं कि नेशनलाइज्ड बैंकों में यूनीफार्म अथोरिज्ड केपिटल को तीन हजार करोड़ से कम कर दिया जाए। आपने एक और बहुत महत्वपूर्ण बात कही कि इसे आरबीआई की देखरेख में किया जाएगा। आरबीआई ने आज तक यह बताया नहीं कि कितने बैंड डेड्स ऐसे थे जिनको वेब-ऑफ किया गया? क्या सरकार के कहने पर आरबीआई इंस्ट्रुमेंट्स कम करती है? मुझे लगता है कि सरकार पिछले तीन वर्षों से कह रही होगी कि आप इंस्ट्रुमेंट को कम कीजिए, लेकिन आरबीआई उसे सुनने के लिए तैयार नहीं है। दूसरी ओर आप कहते हैं कि कंप्टीशन कमीशन ऑफ इंडिया के परव्यू से निकाल दें और आरबीआई के परव्यू में लें जाएं। आरबीआई के पास पहले से इतना काम है, क्या कंप्टीशन कमीशन ऑफ इंडिया के परव्यू से निकालकर आरबीआई के परव्यू में लाने से ही काम चलने वाला है? अस्थायी रूप से आप ऐसा कर सकते हैं, लेकिन लांग रन में ऐसा करना न बैंकों के लिए अच्छा है, न देश के लिए अच्छा है। आप रेगुलेटरी अथारिटीज की बात करते हैं, मैं उस काफ़ी लंबा बोलना चाहता हूँ, न केवल बैंकिंग सेक्टर के रेगुलेटर, बल्कि अन्य रेगुलेटर्स की भी बात करना चाहता हूँ, लेकिन समय की कमी है। मैं अंत में इतना अवश्य कहूंगा कि बैंकिंग सेक्टर में रिफार्म्स जरूरी हैं, लेकिन पीसमिल अमेंडमेंट्स से काम चलने वाला नहीं है। आज बैंकिंग सेक्टर में इंटरनेशनल कंप्टीशन की बात करते हैं, अंतर्राष्ट्रीय बैंक्स हमारे देश में आए, लेकिन केवल शहरो तक सीमित होकर रह गए। कितने इंटरनेशनल बैंक्स की ब्रांच गांवों तक गई? आप कैश ट्रंसफर की बात करते हैं, लेकिन स्थायी समिति की रिपोर्ट में पहले भी कहा गया था कि 2000 आबादी वाले कम से कम 74,000 हैंबिटेड्स ऐसे हैं जहां पर आज भी बैंकों की ब्रांच नहीं है। जब आप मर्जर की बात करते हैं, जब दो बैंकों का मर्जर होगा।... (व्यवधान)

MR. CHAIRMAN : Please conclude now.

श्री अनुराग सिंह ठाकुर : एक मिनट समय चाहिए, बहुत महत्वपूर्ण प्वाइंट है।... (व्यवधान)

MR. CHAIRMAN: Please conclude.

Now, Shri Ramasubbu. You made your point.

श्री अनुराग सिंह ठाकुर : अगर एक किलोमीटर के दायरे में, दो किलोमीटर के दायरे में बैंकों का मर्जर होता है।... (व्यवधान)

MR. CHAIRMAN: No, I have already called him. Please conclude in one minute.

श्री अनुराग सिंह ठाकुर : महोदय, अगर दो किलोमीटर के दायरे में बैंकों का मर्जर होगा, तो आप दूसरी ब्रांच को बंद करवा देंगे, उन लोगों को पांच किलोमीटर दूर चलकर जाना पड़ेगा। आप बैंकों का मुनाफा देख रहे हैं, लेकिन आम आदमी को इससे क्या लाभ होगा? उस बैंक के इम्पलाइज कहां जाएंगे? आज बैंकिंग का विस्तार करने की बजाय आप बैंकों को मर्ज करने की बात कर रहे हैं, यह बड़ा दुःखद विषय है। अगर कोई बैंक अच्छा काम नहीं कर रहा है, मैं उसके मर्जर के खिलाफ नहीं हूँ, लेकिन आम उपभोक्ता को इससे क्या लाभ मिलने वाला है? आपने उनके वोटिंग राइट्स दस से 26 प्रतिशत बढ़ाने की बात की है। मैं मानता हूँ कि शेयरधारक

होने के नाते उनको उनका अधिकार मिलना चाहिए, 10 प्रतिशत वोटिंग राइट से वे पहले सब्सिडीज बनाते थे और उसके माध्यम से वोट इकट्ठा करके अपनी बात कहने का प्रयास करते थे। 26 प्रतिशत से उनको पूरा काम चलने वाला नहीं है, लेकिन अब at least, they will be in a position to veto. Otherwise, 26 प्रतिशत से भी कुछ नहीं होने वाला है, लेकिन फॉर दि टाइम बींग, हमें 26 प्रतिशत रखना चाहिए। In the longer run, I think we should look into this area as to what amendments need to be brought in the near future. But, Sir, with this piecemeal amendment, we would not be able to bring in changes in the banking sector. I request the Minister to bring in a modern banking Bill, a comprehensive banking Bill so that the banking sector is benefited.

MR. CHAIRMAN: You made your point.

SHRI ANURAG SINGH THAKUR : Sir, from my Party side, this is my personal recommendation in the end to kindly bring in a modern banking Bill so that this sector should be benefited.

SHRI S.S. RAMASUBBU (TIRUNELVELI): Sir, I thank you for the opportunity to participate in this important Banking Laws (Amendment) Bill of 2011.

Really, it is a historical Bill for the development of the banking sector. Our experienced and able Finance Minister has introduced this Bill in order to strengthen the RBI. Also, the supervising power of the RBI is enhanced due to the amendment of this Bill. After our Madam Indira Ji had nationalized all our commercial banks, now-a-days the banking sector in our country is very strong. Also, almost all the nationalized banks are profitable ones and they are supporting the development of the nation.

Now, we have to face competition from foreign banks. Foreign banks are entering into the market of banking sector in our country. To face this challenge we need more capital resources. We have to arrange more capital resources for strengthening our banking sector. This is very important because during 2008 crisis, almost all the international banks collapsed but our banking sector remained strong. Our economy has been developed in such a way. The UPA Government has protected our banking sector. By way of amending this Bill, the Finance Minister wishes to strengthen our banking sector. At present, we need to strengthen our capital resources. The cap of 10% of voting rights of individual shareholders has been raised to 26%. This will strengthen our banking system and enhance our resources.

Sir, some people in the corporate sector hesitate to bring the money to the banking sector. That is why, shareholders have to be given the voting rights. After these amendments, the corporate sector has to bring the money to strengthen and fortify our banking sector. This is really a welcome measure.

Now, we have to increase our growth rate which, after the crisis, stands at 5.4 per cent. We have to bring this growth rate up to 8 per cent. It is possible only after the fortification and strengthening of our banking and financial system. That is why this Bill has been introduced by our Government.

One amendment has been proposed in respect of the cooperative sector also. Cooperative banks are there all over rural areas. As the agriculture people are supported by this cooperative sector, these cooperative banks have to be regulated, otherwise there would be many problems. So, through this amendment Bill, the cooperative sector should be regulated by the Reserve Bank. Then, permission will be sought from the Reserve Bank to open a cooperative sector bank in every village.

My next point is that we have to face competition from foreign banks. So, our banks should have to be strengthened. I would say that this is a critical juncture. The banking sector should have to be fortified. I want to make only one submission here. The hon. Finance Minister has to see that the employees and officers in our banks work for longer hours. They are working for 15 hours a day. We have to create more employment opportunities in our banks. More and more people have to be accommodated in each and every bank. Their rights have to be protected. Thus, we will be able to strengthen our banking system. So, I welcome this historic Bill on this occasion.

श्री शैलेन्द्र कुमार (कौशाम्बी): माननीय सभापति महोदय, आपने मुझे बैंककारी विधि (संशोधन) विधेयक, 2011 पर बोलने का अवसर दिया, उसके लिए मैं आपका आभारी हूँ। अभी मैं अपने मित्र अनुराग ठाकुर जी को बड़े ध्यान से सुन रहा था। उन्होंने इस बिल पर बोलते हुए बड़े अच्छे सुझाव और विचार व्यक्त किए। मैं उनसे अपने को सम्बद्ध करता हूँ।

जहां तक इस बिल में संशोधन की बात थी, उसे सरकार ने मान लिया और वापस भी ले रही हैं। मैं एक बात कहना चाहूंगा कि यह जो बैंककारी विधि (संशोधन) विधेयक यहां पेश किया गया है, इसके तहत विदेशों से तमाम बैंक यहां आएंगे या हमारे छोटे-छोटे बैंक हैं, उनका मर्जर हो सकेगा। इस बिल के अंदर छोटे-छोटे बैंकों का मर्जर करके बड़े बैंक बना देंगे। उस वक्त हमारे सामने सबसे बड़ी स्थिति यह उत्पन्न होगी कि आज क्षेत्रीय ग्रामीण बैंक, बैंक ऑफ बड़ौदा की छोटी-छोटी शाखाएं हर कस्बे में खुली हुई हैं और सभी किसानों के उनमें खाते भी खुले हुए हैं। ऐसा न हो कि उन छोटे बैंकों को तोड़कर हम एक बड़ा बैंक कहीं स्थापित कर दें और वह बहुत दूर हो जाए और किसानों और मजदूरों को दिक्कत हो। किसानों के, मजदूरों के और मनरेगा के तमाम ऐसे खाते खुले हैं उन्हें दिक्कत न हो। इसलिए देश हित में, किसानों, मजदूरों, नौजवानों के हित में अगर ये बैंक दूर-दूर खुलें और मर्जर की बात आवे तो इस बात का ख्याल रखा जाए। बैंक के बारे में सरकार की योजना है कि 2000 की आबादी पर एक बैंक खोलेंगे और उस मंशा को देखते हुए हम आपसे यही निवेदन करेंगे और सरकार से भी आपके माध्यम से निवेदन करेंगे कि यह बात देश-हित, किसान और नौजवान के हित में हो, ये हमें ध्यान देना होगा। इन्हीं बातों के साथ मैं अपनी बात समाप्त करता हूँ।

डॉ. बलीराम (तालंगंज): सभापति महोदय, आपने मुझे बैंककारी विधि संशोधन विधेयक, 2011 पर बोलने का मौका दिया है और अभी विस्तार से भाई अनुराग ठाकुर ने बड़े विस्तार से अपना विचार रखा है। आज सरकार की मंशा रही है कि 2000 की आबादी वाले सभी गांवों में बैंक खोलेंगे, जिससे वहां के किसानों और वहां के रहने वाले लोगों को लाभ मिल सके। अभी इस संबंध में जो विदेशी बैंकों को लाने की बात कही गयी है और उस पर माननीय वित्त मंत्री जी ने उसे वापिस भी लिया है, लेकिन हम कहना चाहेंगे कि आज इस बात को भी गंभीरता से ध्यान में रखने की जरूरत है कि जब दूर-दूर ये बैंक रहेंगे तो वहां को लोगों को काफी दिक्कतें होंगी। अभी मैं एक हफ्ते की घटना का जिक्र कर रहा हूँ कि हमारे संसदीय क्षेत्र के अंतर्गत दो चाचा-भतीजे थे, वे बैंक से पैसा निकाल कर ले जा रहे थे और पांच किलोमीटर दूर उनका घर था और उन्हें गोली मारकर उनकी हत्या कर दी गयी। इस तरह की घटनाएं न घट सकें, इसलिए जहां मर्जर का सवाल हो रहा है तो हमारी यह मांग है कि कम से कम 2000 की आबादी पर इस तरह के बैंक खोलें ताकि वहां के किसानों, छात्रों और मजदूरों का उसका फायदा मिल सके और किसी की हत्या न हो, इस पर भी ध्यान देने की जरूरत है।

श्री जगदीश शर्मा (जहानाबाद): सभापति जी, बैंककारी विधि संशोधन विधेयक, 2011 के जो उद्देश्य हैं उसके बारे में विस्तार से चर्चा नहीं करना चाहता हूँ। हमारे वित्त मंत्री जी बहुत ही अनुभवी व्यक्ति हैं और इन्हें गृह मंत्रालय चलाने का भी बहुत अनुभव है। हमारे जो संशोधन आते हैं और हमारे पहले से जो कानून बने हुए हैं, उसमें जो संशोधन आते हैं उसके कारण क्या हैं? समय-समय पर आम जनता की परिस्थितियां बदलती हैं और उन परिस्थितियों में समय-समय पर हमारे कानूनों, विधेयकों में सुधार करने की आवश्यकता पड़ती है।

महोदय, आज मैं दूसरे विचार और दूसरे दल से संबंध रखता हूँ, लेकिन श्रीमती इंदिरा गांधी जी ने बैंकों का राष्ट्रीयकरण किया था, यह उनका बहुत ही बड़ा क्रांतिकारी काम था। मैं दल की सीमाओं से हट कर यह बात कह रहा हूँ। उनका उद्देश्य था कि जो गरीब लोग हैं, समाज के पिछड़े और वंचित लोग हैं, उनके लिए सरकार की जो कल्याणकारी योजनाएं हैं, उनका लाभ बैंकों के माध्यम से लोगों तक पहुंचे। लेकिन महोदय आज क्या हो रहा है, आप भी सन आफ स्वायल के लीडर हैं, मैं जानता हूँ कि आप भी मिट्टी से उपजे आदमी हैं। हमारे साथ क्या कठिनाई है कि चाहे एमपी किसी भी दल के हों, सारे लोक कल्याण के काम या योजनाएं बैंकों के साथ जुड़ी हुई हैं। मैं एक उदाहरण देना चाहता हूँ। चार दिन पहले सदन में बैंकिंग से संबंधित शिक्षा लोन का प्लान पूरा किया था, जिसके तहत मैं मंत्री जी ने कहा कि शिक्षा लोन सरकार के प्रोड्योरिटी सेक्टर में है और कोई बैंक एजुकेशन लोन देने में किसी के साथ भेदभाव नहीं कर सकता है और यह हमारी स्पेशल गाइडलाइन है। मैं कहना चाहता हूँ कि ये बड़े आदमी हैं, मंत्री हैं, इनके सामने यह समस्या नहीं आती होगी लेकिन जो आम एमपी हैं, बैंक शिक्षा लोन देने में किस तरह की हेरफेर कर रहा है, इसकी तुलना नहीं की जा सकती है। एक कहावत है- जिसके पैर न फटी बिवाई, सो क्या जाने पीर पशयी। मंत्री महोदय, मैं आपकी बहुत इज्जत और सम्मान करता हूँ, लेकिन जब एजुकेशन लोन की दरखास्त जाती है तो बैंक क्या कहता है, वह मैं आपको बताना चाहता हूँ। मैं बिहार के जहानाबाद जिले से आता हूँ। बैंक कहता है कि आपके पिता जी ने लोन लिया था, वह डिफाल्टर हैं। एजुकेशन लोन में अगर दस हजार रुपये का कर्ज कृषि के लिए लिया, तो बैंक कहता है कि आपके पिता जी डिफाल्टर हैं, आपको लोन नहीं देंगे। दूसरा क्या कहता है कि आपके नंबर मैट्रिक में या आईएसी में कम नंबर आए हैं, हम को इसकी गणना करने का आदेश रिज़र्व बैंक ने दिया है। तीसरा, आप को हम लोन नहीं दे सकते हैं, क्योंकि हमारे बैंक का लक्ष्य साल में तीन लोन ही देने का था, इसलिए चौथा लोन हम नहीं देंगे। बैंक यह कहता है। मैंनेजर आरएम के पास स्वीकृत के लिए भेजता है। मैं मंत्री जी आरोप नहीं लगाता हूँ, चूंकि सही बात और सच्चाई आपके सामने नहीं आती है, जब तक दस परसेंट आरएम आफिस में वह लड़का तय नहीं करेगा, तब तक उसका लोन स्वीकृत नहीं होगा। बैंक को एजुकेशन लोन के लिए फार्म देना होता है। जब बैंक में लड़का फार्म लेने के लिए जाता है, वह बैंगलोर में पढ़ रहा है और छुट्टी लेकर आता है। उससे बैंक कहता है कि आप दस दिन रुको, हमारे पास फार्म की कमी हो गयी है। जब वह बैंक को मांगी हुई रकम घूस के रूप में दे देगा तो तुरन्त फार्म उसको मुहैया हो जाएगा। यह सारी चीज़ हम रोज़ फेस करते हैं। लड़के जो कि महाराष्ट्र में इंजीनियरिंग की पढ़ाई पढ़ रहा है, वह वहां से बार-बार आकर अपना फार्म ठीक करवाए, यह मैं आरोप नहीं लगा रहा हूँ, यह हम लोग रोज़ फेस कर रहे हैं।

17.00hrs

हम हर रोज, हर दिन इसे फेस करते हैं लेकिन आप इसे सुनने के लिए तैयार नहीं हैं, जानने के लिए तैयार नहीं हैं। आपने पत्र के वरिष्ठ के जवाब में क्या कहा, कहा कि आप हमें पत्र लिखिए, जहां गड़बड़ी हो रही है वहां हम सुधार करेंगे। मैं पत्र लिखने का हथू जानता हूँ। मैं उदाहरण दे सकता हूँ। वे पहले वित्त मंत्री थे अब महामहिम राष्ट्रपति हो गए हैं। स्पेसिफिक पीएनबी बैंक, जहानाबाद, मुर्गांव ने कृषि और शिक्षा लोन में ढाई करोड़ रुपए का फेक लोन किसानों के नाम पर दे दिया। मैंने मंत्री जी के नाम से अपने लैटरहेड पर पत्र दिया था जो मंत्री जी ने जांच के लिए भेजा था।

MR. CHAIRMAN : Hon. Member, kindly wind up. You have made your point.

श्री जगदीश शर्मा : महोदय, इनके पत्र का जो हश्र हो रहा है, मैं वह बता रहा हूँ। साढ़े तीन साल गुजरने वाले हैं, आप जानते हैं अब बैंक क्या कहता है, वह कहता है कि कृषि ऋण माफ हो गया, हमारा तो फेक लोन था, सध गया, अब कौन जवाबदेह है। यानी आपने कृषि ऋण में माफी दी और फेक लोन हुआ। मैं स्पेसिफिक बैंक का नाम बता रहा हूँ, बिहार के जहानाबाद जिले, मुरगांव का पीएनबी बैंक। मेरे पास पत्र है, साढ़े तीन साल गुजर गए हैं और आज तक जांच नहीं हुई है। जहां विद्दी देंगे, यही हाल होगा। मेरा आपके माध्यम से शिक्षा लोन के संबंध में निवेदन है कि एक स्पष्ट गाईडलाइन भेजिए कि प्रोफेशनल, टेक्नीकल इंस्टीट्यूट या मेडिकल के छात्र एजुकेशन लोन के लिए एप्लाई करते हैं तो बिना किसी गारंटीयर, बैरियर, भेदभाव और डिफाल्टर के लोन दें और उनके आवेदन पत्र का एक महीने के अंदर निस्तार करें। तब मैं समझूंगा कि आपने सदन में जो जवाब दिया उसके प्रति जवाबदेह हैं और सरकार हिन्दुस्तान के नागरिक, छात्र और नौजवान के प्रति चिंता कर रही है।

महोदय, मैं प्रधानमंत्री रोजगार कार्यक्रम के लिए अटल बिहारी वाजपेयी जी को धन्यवाद देता हूँ जिन्होंने यह कार्यक्रम चलाया। उनके समय में इसका नाम प्रधानमंत्री रोजगार योजना था। यूपीए नई सरकार आई और नाम बदल गया, हो गया प्रधानमंत्री रोजगार सृजन योजना। इस तरह से सृजन जुड़ गया। क्या आपने कभी इसका रिव्यू किया है? आपका क्या उद्देश्य है? आपको तजुर्बा गृह मंत्री का भी है।...*(व्यवधान)*

MR. CHAIRMAN: You have made your point. Please do not do like this.

श्री जगदीश शर्मा : आज देश में आतंकवाद, उग्रवाद है। इसका कारण क्या है? इसका कारण बेरोजगारी है। ...*(व्यवधान)*

MR. CHAIRMAN: Please cooperate with the Chair. Please wind up.

श्री जगदीश शर्मा : आज बेरोजगार जब बैंक में ऋण लेने जाते हैं तो उनके साथ बिना रिश्त के, बिना घूस के प्रधानमंत्री रोजगार सृजन कार्यक्रम में कोई ऋण नहीं मिलता है। यह मेरी चुनौती है। मेरा दावा है। आप जांच कराएं। अगर जांच में मेरी बात गलत साबित हो तो मुझे सज़ा दीजिए, मैं उसे बर्दाश्त करूंगा।

MR. CHAIRMAN: Nothing else will go on record. Prof. Saugata Roy.

(Interruptions) â€*

MR. CHAIRMAN: Nothing is going on record. Please cooperate with the Chair.

(Interruptions) â€*

MR. CHAIRMAN: Nothing is going on record.

(Interruptions) â€*

MR. CHAIRMAN: Please cooperate with the Chair. Nothing is going on record. Please do not disturb. Please cooperate with the Chair.

...(Interruptions)

MR. CHAIRMAN: Hon. Members, the Chair knows how much time is to be given. So, please cooperate with the Chair. Please do not hijack the working of the House.

PROF. SAUGATA ROY (DUM DUM): Sir, I shall run through my points because the time is short. This Bill has come after a study that was made by the Standing Committee on Finance. I am not quite happy with the Report given by the Standing Committee but still I would like to speak something on the Bill.

17.06 hrs (Shri Inder Singh Namdhari *in the Chair*)

I thank the Finance Minister for withdrawing that proposal on including Forward Trading. I think it would have been a retrograde step. Now, what do I think of the Bill? I think that the Bill for which the Finance Minister was very eager is a mixed bag. It has two separate parts. In one part, it seeks to empower the Reserve Bank of India further to maintain the Regulators role and to have a control on the Banks. Even now, even on the other businesses of the Bank, the Reserve Bank will exercise control. On allowing beyond 5 per cent shareholder, the Reserve Bank will have to give permission. It will also

empower the Reserve Bank to supersede the Board of Directors of Banking Companies by an appointment of the Administrator. It will allow primary cooperative societies to carry on banking operations after obtaining a licence from RBI. It will allow special audit of cooperative banks. There have been many cases of fraud in cooperative banks. So, it is empowering the RBI to do a special audit of cooperative Banks. I have no quarrel with this part of the law because I feel that the Banking sector does need a strong Regulator. The Reserve Bank and its Department of banking Operations, it has done a good job in keeping a control over banks. Further control especially on cooperative banks is necessary. You know about this Hiten Dalal and these cooperative banks - how people were duped. There is a necessity for controlling banks.

Where I disagree with the Bill is in the philosophy of the Bill? I disagree with the philosophy of the Government. This Government believes that Foreign Direct Investment is panacea for all economic ills facing the country, for its low rate of growth, for its high fiscal deficit, for its rate of inflation. There the Minister has already allowed 74 per cent FDI in private banks and now, it has also allowed 20 per cent FDI in Public Sector Banks. I feel bad because I was in the Congress since 1969 when Shrimati Indira Gandhi nationalized the banks. There was so much enthusiasm. A Government which calls itself a Congress led Government is now diluting shares in Public Sector Banks. This makes me very sad that this is the prescription that they have for the economy. Now, the main emphasis is to remove the restriction capital. Formerly, it was Rs. 3000 crore. Now, with the approval from RBI, the nationalized banks can raise capital through bonus and Rights issue. The Banking Companies can now issue Preference Shares subject to regulatory guidelines by the RBI. It is raising the cap on voting rights. Earlier the Finance Minister has proposed for removing all caps on voting rights in private sector. After the recommendation of the Standing Committee on Finance, the cap is at 26 per cent. In the case of Public Sector Bank, the cap is at 10 per cent. These are insidious ways that the foreign companies enter into India and Indian Banking Sector.

Now I must tell you that from 1991, Shri Chidambaram was one of the first proponents of liberalization. I have no quarrel with liberalization nor do I have any quarrel with reforms. But the Americans have been pressing us to open up so that they could invest. We are opening up one by one. But they are not investing. They have got many other places to invest. I would request the Government and the Finance Minister at the helm of affairs to consider whether FDI alone can solve the problem or a better way can be found by raising the *per capita* income of the people, purchasing power of the people and strengthening our own economy. That is a point to be considered.

Now banks have been opened up. Next, there will be a Bill on Insurance. Then there will be a Bill on Pension Fund. Ultimately, we are opening widely. But the Americans or the foreigners will not rescue our economy. This is what happened to Mr. Gorbachev. He believed that by doing Perestroika, Americans would rescue his economy. The whole Soviet Union collapsed. This is what we are going towards in the long term.

Let us see the performance of the international banks. Now what has happened? According to a report from Reuters published this month, the City Group – Shri Vikram Pandit, an Indian was sacked – has announced a job cut to the tune of 11,000 this year. This is in addition to 96,500 job cuts effected from 2007 to 2011. The Bank of America, another leader, is reported to have cut 11,000 jobs this year. In short, the top ten Banks worldwide have together cut as much as 1,50,000 jobs since July this year. Does the Finance Minister want our banks to follow the footprints of these so-called world leaders? One of the ambitions of the Finance Minister, as he has expressed, is that he wants merger of banks. He has removed scrutiny of the Competition Commission about the merger. He says that we want a world size bank. This is what is happening to the world class banks and however merger you do, you will not be able to match the Chinese banks in their debt and split.

Secondly, how many banks have failed in the West? According to the list of failed banks released by the Federal Deposit Insurance Corporation of the US, an astronomical 457 banks went bankrupt since global financial meltdown in September 2008. Do you want to import this culture of private tycoons earning a fortune at the cost of millions of marginal depositors to be rescued by our own Deposit Insurance Corporation? This is a question which I ask the Finance Minister, avowed reformist to ponder.

Let us also remember as to what happened in the global field since 2008 meltdown. Companies like Bear Stearns, Lehman Brothers, Merrill Lynch, Northern Rock, Freddie Mac crashed like a pack of cards. Indian system survived the 2008 meltdown. Why is the Finance Minister doing away with the strength of the Indian Banking System? This is the basic question I am asking. You do reforms by all means. But reforms do not mean destroying or weakening our basic structure which has been built up through blood, sweat, toil and tears of Indian poor people. Let us remember that we still have foreign banks in the country. Do they go to the rural areas to open banks? No. Do they lend in priority sector? No. They are only interested in mopping up deposits in the big cities. They open stylish, air-conditioned and spic and span branches. But they are not for the poor people of this country. What are we driving towards?

MR. CHAIRMAN : Please conclude now.

PROF. SAUGATA ROY: That is the basic question that I ask. That is why, I humbly say that I oppose the so-called dilution of the share holdings of banks and opening of the banking sector to the FDI. Sir, all I want to say humbly is that the

Banking Laws (Amendment) Bill has been brought urgently. Earlier the Minister passed in this House the Securitisation Bill. We supported it. We said – as Mr. Gurudas Dasgupta, an expert on banking, a leader of the AIBEA, is fond of saying - why are the non-performing assets increasing? Why do not you publish the list of big defaulters, big capitalists? Why do not you take stern action against them? By diluting the national holding in banks, I am not going to change the picture of Indian banking industry.

With that I thank you and wish you a long life.

SHRI KHAGEN DAS (TRIPURA WEST): Mr. Chairman, Sir, I rise to oppose the amendments proposed to the Banking Laws (Amendment) Bill, 2011 by the hon. Finance Minister.

At the outset, I would like to say that in 1999 the 'World Bank' and the 'International Monetary Fund' jointly sponsored a Financial Sector Assessment Programme (FSAP) for assessment and implementation of various international financial standards by its members. India became a member of FSAP in 2001. In tune with the diktats of FSAP, the UPA Government-I introduced the Banking Regulation (Amendment) Bill, 2005 in this House on the 13th of May, 2005. But the Government did not dare to proceed further due to the stiff opposition from the Left parties on whose support the Government survived.

The present Bill seeks to make sweeping changes and amendments to the Banking Regulation Act, 1949, the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970 and 1980. The Bill is dangerous for the existence of public sector banking system as also for the maintenance of indigenous character of public sector banks.

In the Statement of Objects and Reasons of the Bill the Government has said:

"The banking companies are now operating in liberalized environment. In this scenario, it has become necessary that the banking companies in India are enabled to raise capital in accordance with the international best practices."

The words sound attractive. But the unmistakable agenda, however, is to make our banks follow the footprints of the world leaders. What is the position of the world leaders? Mr. Roy has mentioned that. According to a report from Reuters on the 6th of December, 2012, the ten top banks worldwide have together cut as many as 1,50,000 jobs since July this year. Do you want, hon. Minister, our banks to follow the footprints of these world leaders in the liberalized environment?

The Statement of Objects and Reasons of the Bill says that the private corporates should be free to set up and run private banks. What is the track record of private banks in the land of your political leaders, Mr. Minister? As per the list of failed banks, released by the Federal Deposit Insurance Corporation of the US, Mr. Roy also has mentioned this, as many as 457 banks went bankrupt since the global financial meltdown in 2008. When the global financial crisis swept away several parts of the world in 2008 on both sides of the Atlantic, companies like Bear Stearns, Lehman Brothers, Merrill Lynch, Northern Rocks, Freddie Mac, etc. crushed like a pack of cards. In India, the banking system survived the tremendous tremor, as it was insulated, because of its overall public sector character. So, India was saved. But the Government would not learn from these experiences. The policy-makers of our country are hell-bent to de-nationalize the banking sector, even to the detriment of our national interest.

Due to time constraints, I would like to highlight only a few important aspects. The first is, section 12 (2) of the Banking Regulation Act, 1949, as it stands at present, puts an upper limit of 10 per cent on the voting rights of any shareholder of a private bank. But the newly introduced Bill seeks to increase it to 26 per cent. With 74 per cent FDI being allowed in private sector banks, any two foreign entities, each holding 26 per cent shares, shall be at liberty to jointly take over, at will, the management of any private bank. The second is, in terms of sub-section 2 (e) of section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 and 1980, popularly known as the Bank Nationalization Act, the voting right of a private shareholder of a nationalized bank has been capped at one per cent. The Bill seeks to increase the cap from one per cent to 10 per cent, with more shares in private hands; so, any five or more corporates may join hands to form a cartel and take over any nationalized bank. The third is while we are in favour of strong and effective control of RBI over the banking sector, section 5 of the Bill seeks to confer wide, sweeping and unguided powers on the RBI, in regard to permitting or debarring any one in the matter of acquiring shares in a banking company, which may be abused, misused and used arbitrarily. Hence, we suggest that the power sought to be conferred upon the RBI, it should be tampered with suitable built-in guidelines, and exercise of that power should be subject to scrutiny of the Parliament by appropriate amendment of section 5 of the Bill.

According to section 2 (a), the merger of banks will be exempted from Competition Commission Act, 2002. This means that no permission is required from the Competition Commission for merger of banks. The merger of banks will be undesirable in our country. The big banks will not care for the poor people and common people.

The Bill seeks to allow the banks to enter into forward trading business. Temporarily, the hon. Minister has withdrawn it, but he has this in mind, he would take a decision on this later on. We have seen in the past and we all know about the forward trading. It is just an euphemism for speculation. There is a rider of prior permission of the Reserve Bank of India but there is no guideline for granting such permission by RBI. Once permitted, savings of the common people, which as of now is more than Rs.60,00,000 lakh crore in commercial banks, will be deployed in speculative purposes or business, euphemistically called forward trading thereby endangering the safety and security of the hard earned money of the common man. Hence, I am of the considered view that the amendments proposed in the Bill would be highly detrimental to the interest of our banking and financial sector and that of our national economy and hence should not be pushed through and the Bill be withdrawn.

It may be mentioned here that the bank employees' organisation called a strike on 20th of December last against this Bill. I again oppose the amendments moved by the Finance Minister tooth and nail. With these words, I conclude.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Sir, I stand here to participate on this Banking Regulation (Amendment) Bill, 2011. Financial inclusion is a major challenge facing banks particularly for those in the public sector. Financial inclusion basically means bringing the entire population, especially those in rural and semi-urban areas, under the banking fold. That is a very long dream.

The Banking Regulation Act, 1949, being the law relating to banking has been enforced for more than six decades. Reserve bank is there to regulate and supervise the banking sector. Today, the banking companies are now operating in a liberalized environment and, therefore, it has become imperative for the banking companies to enable them to raise capital in accordance with the international best practices. With the liberalized environment, banking companies are engaging in multifarious activities through the medium of associate enterprises. Therefore, the Reserve Bank of India, as the regulator of the banking companies has to be aware of the financial impact of the business of such enterprises on the financial position of the banking companies.

There are a number of issues relating to the amendment that has been moved last year in 2011 and the Standing Committee on Finance also deliberated on that Bill. I would dwell not on all the issues but on certain points, maximum three or four points, which I think the Chair will allow me to speak.

The provisions of this Bill incorporate almost all recommendations proposed by the Standing Committee on the earlier Banking Regulation (Amendment) Bill, 2005 which lapsed with the dissolution of the 14th Lok Sabha. This Bill proposes the exemption of bank mergers from the scrutiny of the Competition Commission of India. This would allow RBI to approve bank mergers and secure proper management of the banking company in a timely manner without waiting for the approval of the Competition Commission of India. It provides flexibility, no doubt, but I would suggest that this exemption should be treated as a special case and this should be reviewed in due course based on the experience of the two regulators, that is, RBI and CCI.

Sir, Sections 5 and 6 of the Competition Act, 2002 empowered the Competition Commission of India to approve high voltage mergers and acquisitions. No attempt should be made for exclusion or exemption. The Bill proposes that the voting rights of the shareholders of the private sector banks may be made proportionate to the shareholding rights. This would help private banks access capital for the development of the banking business. The existing ceiling of 10 per cent on the voting rights in the case of private banks be removed, but it should be with a cap of 26 per cent with a view to maintaining the balance between economic control and promoting corporate democracy. I would suggest that the Reserve Bank of India must ensure that the regulatory mechanism is adequate and strictly complied with to prevent any misuse of the provisions of increasing the limit. The Reserve Bank of India should also take sufficient safeguards while stipulating conditions as to the credentials, sources of funds, track record, financial inclusion before granting approval under this clause.

Sir, the Standing Committee on Finance had asked the Government to consider merits of issue of non-voting shares as an avenue to expand the capital base of banks without allowing concentration and management control in few hands. This needs to be looked into. I expect the hon. Minister to throw some light on this.

Sir, the Reserve Bank of India had projected that by March, 2018, the public sector banks will require a net equity of Rs. 1.4 to 1.5 lakh crore and non-equity capital of Rs. 2.65 lakh crore and the private sector banks will require Rs. 20 to 25 crore and Rs. 50,000 to Rs. 60,000 crore respectively. The long term road map to fund capital requirement of public sector banks needs to be trebled, otherwise their market share will come down.

Sir, I support the view expressed by Dr. C. Rangarajan who said that if the banking system has to remain competitive over time, then there should be periodic entry of new banks. A closed system can only become oligopolistic. An efficient debt market not only helps large industries but also small and medium enterprises. In the past the Government permitted private bank entry in two spurts. The first was in the year 1993 when banks like the ICICI, HDFC, UTI, which later became the Axis Bank, the Global Trust Bank that failed and merged with Oriental Bank of Commerce, the Times Bank that merged with HDFC and the Indus Ind bank were allowed to either emerge out of the existing financial institutions or were set up a new. The second was in 2004 when Kotak Mahindra was permitted to convert itself into a bank and the Yes Bank was granted the licence.

Sir, therefore, three lessons, I would say, came out of these experiences. First, the institutions grew to considerable sizes only if it was created out of an already existing financial institution like the ICICI or the HDFC. Second, even the banks that were lauded for their innovativeness such as the Global Trust Bank was later found to be engaged in activities such as their increased exposure to the stock market which rendered them fragile and third, few of the really new 'private banks' have grown adequately in terms of size, operation and reach.

.Now the Government is providing RBI to think of ways to ensure that new private banks would also be large. Once large private players with deep pocket enter - and this is my apprehension - there are likely to be pressures to relax conditions relating to private banks. Two of these relaxations in the form of removal of the voting rights cap and the extension of the period required for dilution of promoters' stake are before us. This should not happen.

I want to put it on record because in future, this proposal may come again. We were told in this House by the hon. Minister that another Committee has proposed this and that is why, our Party's view on this issue should be put on record though the Finance Minister is not pressing that amendment which he was proposed to make.

Lastly, one of the amendments proposed by the Minister related to lifting the ban on banks engaging in forward trading in commodities on a proprietary basis is not being moved. The Banking Regulation Act prohibits a bank from dealing directly or indirectly in the buying, selling or bartering of goods except in connection with the realisation of security held by them.

Currently, banks are allowed to extend finance to commodity traders and to take an equity stake in commodity exchanges but they cannot engage in forward trading in commodities.

Inclusion of provisions that were not part of the original amendments studied by the Standing Committee on Finance is in effect a new Bill. This should not have happened and should not happen in future. On merit of this proposal, I would say that the provision on futures trading would allow banks to put money in speculative trading. This Bill is under preparation since 2005. Yet, it is evolving. I wonder what more will come up during the next Budget Session.

Therefore, I am of the opinion that instead of bringing piecemeal amendments to the law governing the banking sector, the Government should consider bringing an integrated modern banking law for the country.

With these words, I conclude.

SHRI ANANDRAO ADSUL (AMRAVATI): Sir, first of all, I fully support the Banking Laws (Amendment) Bill, 2011.

In the changing scenario of global banking and competition, it was very much essential to amend the Banking Regulations Act, 1949 and also the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and 1980. Accordingly, hon. Finance Minister has brought some amendments in those two Acts. The first amendment is, for the expansion of banking business, raising the share capital, removal of the ceiling of Rs. 3000 crore and allowing the banking industry to increase or decrease its share capital only with prior permission of the RBI and the Central Government.

The second amendment is to allow the banks to issue bonus shares and the right of issue. Sir, another amendment is to ensure proper control of banking companies and it will be mandatory for persons who wish to acquire the five per cent or more of the share capital of the banking company to obtain prior permission of the RBI with certain conditions.

The most important amendment is that initially, RBI had the power to remove the Director or any officer of the banking company but this Bill gives power to RBI to suspend the whole of the Board of Directors of the banking company working against the interests of the depositors of the banking company.

The Banking Regulation Act gives a time limit of one year to primary cooperative societies to get the licence to perform the banking business activities. It has been extended up to three years. This amendment is also very practical. The Bill proposes to establish a Depositor Education and Awareness Fund. This Fund will take over the depositors' account which have not been claimed or operated for the last ten years.

This Bill proposes to increase the penalties and fines in certain cases of the violation of the Banking Regulation Act. Fortunately, the Finance Minister is present here. I will reiterate this again. This Bill proposes to increase the penalties and fines in certain cases of the violation of the Banking Regulation Act. I accept it, but subject to certain conditions. I support all the amendments brought by the hon. Finance Minister. I would like to repeat it again. The Bill proposes to increase the penalties and fines in certain cases of the violation of the Banking Regulation Act. Definitely I accept this. But you cannot say that the officers of the Reserve Bank are always the right persons to decide. That is not my experience. Hon. Finance Minister, please listen to me for one minute. *â€¦ (Interruptions)*

MR. CHAIRMAN : Shri Adsul, please address the Chair.

...(Interruptions)

SHRI ANANDRAO ADSUL : This is the most important part. *...(Interruptions)*

MR. CHAIRMAN: Shri Adsul, you are expected to address the Chair.

...(Interruptions)

SHRI ANANDRAO ADSUL : This issue is very serious. That is why I request him to take note of this. *...(Interruptions)*

MR. CHAIRMAN: He is sitting in the House itself. Therefore, it is known that he is hearing everything.

...(Interruptions)

SHRI ANANDRAO ADSUL: The Executive Officers of the RBI are not the right persons to decide always. So, in the case of violation of Banking Regulation Act, my suggestion is that, there should be an appellate authority in case of penalties to put forward the case of banking companies. There is no provision for an appellate authority for them. In cases of suspension of licence or dissolution of the Board, there is a provision for appellate authority. But in the case of penalties

and for other actions, there is no provision of appellate authority. Nobody is there to hear whether it is right or wrong. That is why there should be an appellate authority in the Reserve Bank of India itself. Otherwise, all the amendments are very practical and they are very much essential to the banking companies. That is why we again support this Banking Laws (Amendment) Bill, 2011.

**SHRI PRASANTA KUMAR MAJUMDAR (BALURGHAT) :* Respected Chairman Sir, we all are aware of the economic condition of the European countries as well as America. Lehman Brothers, Federal Bank and such other financial institutions have all gone bankrupt. There is acute financial crisis in those nations. They are unable to return the deposits of the customers. Both the Government of India and the opposition parties have asserted that the recession did not have any adverse impact on the Indian economy. It is partly true. The reason behind this is the banking system which is in place in this country. The nationalized banks are monitored by the Reserve Bank which in turn is regulated by the Ministry of Finance of the Central Government. This has helped to cushion the adversities in our economy.

But now, this Banking Laws (Amendment) Bill 2011 has been brought about which may lead to weakening of the entire system. FDI is being invited, foreign funds are welcome today. LIC Bill, Pension Bill are in the offing. All these measures will actually have an adverse impact on our economy.

We are aware of the contributions of the nationalized banks in building our nation. But if foreign banks are allowed to operate here and their voting rights are raised from 10% to 26%, there will not be any kind of regulation left. The public sector banks, the RBI, as well as the Government will weaken. Only the foreign banks will make profit and will add to the fortune of the European nations. Thus I request the Government to review the policies and keep the economy strong enough to handle every crisis successfully. I vehemently oppose this Bill due to these reasons.

Another point is that there are large number of state or unoperated accounts in almost all the banks where funds are lying idle. That money do not belong to the Government. It is planning to spend the amount in the education sector or for other programmes. But this is not legitimate. The money should be returned to

the account holders. People might have not been able to operate their accounts for unforeseen difficulties but they must not be deprived of their own money. Some actually may not know about the accounts of their forefathers. So the Government should identify the account holders and give back their dues immediately.

I also suggest that Section 8A which proposes to make the subsidiary banks and give duty relaxations, should be deleted. And in the end I like to mention that the public sector banks, RBI and Finance Ministry should adopt stronger policies and strengthen the economy only then we will be able to prosper.

I also request the Government to consult with the employees of the banks. The unions are very organised and strong and can provide useful assistance in chalking out policies. With these words, I thank you for allowing me to participate in this debate and conclude my speech.

MR. CHAIRMAN : Thank you Shri Prasanta Kumar Majumdar. Shri Gurudas Dasgupta to speak now.

...(Interruptions)

AN HON. MEMBER: We are all supporting it....(Interruptions)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Sir, a nexus has developed between the Trinamool Congress and the CPM!

SHRI GURUDAS DASGUPTA (GHATAL): Sir, I must submit that the word "nexus" is an unparliamentary word. "Nexus" means something unethical. So, friend, please do not use it....(Interruptions) Anyway, I am not afraid of being supported by Trinamool Congress. Let us make it frank....(Interruptions)

MR. CHAIRMAN: Shri Gurudas Dasgupta, please address the Chair.

SHRI GURUDAS DASGUPTA: Sir, I am addressing you looking this side and that side but my eyes are on you!

The point is that on a common issue, there is no element of opportunism in having convergent views. If there is a convergent view on this issue between the Left and the Trinamool Congress, what is wrong? We have a convergent view with the BJP also. On some occasions there are convergent views with Congress also. That is separate. This is Parliament. We are free to have convergent and divergent views....(Interruptions)

The point is that the Bill is not that innocent as it looks to be because the Bill is being brought forward before the House to strengthen the banking system. That is what my hon. Friend and Mr. Finance Minister saying. To strengthen – how? How banking is going to be strengthened? What is the status of banking today? Sir, the NPA is Rs.2.25 lakh crore, which is not disclosed. My Congress friends, please have a look at the nationalisation that your leader did. They don't disclose – Rs.2.25 lakh crore – undisclosed. Banks are not in a position to invest in productive sector because your economic policy has created recession; banks cannot advance any further in the business. Therefore, they are investing in Government security, not global. It is your creation. ...(Interruptions) No, it is not. Your knowledge of economics is limited – may I tell you, humbly. ...(Interruptions)

MR. CHAIRMAN : No cross-talks, please.

...(Interruptions)

MR. CHAIRMAN: You simply address the Chair.

...(Interruptions)

MR. CHAIRMAN: Nothing will go in the record except the speech of Shri Gurudas Dasgupta.

*(Interruptions)**

SHRI GURUDAS DASGUPTA : This is the second phase of recession in three years. In the first phase, we were unaffected. My friend does not know. In the first phase, Indian economy was unaffected which means any convulsion in the international market is not certain to affect India. That is the well known truth. But today India is affected. In the second phase of recession, India is affected. Therefore, what is the magic? It is not international recession that has hit the country. Yes, it is hit. But we have our own strength. But this time we are affected because the policy of liberalization has failed; because GDP growth has slipped to 5.3 per cent; because investment has come down; because savings have come down; because prices are increasing, having an impact on the purchasing power of the people; because of the liberalization, there is a contraction of economy; and contraction of economy is further strengthened because this Government is restraining its expenditure.

I never wanted to raise it. It is a separate issue. We never discussed economic situation. We discussed everything but not economic situation, which has predominantly affected the entire nation of 120 crore. We have no time. Parliament failed to discuss. It is a blame. At the same time, the Government is running away from Parliament. They don't come to Parliament to tell as to what is the strategy to contain recessions and inflation. We are in dark. The Prime Minister is making statement in FICCI; and my respected colleague, Mr. Chidambaram also spoke of hard decisions. Therefore, this is a different situation not created by American imperialism. It is created by Manmohan-Chidambaram economic model. ...*(Interruptions)* I cannot blame him. They are the respected members of the Government. I cannot bring a person who is outside the Government; he is in Planning Commission. I cannot name a bureaucrat. I cannot give him that respectability. Please, we leave it.

The point is, therefore, it is not because of the international recession. My friend should take lesson by international record of development as available in the Internet. Let him open the Internet. He will find it. ...*(Interruptions)* Please do not provoke me. ...*(Interruptions)* Cuba is not in recession. You do not know. China is not in recession.

Sir, this Bill is contradictory. How? He has referred to Dr. Rangarajan Committee. ...*(Interruptions)* Sir, the Chairman of JPC is interrupting me. Is this parliamentary decency? ...*(Interruptions)*

SHRI P.C. CHACKO (THRISSUR): Sir, for the last 20 years he has been saying the very same thing. ...*(Interruptions)*

MR. CHAIRMAN : Mr. Dasgupta, please address the Chair.

...*(Interruptions)*

MR. CHAIRMAN : Nothing will go on record except the speech of Shri Gurudas Dasgupta.

*(Interruptions)**

SHRI GURUDAS DASGUPTA : Sir, I would like to tell my friend that liberalization was started by my friend Dr. Manmohan Singh when he was the Finance Minister in 1991-92. How many years have passed? This new economic policy has been implemented by the same Government and they have been in power for most of the time since then. This policy has been continuing for the last 20 years. What is the result? The result is, in International Hunger Index, India's place is 57. That is the result. The largest numbers of poor people are living in India. More than 40 per cent of the people of our country are living below poverty line. ...*(Interruptions)* West Bengal is a part of India. It is not separate from India. ...*(Interruptions)*

Sir, my learned friends do not know that the economic policy of the country is developed in Delhi and it is not developed in Kolkata. Therefore, whatever Government may be in power in Kolkata, they are bound to go by the economic policy pursued by the Government of India. Do you want a rebellion to break the federal system? They are bound by the common economic policy. That is the point.

Sir, I want to tell you as to why I do not support this Bill. On the one hand, they are saying that there should be amalgamation. What does amalgamation mean? There are 27 public sector banks. Amalgamation of banks will reduce the number to 12 or 15. What does it mean? The number of banks will be reduced and by reducing the number of banks, competition will be tinkered with? There will be an element of growth of monopoly. One argument they are making is that amalgamation is to make big banks. On the other hand, Mr. Chidambaram is pressurizing the Reserve Bank to allow private companies to open new banks. What is the dilemma? You want to reduce the number of banks. The statement of the Reserve Bank Chairman is on record and the Reserve Bank has said that if you do not give us more supervisory power, we will not allow you to open new banks. What is the contradiction? On the one hand, you want new private banks in the name of competition and on the other hand, you want amalgamation of public sector banks. This is one contradiction.

The second contradiction is capital requirement. Let the hon. friend coming from Kerala, the great land of India, should know why we are sticking to the same position. Let him know that the banking business does not depend on capital; banking business depends on deposits.

18.00hrs

MR. CHAIRMAN : Dasgupta Ji, please take your seat for a moment.

Hon. Members, there are three more speakers to speak on this Bill and thereafter, there will be the reply of the hon. Minister. If the House agrees the time of the House may be extended by one hour.

...(Interruptions)

THE MINISTER OF URBAN DEVELOPMENT AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI KAMAL NATH): Sir, I would only urge that while we should extend the time of the House, it is important that we take up the Companies Bill today. I have discussed this with the Leaders of other Parties and they have all agreed to it. So, I would request that this should also be taken up. Is it all right with Shri Gurudas Dasgupta?

MR. CHAIRMAN: I think the House agrees. You may continue, Mr. Dasgupta.

SHRI GURUDAS DASGUPTA : Sir, we do not stand in the way of legitimate transaction of the business of the House; legitimate underlined...(Interruptions) legitimate transaction...(Interruptions) Yes, business transaction. Business does not mean making profit. They might have misunderstood because my friend always believes in terms of profit...(Interruptions)

SHRI NISHIKANT DUBEY (GODDA): Economics!

SHRI GURUDAS DASGUPTA : Not economics, he is a businessman...(Interruptions)

18.01 hrs (Shri Satpal Maharaj *in the Chair*)

MR. CHAIRMAN: Let him speak, please.

SHRI GURUDAS DASGUPTA: Sir, therefore, the second point is that they want amalgamation on the one hand and they want new banks on the other. What is the meaning? They want Tatas to open new bank, they want Reliance to open new bank, they want any other private company to open new bank and at the same time they want to reduce the number of the public sector banks. It is a contradictory policy.

Sir, I warn the Government not to allow the private companies to open their banks. We have seen how the banks run by the private companies indulge in irregularities, money laundering in order to further the profit of their own company. We have seen what Bank of Karad had done to help Harshad Mehta, Hiten Dalal and everybody.

MR. CHAIRMAN: Please conclude.

SHRI GURUDAS DASGUPTA : Therefore, please be cautious in giving licences or in pressurizing Reserve Bank to give licences; (Interruptions) best word is to pressurize because they are not agreeing. Instead of using their political clout to pressurize the RBI, please be cautious what is going to happen if these private companies, who are at the top, open new banks. World's four top companies belong to India. If they open banks what will happen? They will tinker because everybody is interested in profit, I would like to draw the attention of Mr. Chacko. Everybody is interested in profit.

Thirdly, with regard to regulator, the RBI, I have all respect for RBI. I have nothing to say. But RBI of late has become a white elephant.

MR. CHAIRMAN: Please sum up now.

SHRI GURUDAS DASGUPTA : Sir, It is beyond their scope to regulate the huge business run by the companies. I know, I was a member of the Joint Parliamentary Committee in 1993-94. We indicted in our report the role of the Reserve Bank. We suggested that Reserve Bank should be divided, but the Government did not listen to us. After that Ketan Parekh development happened. Who was responsible? The Reserve Bank of India.

MR. CHAIRMAN: Please conclude now.

SHRI GURUDAS DASGUPTA : Who is responsible for the NPA, which is corroding into the vitals of the banking system? Is Reserve Bank strong enough to control the banking system? Therefore, I would urge upon them to think of stronger regulator; not only Reserve Bank but if they want really to expand.

Sir, the point before the country is access of the people to banking; only 40 per cent of the people have access to banking

and 60 per cent have no access to banking.

MR. CHAIRMAN: You have made your point. Please conclude now.

SHRI GURUDAS DASGUPTA : Sir, you go to the tribal areas, you go to under developed areas, you go to farmers आप आम आदमी की बात कर रहे हैं।...*(व्यवधान)*

MR. CHAIRMAN: Please do not disturb. Mr. Dasgupta, please conclude now. You have made your point.

श्री गुरुदास दासगुप्त : हम पूछना चाहते हैं मेहरबानी करके चिदम्बरम साहब हमें बताएं कि आम आदमी का कितना अकाउंट बैंक में है? Therefore, this Bank does not coincide with the national interest of the penetration of the banking system.

At the same time, I shall say that this Bill is a step forward in the direction of further liberalising the system. You will not be able to privatise the nationalised banks. That political power you do not have. ...*(Interruptions)*

MR. CHAIRMAN: Please conclude now.

SHRI GURUDAS DASGUPTA: I am not afraid that the 27 public sector banks can be privatized. You do not have that power. However powerful this Government may be to muster the number in the House, you are not that powerful as to abolish the nationalized character of the public sector banks in the country. ...*(Interruptions)*

MR. CHAIRMAN: Please conclude now.

SHRI GURUDAS DASGUPTA : People will be against you and will not allow you. That is not my fear. ...*(Interruptions)*

MR. CHAIRMAN: Let him speak.

...*(Interruptions)*

SHRI GURUDAS DASGUPTA : I am telling you a proverb. The older you are, the senile you are. Senility arises out of advanced stage. ...*(Interruptions)*

Sir, I am saying, it is a step in the direction of further liberalization which cannot de-nationalise. That power you do not have. In the Indian democratic system, public opinion is stronger than what you have in your pocket. ...*(Interruptions)* My point is that you are trying to make bank a joint sector. ये पब्लिक सेक्टर को जोइंट सेक्टर बनाना चाहते हैं। That we shall oppose. I tell you one thing. Whatever law you will promulgate, there is a public opinion....*(Interruptions)*

MR. CHAIRMAN: Now Shri S. Semmalai.

SHRI GURUDAS DASGUPTA: I believe, Indian public opinion will never allow you to do whatever you like with regard to our public sector which has protected India from international convulsion of recession.

SHRI S. SEMMALAI (SALEM): Thank you, Mr. Chairman, Sir. I stand to speak on the Banking Laws (Amendment) Bill, 2011. In my view, this Bill is against the spirit of late Prime Minister Shrimati Indira Gandhi. Shrimati Indira Gandhi nationalized the commercial banks but our hon. Finance Minister, at one stroke, tries to reverse the policy of his own leader. Any reform is welcome if it paves way for holistic development of the particular sector. But I doubt whether the Bill has the required nuance for the development of banking sector.

Take Section 2 (a); at one stroke it takes away banking mergers and acquisitions out of the purview of Competition Commission. Ultimately, it will rest on the Reserve Bank of India. If the Government takes out the banks from the purview

of the Competition Commission, what is the guarantee that others like insurance sector will not ask for the similar exemption? Then where there is the need for a Competition Commission? So the provision, I feel, is unethical because 60 per cent of our population is still not having bank accounts. Only 5 per cent of the villages have banking facility. The move to allow RBI to have a final say in bank mergers, I fear, it would pave way for the private sector to have control over the banking industry. I think the Finance Ministry's recent thinking is to restore the original status and to allow Competition Commission to have a final call in this regard. If it is so, it is welcome.

Then, the rise in the cap on voting rights of private players from 10 to 26 is held by a few as a path breaking move. It will lead corporates and private sector to take over the banking industry. It will open the doors for foreign corporates to invest in a big way in the Indian banking sector and ultimately crush the public sector's initiative in banking industry. The United States prohibits industrial houses from operating banks. Likewise, South Korea also prohibited industrial houses from promoting new banks following the financial crisis in 1997. Then, why should we allow a move in a different direction. Let our hon. Finance Minister to think about it.

In the face of the global economic crisis in 2008, Indian banks show remarkable resilience. Thanks to public sector banks' strong position. Allowing private sector in banking industry will destroy the very future of the economy. They are interested in making profits and they do not worry about the poor.

So, I appeal to the hon. Finance Minister to treat cautiously in this regard. I also appeal to the hon. Finance Minister not to raise the voting rights to 26, as found in Section 12, all of a sudden.

Mostly, the recommendations of the Khandelwal Committee are not for the benefit of the bank staff. This is the feeling of the bank staff. Most of the recommendations of the Committee adversely affect the prospects of the bank employees. So, I would request our hon. Finance Minister to listen to their grievances in person and redress them in a spirit of give and take.

In conclusion, Chairman, Sir, I make one special appeal to the Centre. In the name of reforms, in the banking sector, please do not allow industrial giants to take over the small fishes in the banking pond. Let us not kill the goose that lays the golden eggs. We shall have to develop a balanced healthy banking sector with public sector banks continuing to play a big and significant role.

SHRI PREM DAS RAI (SIKKIM): Thank you, Chairman, Sir. I rise to support the Banking Laws (Amendment) Bill, 2011. But even as we support it, there are many issues that need to be flagged and, I think, a lot of them have already been done so by the previous speakers.

Let me also take a view that the 2008 financial melt down in the world has showed us how we need to go back to basics of banking. I think, that is something which is important because the fundamental risk that banking can get into is if we do not look at the basics of banking. That was clearly shown in the kind of melt down that happened in the West.

However, as far as we are concerned, definitely we are in a liberalised era. Therefore, we need to make more changes and strengthen our regulatory framework. This Bill definitely does try to do that. But in so saying, let me also raise the issue of the NPA, which many of our Members have already stated. The NPA is now on the increase while there has been a huge down turn in the advances to the MSME sector. It is really the sector where all the innovations and manufacturing that support this country has. This, I think, to my mind is very important. There has to be some way that we are able to direct more funds into the MSME sector.

The other area is in the financial inclusion of the unbanked areas of our country like the North-Eastern region. We even in the Finance Committee have been looking at how we can also direct the banks to see that the North-Eastern Region of our country, which is very unbanked, and where, till today, we have a large cash economy, which plays out, and, therefore, we need to see that more banks and bank branches are opened.

The elbowroom given to the Reserve Bank of India and the issue of the Competition Commission have already been dealt with.

So, with these words, let me say that my Party, the Sikkim Democratic Front, supports this Bill.

श्री अजय कुमार (जमशेदपुर): महोदय, आपने मुझे इस बिल के संबंध में बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। मैं ज्यादा समय नहीं लूंगा। मैं वित्त मंत्री जी को धन्यवाद देता हूँ, वे इस विधेयक में ऐसे बहुत प्रावधान लाए हैं जो बैंकिंग सैक्टर के लिए बहुत अच्छे हैं जिनमें आरबीआई सुपरसेशन आफ बैंक्स, कैपिटल एडिक्वेंसी २९थो आदि हैं। मैं वित्त मंत्री का ध्यान आकर्षित करते हुए तीन-चार बातें कहूंगा। मैं अमलगमेशन आफ बैंक के बारे में कहना चाहता हूँ कि अगर पब्लिक सैक्टर के बैंक को अमलगमेट करते हैं तो वित्त मंत्री सुनिश्चित करें कि कोई बैंक की ब्रांच बंद न हो। जब इंदिरा गांधी जी ने राष्ट्रीयकरण किया था, एक छोटा सा कदम बैंकों को गरीबों की एग्रेस के लिए गांव की तरफ ले जाना था। मेरा अनुरोध है कि वित्त मंत्री सुनिश्चित कर लें कि बैंक की ब्रांचिस कम न हों।

महोदय, देश की सबसे बड़ी समस्या इन्कलूजन बैंकिंग है। 70 प्रतिशत लोगों के बैंक एकाउंट नहीं हैं। यदि मंत्री जी बैंकिंग अमेंडमेंट में एक बात ले आते हैं कि वोटर आईडी या यूआईडी से सभी लोगों का बैंक एकाउंट फ्री में खुल जाए तो मैं समझता हूँ कि इन्कलूजन बैंकिंग के लिए बहुत बड़ी प्रोग्रेस होगी। प्राइवेट बैंक देहाती या पिछड़े क्षेत्र में बैंक नहीं खोलते हैं। जिस तरह से टेलीकॉम सैक्टर में यूनिवर्सल सर्विस ऑब्लिगेशन था या एयर इंडिया के लिए नार्थ ईस्ट में फ्लाइट चलाना था उसी तरह से अगर बैंक पर यूनिवर्सल सर्विस ऑब्लिगेशन फी लगा देंगे और इसके माध्यम से पब्लिक सैक्टर बैंक की हर पंचायत में ब्रांच खुल जाएगी। मुझे लगता है कि इस तरह से गरीब लोगों के लिए बैंक की समस्या काफी हद तक दूर हो सकती है।

जहां तक बंद खाते के पैसे की बात है। वित्त मंत्री महोदय ने कहा कि यह कस्टमर को एजुकेट करने के लिए यूज होगा। मेरा अनुरोध है कि इस पैसे से इन्कलूजन बैंकिंग लागू की जाए और सभी लोगों के इसी पैसे से बैंक एकाउंट खोल दें, इससे कम से कम कम्पलीट प्लान तो बनेगा मेरा मानना है कि टीवी कंपनियां और अखबार तो इसे सिर्फ एडवर्टाइजमेंट में ही लगा देंगी और असल में कोई काम नहीं होगा। यहां सभी साथियों ने फारवर्ड ट्रेनिंग के बारे में कहा है। यह सरकार की इच्छा थी कि फारवर्ड ट्रेनिंग का प्रावधान हो। मेरा अनुरोध है कि मंत्री जी इस बारे में आश्वासन दें क्योंकि हमने विदेशों में, पश्चिम देशों में देखा है कि किस तरह फारवर्ड ट्रेनिंग के कारण इकॉनॉमिक क्राइसिस आया।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

श्री बदरुद्दीन अजमल (धुबरी): सभापति महोदय, मैं आपका शुक्रिया अदा करता हूँ कि आपने मुझे आम विषय पर बोलने का मौका दिया। मैं फाइनेंस मिनिस्टर द्वारा लाए गए बिल के फेवर में बोलने के लिए खड़ा हुआ हूँ। आपको नार्थ ईस्ट की हालत मालूम है कि असम में ऐसे बहुत मसाले हैं। वर्ष 2012 में असम में हिन्दुस्तान के सबसे बड़े सैलाब आए जिसमें लाखों किसानों की जमीन और सब कुछ खत्म हो गया। मैं आपके माध्यम से फाइनेंस मिनिस्टर से गुजारिश करना चाहता हूँ कि वर्ष 2012 के बैंक के लोन माफ कर दें।

महोदय, असम में जूट इंडस्ट्री बहुत बड़ी थी लेकिन आज यह खत्म हो गई है। इस कारण किसान खुदकुशी करने के लिए मजबूर हो गए हैं। उन्हें जो माल 800-900 रुपए का पड़ता है बाजार में 500 रुपए में बेचना पड़ता है। जब वे बाजार में माल लेकर निकलते हैं तो उन्हें गोलियों से भून दिया जाता है। बिचौलिया उनका इस्तेहसाल करते हैं, वे गरीबी से मजबूर हैं। मेरा अनुरोध है कि उनकी तरफ अगर फाइनेंस मिनिस्टर ध्यान देंगे तो उनकी बहुत बड़ी मदद होगी।

महोदय, असम में हर साल फ्लड आता है, यह सबको मालूम है। जब लोग फ्लड इरोज़न के एरिया में बैंक में लोन के लिए जाते हैं तो उनसे जमीन का पट्टा मांगा जाता है। यह बेसिक चीज है। 90 परसेंट लोगों के पास जमीन का पट्टा नहीं होता है। लेकिन दूसरे डॉक्यूमेंट्स भी होते हैं, क्योंकि पानी के साथ उनका घर बह जाता है, जमीने बह जाती हैं, यह एक प्रैक्टिकल प्रॉब्लम है। इसकी वजह से उन्हें बैंक लोन मिलने में बहुत परेशानी होती है। अगर फाइनेंस मिनिस्टर साहब इस मामले में ध्यान दें तो उनकी बड़ी मेहरबानी होगी। मैं आपके माध्यम से उनका ध्यान इस प्रॉब्लम की ओर आकर्षित करना चाहता हूँ कि इसके लिए किसी दूसरे डॉक्यूमेंट्स को भी इसमें मान्य करें, ताकि उन गरीबों को लोन लेने का मौका मिल सके।

आखिरी बात मैं कहना चाहता हूँ कि इंदिरा गांधी जी का सपना था कि बैंकों को किसानों और गरीबों तक ले जाया जाए, लेकिन बैंक्स आज गरीबों तक नहीं पहुंच रहे हैं। पहले तो बैंक्स देहातों में होते ही नहीं हैं और वे अपनी ब्रांचेज शहरों में खोलते हैं। हमें अफसोस के साथ कहना पड़ता है कि बैंक्स गरीबों की मदद के बारे में वन परसेन्ट भी चिंता नहीं करते हैं, वे कमर्शियलाइज हो गये हैं, बड़े-बड़े बिल्डरों के साथ उनकी सांठ-गांठ है, वे रियल स्टेट में काम करते हैं। मैं समझता हूँ कि उन्हें मजबूर किया जाए कि वे अपनी आमदनी का कुछ हिस्सा हारिस्पिटल्स, रोड्स, स्कूलों, कालेजों और ट्रेनिंग सेंटरों के लिए इस्तेमाल करें, यही मेरा निवेदन है। आपने मुझे इस महत्वपूर्ण विषय पर बोलने का मौका दिया, इसके लिए मैं आपका शुक्रिया अदा करता हूँ।

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Mr. Chairman, Sir, I am grateful to all the hon. Members. I begin by thanking Shri Anurag Thakur, a young Member who made a very responsible speech and I thank all the hon. Members ending with Shri Badruddin Ajmal Saheb.

Sir, a Bill on banking is liable to be misunderstood; and I am afraid, some of the criticism is based on a mis-appreciation of the Bill. Perhaps it is my fault that I did not take enough time explaining the Bill when I moved the Bill. It was under rather stormy circumstances that I had to move the Bill.

But I will take a few minutes, not very long, because the Bill is a very short Bill; it has certain clear objectives; and I will answer every question that has been raised.

Firstly, Sir, let me make it very clear that our Government, as I believe every section of the House, UPA-I, UPA-II is totally committed to strengthening the public sector banks and to maintaining the public sector character of our public sector banks. Let there be no doubt about it.

In fact, it is a part of this commitment that we continue to strengthen the public sector banks by infusing more capital. A bank cannot survive, a bank cannot grow unless we keep infusing more and more capital into it. You may ask me, why? It is because of prudential norms that a bank can lend only so many times the amount of capital it has. These are BASEL norms laid by the International Banking Association and BASEL. There are norms laid by the Reserve Bank of India. So, a bank simply cannot lend once its capital adequacy reaches a saturation point. Therefore, we have to infuse more capital into the banks...(*Interruptions*)

MR. CHAIRMAN : Please do not disturb.

...(*Interruptions*)

SHRI P. CHIDAMBARAM: You will. That is the problem...(*Interruptions*) You will disturb if you ask me a question now...(*Interruptions*)

MR. CHAIRMAN: Please do not disturb.

Mr. Minister, carry on please.

SHRI VIJAY BAHADUR SINGH (HAMIRPUR, U.P.): Is he a disturbing?

SHRI P. CHIDAMBARAM: No. He is not disturbing; his question may be disturbing....(*Interruptions*)

This year, for example, before the 31st of March, we will infuse another Rs. 15,000 crore into our public sector banks. Next year, we will have to infuse more, as Mr. Mahtab – who is not here -- had said. The projection is that we will have to infuse far more money.

On the one hand, you say that the public sector banks must be protected but the private sector banks are growing. Why are our private sector banks growing? It is because they raise more capital. They are free to raise more capital. Since in the public sector banks, it is the Government that has to infuse capital, we have now said that the capital now can be infused by Rights Issues, Bonus Shares etc., so that every accepted mode of raising capital without diluting the public sector character of the banks can be employed; and the banks will get more capital.

The Government is committed to infusing more capital. Today, the public sector banks have a share of about 75 per cent of the business. So, notwithstanding the competition posed by private sector banks, the public sector banks are holding their own. Our largest public sector bank, the State Bank of India, is several times bigger than the largest private sector bank but if we must remain a large public sector bank, we must infuse capital. We must allow our banks to grow.

The objectives of this Bill are fairly simple. Most of the provisions of the Bill are intended to strengthen the regulator, the RBI. I do not need to read all the provisions which are intended to strengthen the RBI but I think everybody agreed that most of the provisions are intended to strengthen the regulator. There were some provisions which raised some concern and I intend to answer every one of them.

But before that, I want to point out that the major recommendations of the Standing Committee have been accepted and they have been brought in by way of official amendments. There are a couple of small changes we have made in one or two recommendations but I have discussed this. There is no major quarrel about the small changes that we have made. These are drafting changes. These are changes which are necessary in the recommendation that was made.

There were two recommendations and that have caused some controversy but I am happy that the controversy has been resolved. The first one related to a recommendation made by another Standing Committee. I would not go into it in great detail but for the sake of the record, in order to clarify the position, the Department – this was the position of the Department even before I took over – and in fairness to the officers of the Department, I am bound to clarify it. Another Standing Committee, the Standing Committee on Food and Consumer Affairs chaired by another distinguished Member, Shri Vilas Muttemwar, consisting of Members of all the sections of the House, including the Members of the principal Opposition Party, based on a report of the Working Group of the RBI, for good reasons recorded in that Committee's Report, which I would urge you to read, if not today, some other day because today it is not a pressing issue now, recommended that the particular provision be introduced, which is why that particular provision was introduced. As we acknowledge the sage advice of one Standing Committee, we also acknowledge the advice of another Standing Committee. But the rest of the Bill is too important for me, this Bill should pass because the RBI is waiting for this Bill to pass to acquire the additional powers. After the principal Opposition Party and some others did say, please do not press that clause, I said, all right, I will not press that clause. But in fairness, I must say it is based on a recommendation of a Working Group of the RBI and the recommendation of a Standing Committee in which all sections of the House were represented.

The other clause regarding Competition Commission, I am afraid, the Members may not have noticed the fact that I have modified that decision. Mr. Mahtab mentioned it. When this clause was brought that banks should be taken out of the Competition Commission, the Standing Committee on Finance recommended the following and I read that short paragraph.

"The Committee, while supporting the proposal to keep bank mergers, etc., outside the purview of the Competition Commission of India for the time being, would recommend that this exemption should be considered as a special case and an expedient measure to be re-visited in due course in the light of experience gained both by the regulators, namely RBI and the Competition Commission."

So, the Committee did not endorse this. The Committee said, all right, for the time being you can keep it, but please re-visit it. When I took over, I re-visited it and I am not pressing that clause either. I have already given notice that that clause will not be pressed. The RBI will be a regulator for all banking activities under the provisions of the Banking Regulation Act. The Competition Commission will be the regulator for competition because as Mr. Mahtab rightly pointed out, if I take out the banking sector, the insurance sector says, take us out because we have a regulator, the IRDA. The telecom sector says, take us out because we have a regulator, the TRAI. The petroleum sector says, take us out because we have a regulator, the Petroleum Board. Therefore, we decided in the Cabinet that we will not take out the banking sector from the Competition Commission. The RBI will continue to regulate the banking sectors as far as the banking regulation is concerned. The Competition Commission will also regulate anti competitive practices and would have to approve any merger. So, that caution of Standing Committee has also been accepted and we are not voting in favour of that clause. I have already issued notice that we would vote negative against that clause.

PROF. SAUGATA ROY (DUM DUM): I have not received any notice by you.

MR. CHAIRMAN : Please do not disturb the House.

प्रो. सागत राय : महोदय, मंत्री जी कह रहे हैं कि नोटिस दिया है। नोटिस में बैंकों को अर्किलेट करना चाहिए। बैंकों को कैसे पता होगा?

SHRI P. CHIDAMBARAM: Notices are issued to the House.

MR. CHAIRMAN: Please sit down.

Hon. Minister, address the Chair, please.

...(Interruptions)

SHRI P. CHIDAMBARAM: Saugata Roy ji, I am explaining it now.

As to how many bank accounts are idle, I think, Mr. Anurag Thakur raised this point. It is 1,12,49,844 accounts are idle and Rs.2,481 crore are there. But, sufficient safeguards have been provided in the Bill. Even after a ten year period, if the person, who owns the account, comes and asks for the money, he must be returned the money and the bank will claim the money from the deposit account. Even if it takes 15 or 20 years, nobody's money will be taken away. It is not our intention to appropriate anybody's money. But, we cannot allow Rs.2,481 crore to lie idle. We will use it but if he comes and claims it, we will return the money.

We have appointed Justice Srikrishna Committee to look into all financial sector laws and to give us a report on redrafting financial sector laws. That report has come in the draft form. Comments have been invited. Once that report is finalized, I hope that we will have an opportunity to draft a comprehensive banking law, but, at the moment, the only thing that I can do is to amend the existing law.

The questions were asked about branches being closed. I mean, I do not know where we get that impression. It is possible that in a village or on the same road or in a town, two branches may be amalgamated. Look at the record of our Government. We have added 6,489 branches in the year 2011-12. This year we will add approximately the same number. I did give that number once. It is roughly about 18 or 19 branches a day that we had added. Apart from that, in the last one year, when the scheme was announced, we have opened 32,518 ultra small branches. Therefore, enough branches have been opened. We will open branches approximately at the rate of about 6000 a year. That is the plan.

There were some questions about merging small branches. Sir, there is no provision in the amending Bill regarding merger. There is no provision in this Bill at all. Whatever law is there, it is there; there is no provision in this Bill about any merger. We are not introducing any new provision.

There was a question about education loan. Sir, personally this is a passion for me. My friends in Tamil Nadu know that I have never spoken at a public forum without emphasizing education loan. Today, as on 30th of September – it is apart from the loans that had been taken and repaid – Rs.52,000 crore for 24 lakh accounts are outstanding. I receive complaints from

my constituency or elsewhere. We have a section in the Department of Financial Services which receives complaints. Each bank has a cell which receives complaints. I am not saying that there are no black sheep in the banking industry. I am not saying that there is no heartless manager, maybe there is one here or one there. In fact, if there is one there and one here, give me his name and I will pass it on to Gurudas Dasgupta ji. So, he can take action. ...(*Interruptions*)

MR. CHAIRMAN: Hon. Member, please be seated.

...(*Interruptions*)

MR. CHAIRMAN: No interruption, please.

...(*Interruptions*)

SHRI P. CHIDAMBARAM: We are giving loans and I said, I think, I said it in the other House, that if any hon. Member wishes to hold an education loan camp in his constituency, please write to me and I will ask the lead bank to hold the camp in his constituency. But, he must take the initiative. Some money has to be spent, of course, in making arrangements. But, it cannot be helped. Some preliminary arrangements have to be made, a hall has to be acquired, some banner has to be put up and some advertisement has to be done. But, you must do that. If you do that, I will ask the lead bank to hold the camp.

A question was asked about FDI in public sector banks. This is no new provision. This is a provision in the 1980 Act. Section 2D of the 1980 Act contains a provision that any non-resident can hold shares up to 20 per cent. We have not made a new provision. This has been a part of the Act for many many years. No new provision is being made.

Some question was asked about retrenchment in world banks and others banks and what we are doing here. Why are we concerned about the world? If the banking system in the world retrenches, let them retrench. Look at what we have done. In 2011-12 all public sector banks together – Officers, Clerks and Sub-staff have recruited 55632 young men and women. This year the plan is to recruit 84489 young men and women. We are opening 6000 branches; how can we not recruit? Even if I take three or four people to a branch – Officer, Clerk and Sub-staff – I need for 6000 branches, 25000 people. Then people are retiring and some people leave for other jobs. We are recruiting 84489 people this year. I cannot see in the foreseeable future our banks retrenching anyone. On the contrary, in the foreseeable future – for the next five years, ten years, twenty years – we will be opening so many branches and we will recruit many many more young men and women.

Shri Anandrao Adsul asked the question as to who is the appellate authority for a penalty. For removal of managerial or other persons, there is an appeal to the Central Government under Section 36 AA (3a). For cancellation of the licence there is an appeal to the Central Government under Section 22 (5). For imposition of the penalty, there is no appellate authority; one has to go to the writ court under article 226 of the Constitution.

There were some questions about the NPA. I think I answered a question in this House. When the economy is in some stress, some sectors also will be under some stress. It is because some sectors are under stress, the economy is under stress. If every sector is doing well, why should the economy be under stress? Some sectors are under stress. I believe, and I think the Prime Minister agrees with me, when the economy is going through a slow down or under stress, this is not the time to tighten the screws on the stressed sector. This is the time to hand hold them, help them come out of this difficulty, so that when the economy recovers, that sector recovers and they will repay the loan. They are not wilful defaulters. There are some sectors which are under stress. So, this is the time to restructure the loan. RBI guidelines allow for restructuring of the loan.

MPs have approached me with individual cases to help restructure the loan. That is the right thing to do. You cannot allow an industry in your constituency to close down just because it is under stress today. This is the time to help the industry tide over the difficulty. Let us hold on for six months, twelve months or so. The economy will recover. Therefore, there is a slight rise in the proportion of NPA, nobody is denying that. Gross NPAs today are 3.1 per cent as on 31st of March. Net NPAs are only 1.4 per cent. Therefore, these NPAs have been provided for. ...(*Interruptions*)

That is what I said. Please do not introduce concepts which are unknown to banking. Every country in the world, every bank has NPAs. If there was no NPA, if everybody repaid his loan, if everybody paid his interests, no account has become bad, then we must be at the edge of cloud nine. This is utopia; it just would not happen. There will be some reason or the other and therefore ...(*Interruptions*)

Please do not interrupt. There will be NPAs. The net NPAs are only 1.4 per cent. I have said it and I say this guardedly that yes, this is a matter of concern. But this is not a matter for alarm. This is the time to help restructure the

loan, help the industry come out of the stress and they will come out of the stress and these loans will become – what are doubtful assets will become standard assets over a period of time.

Sir, our banks are well capitalised. We are well above the Basel norm. We will be ahead of the new Basel 3 norm because we capitalise them repeatedly. They have enough money to lend. The economy is going through a slow down. But, as I said, it will come out of this trough; it will recover and when it recovers, banks will be required to lend more money. Banks have the liquidity to lend more money. The RBI has infused Rs. 1,46,290 crore of liquidity in the banks. Banks have enough liquidity to lend money to all sectors and to all segments that require money.

I think, I have answered all the major questions. There were some questions about consolidation. Please understand, not one of our banks is among the top 20 banks of the world. China has three. Today if a loan size is about, say, Rs. 6,000 crore, there is not a single bank which can take the portfolio on its book. It has to put together a consortium. India, for the size of its GDP, for the future that we envision, we need world-size banks. Nobody said that all 27 public sector banks would be consolidated. Please read my speech at BANCON and I made the same speech four or five years ago. This is based on the Narasimhan I Committee and Narasimhan II Committee. We said that we need two or three world-size banks and two or three world-size banks will come by some smaller banks consolidating with the larger banks of this country, but we will still have over 20 public sector banks and each one of them will grow. We need world-size banks. I am prepared to debate it in any other fora. There is no time today. We need two or three world-size banks. If the private sector banks will become larger and larger, should not the public sector banks also keep pace and become larger and larger? I think, there is a case for merger of banks and there is a case for two or three world-size banks.

I come to my last and concluding statement. One of the hon. Members blamed what he described as the Manmohan-Chidambaram model. Please do not equate me with the Prime Minister. The Prime Minister is a distinguished economist; I am not. The Prime Minister has vast experience; I do not have. But the Manmohan model also showed to this country that we can achieve above nine per cent growth. The Manmohan model also showed to this country that we can reduce our fiscal deficit to below three per cent and it came to 2.7 per cent. ...(*Interruptions*) Therefore, do not blame this model. If you blame the Manmohan model ...(*Interruptions*) I am not yielding. ...(*Interruptions*)

MR. CHAIRMAN : Please keep quiet. Please sit down.

...(*Interruptions*)

MR. CHAIRMAN: Please do not disturb. Let the Minister reply.

...(*Interruptions*)

SHRI P. CHIDAMBARAM: If you blame the Manmohan model, the Manmohan model must also be credited ...(*Interruptions*) If the Manmohan model is a model that has caused this, the Manmohan model must also be credited for making India the second fastest growing economy in the world.

With these words, I commend this Bill and request all sections of the House to support it.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Banking Regulation Act, 1949, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and to make consequential amendments in certain other enactments be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now, the House will take up clause by clause consideration of the Bill.

The Government wants clause 2 to be negatived by the House. However, there are amendments to this clause which are to be disposed of first.

There are Amendment Nos. 19, 20 and 21 to be moved by. Sk. Saidul Haque. Are you moving your amendments?

SHRI P. CHIDAMBARAM: Sir, just one minute.

Sir, you are amending clause 2. We are negating clause 2. There is no need to amend clause 2 because we are negating it. So, he does not have to move his amendments to clause 2. ...(*Interruptions*)

MR. CHAIRMAN: Sk. Saidul Haque, are you moving your Amendment Nos. 19, 20 and 21?

SK. SAIDUL HAQUE (BARDHMAN-DURGAPUR): Sir, I beg to move:

Page 2, *for* lines 5 to 10, *substitute*"

"2A. Notwithstanding anything to the contrary contained in section 2, nothing contained in the Competition Act, 2002 shall apply to any new banking company in respect of the matters relating to amalgamation, merger, reconstruction, transfer, reconstitution or acquisition under" (19)

Page 2, *omit* lines 14 and 15 (20)

Page 2, *omit* lines 17 and 18 (21)

MR. CHAIRMAN : I shall now put Amendment Nos. 19, 20 and 21 to Clause 2 moved by Sk. Saidul Haque to the vote of the House.

The amendments were put and negated.

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was negated.

Clause 3 Amendment of Section 5

SK. SAIDUL HAQUE : Sir, I beg to move:

Page 2, lines 24 and 25, *omit*"

"or such other securities as may be specified by the Reserve Bank". (22)

MR. CHAIRMAN: I shall now put Amendment No. 22 to Clause 3 moved by Sk. Saidul Haque to the vote of the House.

The amendment was put and negated.

MR. CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

New Clause 3A

SHRI P. CHIDAMBARAM: Sir, as I told the House, we are not moving new clause 3A. I have to withdraw it. Therefore, I am not moving the Motion under Rule 80 (i). Therefore, new clause 3A need not be moved.

MR. CHAIRMAN: So, you are not moving amendment No. 3. Now, I go to clause 4.

Clause 4 Amendment of Section 12

SHRI P. CHIDAMBARAM: Sir, I beg to move:

"Page 2, *for* line 26, *substitute*"

"4. In section 12 of the principal Act,--

(A). in sub-section (1),--" (4)

MR. CHAIRMAN: The question is:

"Page 2, for line 26, substitute"

"4. In section 12 of the principal Act,--

(A). in sub-section (1),--" (4)

The motion was adopted.

SHRI P. CHIDAMBARAM: Sir, I beg to move:

"Page 2, for line 42, substitute"

'(B). in sub-section (2), the following proviso shall be inserted, namely:--

"Provided that the Reserve Bank may increase, in a phased manner, such ceiling on voting rights from ten per cent to twenty-six per cent." (5)

SK. SAIDUL HAQUE : Sir, I beg to move:

"That in the amendment proposed by Shri P. Chidambaram and printed at serial No. 5 in List No. 1 of Amendments"

for "twenty six per cent."

substitute "ten point one per cent." (24)

MR. CHAIRMAN: I shall put Amendment No.24 to clause 4 moved by Sk. Saidul Haque, to the vote of the House.

Those in favour may please say 'Aye',

SOME HON. MEMBERS: "Ayes".

MR. CHAIRMAN: Those against may please say "No",

SEVERAL HON. MEMBERS: "Noes".

...(Interruptions)

SK. SAIDUL HAQUE : Sir, I want a Division on it.

SHRI P. CHIDAMBARAM: What is this? Why do you want a Division on this? *...(Interruptions)*

SHRI BASU DEB ACHARIA (BANKURA): On two amendments, we will press for a division. In this case, you are increasing the ceiling on voting rights from ten per cent to twenty-six per cent.

SK. SAIDUL HAQUE : You are increasing the ceiling from ten per cent to twenty-six per cent and, therefore, we want to put a cap at ten point one per cent. *...(Interruptions)*

MR. CHAIRMAN: Let the Lobbies be cleared."

Now, the Lobbies have been cleared..

Now, the Secretary-General to inform the House about the procedure regarding operating the automatic vote recording machine.

SECRETARY-GENERAL: Hon. Members, who have not been allotted Division Numbers so far, will be supplied at their seats with Ayes/Noes printed slip for recording their votes. On the slips, they may kindly record the votes of their choice by signing and writing legibly their names, identity card numbers given to them temporary/permanent identify cards supplied to the Members, Constituency and State/Union Territories and the date at the place specified on the slip. Members who decide to record abstention, may ask for the abstention slip.

Operation of the Automatic Vote Recording Machine: Kind attention of the hon. Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1. Before a division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only;
 2. As may kindly be seen, the "red bulbs above Display Boards" on either side of the hon. Speaker's Chair are already glowing. This means the Voting System has been activated;
3. For voting, please press the following two buttons simultaneously immediately after sounding of first gong, namely One "red" button in front of the hon. Member on the headphone plate and
Also
any one of the following buttons fixed on the top of desk of seats:
- Ayes - Green colour
 - Noes - Red colour
 - Abstain - Yellow colour
4. It is essential to keep both the buttons pressed till the second gong sound is heard and the red bulbs are "off".
IMPORTANT: The hon. Members may please note that the vote will not be registered if both buttons are not kept pressed simultaneously till the sounding of the second gong.
 5. Please do not press the amber button (P) during division.
 6. Hon. Members can actually "see" their vote on Display Boards and on their Desk Unit.
 7. In case, vote is not registered, they may call for voting through slips.

MR. CHAIRMAN: I shall put Amendment No.24 to Government Amendment No.5 moved by Sk. Saidul Haque to Clause 4, to the vote of the House.

The question is:

"That in the amendment proposed by Shri P. Chidambaram and printed at serial No. 5 in List No. 1 of Amendments –
for "twenty six per cent."

Substitute "ten point one per cent." (24)

The Lok Sabha divided:

DIVISION AYES 18.35 hrs

Acharia, Shri Basu Deb

Anandan, Shri M.

Baske, Shri Pulin Bihari

Bauri, Shrimati Susmita

Biju, Shri P.K.

Das, Shri Khagen

Dasgupta, Shri Gurudas
Haque, Sk. Saidul
Karunakaran, Shri P.
Kumar, Shri P.
Lingam, Shri P.
Majumdar, Shri Prasanta Kumar
Malik, Shri Sakti Mohan
Manian, Shri O.S.
Panda, Shri Prabodh
Rajendran, Shri C.
Rajesh, Shri M.B.
Riyan, Shri Baju Ban
Roy, Shri Mahendra Kumar
Saha, Dr. Anup Kumar
Sampath, Shri A.
Satpathy, Shri Tathagata
Semmalai, Shri S.
Sugumar, Shri K.
Thambidurai, Dr. M.
Tirkey, Shri Manohar
Venugopal, Dr. P.

NOES

Aaron Rashid, Shri J.M.
Adsul, Shri Anandrao
Agrawal, Shri Rajendra
Ajmal, Shri Badruddin
Alagiri, Shri S.
Amlabe, Shri Narayan Singh
Antony, Shri Anto
Awale, Shri Jaywant Gangaram
Azharuddin, Mohammed
Baal, Shri T.R.
'Baba', Shri K.C. Singh

Babbar, Shri Raj
Bairwa, Shri Khiladi Lal
Bais, Shri Ramesh
Baite, Shri Thangso
Baitha, Shri Kameshwar
Baliram, Dr.
Balmiki, Shri Kamlesh
Bapiraju , Shri K.
Bhagora, Shri Tara Chand
Bhoi, Shri Sanjay
Bhujbal, Shri Sameer
Biswal, Shri Hemanand
Chacko, Shri P.C.
Chang, Shri C.M.
Chauhan, Shri Dara Singh
Chauhan, Shri Mahendrasinh P.
Chidambaram, Shri P.
Chinta Mohan, Dr.
Choudhary, Shri Bhudeo
Choudhury, Shri Abu Hasem Khan
Chowdhary, Shrimati Santosh
Chowdhury, Shri Adhir
'Commando', Shri Kamal Kishor
Das, Shri Bhakta Charan
Davidson, Shrimati J. Helen
Deo, Shri V. Kishore Chandra
Dhanapalan, Shri K. P.
Dhruvanarayana, Shri R.
Dias, Shri Charles
Dikshit, Shri Sandeep
Dubey, Shri Nishikant
Dutt, Shrimati Priya
Elangovan, Shri T.K.S.
Engti, Shri Biren Singh
Ering, Shri Ninong

Gaikwad, Shri Eknath Mahadeo
Gandhiselvan, Shri S.
Gavit, Shri Manikrao Hodlya
Geete, Shri Anant Gangaram
Ghatowar, Shri Paban Singh
Gogoi, Shri Dip
Guddu, Shri Premchand
Handique, Shri B.K.
Harsha Kumar, Shri G.V.
Hegde, Shri K. Jayaprakash
Hussain, Shri Ismail
Jagannath, Dr. Manda
Jaiswal, Dr. Sanjay
Jakhar, Shri Badri Ram
Jena, Shri Mohan
Jena, Shri Srikant
Jhansi Lakshmi, Shrimati Botcha
Joshi, Dr. C.P.
Joshi, Shri Kailash
Joshi, Shri Mahesh
Joshi, Shri Pralhad
Kamal Nath, Shri
Kamat, Shri Gurudas
Kashyap, Shri Virender
Kataria, Shri Lalchand
Kaur, Shrimati Preneet
Kaypee, Shri Mohinder Singh
Khandela, Shri Mahadeo Singh
Khatgaonkar, Shri Bhaskarrao Bapurao Patil
Khatri, Dr. Nirmal
Khursheed, Shri Salman
Killi, Dr. Kruparani
Kowase, Shri Marotrao Sainuji
Krishnasswamy, Shri M.
Kumar, Shri Ajay
Kumar, Shri Ramesh

Kumar, Shri Shailendra
Kumari, Shrimati Chandresh
Kurup, Shri N. Peethambara
Lakshmi, Shrimati Panabaka
Lal, Shri Pakauri
Mahant, Dr. Charan Das
Mahtab, Shri Bhartruhari
Mani, Shri Jose K.
Masram, Shri Basori Singh
Mcleod, Shrimati Ingrid
Meena, Shri Namu Narain
Meena, Shri Raghuvir Singh
Meghe, Shri Datta
Meghwal, Shri Arjun Ram
Meghwal, Shri Bharat Ram
Meinya, Dr. Thokchom
Mirdha, Dr. Jyoti
Mishra, Shri Govind Prasad
Mishra, Shri Mahabal
Moily, Shri M. Veerappa
Mukherjee, Shri Abhijit
Muniyappa, Shri K.H.
Muttemwar, Shri Vilas
Naik, Dr. Sanjeev Ganesh
Naik, Shri P. Balram
Namdhari, Shri Inder Singh
Narah, Shrimati Ranee
Narayanasamy, Shri V.
Natrajan, Kumari Meenakshi
Nirupam, Shri Sanjay
Pala, Shri Vincent H.
Pandey, Dr. Vinay Kumar
Pandey, Shri Ravindra Kumar
Paranjpe, Shri Anand Prakash
Patel, Shri Devji M.

Patil, Dr. Padmasinha Bajirao
Patil, Shri Sanjay Dina
Patil, Shri Pratik
Pawar, Shri Sharad
Pilot, Shri Sachin
Prabhakar, Shri Ponnarn
Pradhan, Shri Amarnath
Premdas, Shri
Punia, Shri P. L.
Purandeswari, Shrimati D.
Raghavan, Shri M.K.
Rai, Shri Prem Das
Rajagopal, Shri L.
Rajukhedi, Shri Gajendra Singh
Ramachandran, Shri Mullappally
Ramasubbu, Shri S.S.
Ramkishun, Shri
Rana, Shri Jagdish Singh
Rane, Shri Nilesh Narayan
Rao, Shri Rayapati Sambasiva
Rawat, Shri Harish
Reddy, Shri Anantha Venkatarami
Reddy, Shri Gutha Sukhender
Reddy, Shri K.R.G.
Roy, Shri Arjun
Ruala, Shri C.L.
Sachan, Shri Rakesh
Sahay, Shri Subodh Kant
Sai Prathap, Shri A.
Sanjoy, Shri Takam
Saroj, Shri Tufani
Satyanarayana, Shri Sarvey
Sayeed, Shri Hamdullah
Shanavas, Shri M.I.
Sharma, Shri Jagdish
Shekhar, Shri Neeraj

Shekhawat, Shri Gopal Singh

Shetkar, Shri Suresh Kumar

Shinde, Shri Sushilkumar

Shivkumar, Shri K. alias J.K. Ritheesh

Sibal, Shri Kapil

Singh, Chaudhary Lal

Singh, Rao Inderjit

Singh, Shri Dushyant

Singh, Shri Ganesh

Singh, Shri Ijyaraj

*Singh, Shri Jagdanand

Singh, Shri R.P.N.

Singh, Shri Radhe Mohan

Singh, Shri Rajnath

Singh, Shri Ratan

Singh, Shri Ravneet

Singh, Shri Sukhdev

Singh, Shri Uday Pratap

Singh, Shri Vijay Bahadur

Singh, Rajkumari Ratna

Singh, Shrimati Rajesh Nandini

Singla, Shri Vijay Inder

Sircilla, Shri Rajaiah

Solanki, Shri Bharatsinh

Sudhakaran, Shri K.

Suklabaidya, Shri Lalit Mohan

Sule, Shrimati Supriya

Suresh, Shri Kodikkunnil

Tagore, Shri Manicka

Tamta, Shri Pradeep

Tandon, Shrimati Annu

Tanwar, Shri Ashok

Taware, Shri Suresh Kashinath

Tewari, Shri Manish

Thakur, Shri Anurag Singh

Thamaraiselvan, Shri R.
Tharoor, Dr. Shashi
Thomas, Shri P.T.
Tirath, Shrimati Krishna
Udasi, Shri Shivkumar
Venugopal, Shri K.C.
Verma, Shri Sajjan
Verma, Shri Beni Prasad
Vishwanath, Shri Adagooru H.
Viswanathan, Shri P.
Vivekanand, Dr. G.
Vundavalli, Shri Aruna Kumar
Vyas, Dr. Girija
Wasnik, Shri Mukul
Yadav, Shri Dinesh Chandra
Yadav, Shri Hukmadeo Narayan
Yadav, Shri Anjankumar M.
Yadav, Shri Mulayam Singh

ABSTAIN

Saroj, Shrimati Sushila

MR. CHAIRMAN: Subject to correction*, the result of the Division is:

Ayes: 27

Noes: 205

The motion was negatived.

The amendment was negatived.

MR. CHAIRMAN: I shall put Amendment No.5 moved by Shri P. Chidambaram to clause 4 to the vote of the House.

The question is:

"Page 2, for line 42, substitute-

'(B). in sub-section (2), the following proviso shall be inserted, namely :-

"Provided that the Reserve Bank may increase, in a phased manner, such ceiling on voting rights from ten per

cent to twenty-six per cent."."

(5)

The motion was adopted.

MR. CHAIRMAN: Hon. Members, Government Amendment No.5 to Clause 4 has just been adopted. The amendment seeks to substitute line 42 on page 2 of the Bill with new lines. Prof. Sk. Saidul Haque has Tabled Amendment No.25 to Clause 4 which seeks to omit line 42 on page 2 of the Bill. Line 42 as it exists prior to the adoption of the Government Amendment No.5 is no more in the Bill. Therefore, Amendment No. 25 Tabled by Prof. Sk. Saidul Haque has become infructuous. I am, therefore, not allowing this amendment to be moved. Now

The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 8 were added to the Bill.

Clause 9 Insertion of new section 26A

Amendment made:

Page 6, lines 10 and 11, for "such other purposes", substitute –

"Such other purposes which may be necessary for the promotion of depositors' interests". (6)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

"I shall put Amendment No. 6 moved by Shri P. Chidambaram to clause 9 to the vote of the House."

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 Insertion of new section 19A

Amendment made:

Page 6, for lines 29 and 30, substitute –

"enterprise of a banking company and its books of account jointly by one or more of its officers or employees or other persons along with the Board or authority regulating such associate enterprise". (7)

MR. CHAIRMAN: The question is:

"I shall put Amendment No. 7 moved by Shri P. Chidambaram to clause 10 to the vote of the House."

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11 to 13 were added to the Bill.

Clause 14 Amendment of section 51

Amendment made:

Page 8, for lines 40 to 44, substituteâ€”

"14. In Section 51 of the principal Act, in sub-section (1), before the words, brackets, figures and letters "sub-sections (1B), (1C) and (2) of Sections 30", the figures and letters "29A," shall be inserted.'. (30)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

"I shall put Amendment No.30 moved by Shri P. Chidambaram to clause 14 to the vote of the House."

The motion was adopted.

MR. CHAIRMAN:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 Amendment of section 56

Amendments made:

Page 10, line 9, for "2011", substitute "2012". (8)

Page 10, line 19, for "2011", substitute "2012". (9)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

"I shall put Amendment Nos. 8 and 9 moved by Shri P. Chidambaram to clause 15 to the vote of the House."

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16 Amendment of section 3

SK. SAIDUL HAQUE(BARDHAMAN DURGAPUR) : I beg to move:

Page 12, *after* line 18, *insert*—

"Provided also that the percentage of Share-holding of the Central Government in any corresponding new bank to total Share Capital of such corresponding new Bank shall not be decreased by any increase or reduction of paid-up share capital." (26)

Page 12, *omit* lines 27 to 35. (27)

MR. CHAIRMAN: I shall now put amendment Nos. 26 and 27 to clause 16 moved by Sk. Saidul Haque to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

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19.00hrs

Clause 17 Amendment of section 3

SK. SAIDUL HAQUE: I beg to move:

Page 13, *after* line 3, *insert* —

"Provided further that the percentage of Share-holding of the Central Government in any corresponding new bank to tal Share Capital of such corresponding new Bank shall not be decreased by any increase or reduction of paid-up share capital." (28)

Page 13, *omit* lines 16 to 23. (29)

MR. CHAIRMAN : I shall now put Amendment Nos.28 and 29 to Clause 17 moved by Sk. Saidul Haque to the vote of the House.

The Amendments were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18 was added to the Bill.

Schedule

Amendments made:

Page 14, for lines 4 to 7, substitute-

- '1. The Indian Contracts Act, 1872 (9 of 1872).
- In section 28, after *Exception 2*, the following *Exception* shall be inserted, namely:-

Saving of a guarantee agreement of a bank or a financial institution.

Exception 3.— This section shall not render illegal a contract in writing by which any bank or financial institution stipulate a term in a guarantee or any agreement making a provision for guarantee for extinguishment of the rights or discharge of any party thereto from any liability under or in respect of such guarantee or agreement on the expiry of a specified period which is not less than one year from the date of occurring or non-occurring of a specified event for extinguishment or discharge of such party from the said liability.

Explanation.- In *Exception 3*,-

(i) the expression "bank" means

—

(a) a "banking company" as defined in clause (c) of section 5 of the Banking Regulation Act, 1949;

10 of
1949.

(b) " a corresponding new

bank" as defined in clause (da) of section 5 of the Banking Regulation Act, 1949;

10 of
1949.

(c) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955;

23 of
1955

(d) "a subsidiary bank" as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

38 of
1959.

(e) "a Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976;

21 of
1976.

(f) "a Co-operative bank" as defined in clause (cci) of section 5 of the Banking Regulation Act, 1949;

10 of
1949.

(g) "a multi-State co-operative bank" as defined in clause (cciiia) of section 5 of the Banking Regulation Act, 1949; and

10 of
1949.

(ii) the expression "a financial institution" means any Public financial institution within the meaning of section 4A of the Companies Act, 1956.

1 of 1956.

2. Indian Stamp Act, 1899. (2 of 1899). (2 of 1899). After section 8D, the following section shall be inserted, namely:-

any bank into a wholly owned subsidiary of bank or transfer of shareholding of a bank to a holding company of bank not liable to duty.

" 8 E . Notwithstanding anything contained in this Act or any other law for the time being in force,â€"

(a) conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines of the Reserve Bank of India shall not be liable to duty under this Act or any other law for the time being in force; or

(b) any instrument, including an instrument of, or relating to, transfer of any property, business, asset whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines issued by the Reserve Bank of India in this behalf, shall not be liable to duty under this Act or any other law for the time being in force.

Explanation.â€"

(i) For the purposes of this section, the expression "bank" meansâ€"

(a) a "banking company" as defined in clause (c) of section 5 of the Banking Regulation Act, 1949;

10 of 1949.

(b) "a corresponding new bank" as defined in clause (da) of section 5 of the Banking Regulation Act, 1949;

(c) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955;

10 of 1949.

(d) "a subsidiary bank" as defined in clause (k) of section 2 of the

23 of

State Bank of India (Subsidiary Banks) Act, 1959; 1955.

38 of 1959.

(e) "a Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976;

21 of 1976.

(f) "a Co-operative bank" as defined in clause (cci) of section 5 of the Banking Regulation Act, 1949;

(g) "a multi-State co-operative bank" as defined in clause (cciiia) of section 5 of the Banking Regulation Act, 1949;

10 of 1949.

(ii) For the purposes of this section, the expression the "Reserve Bank of India" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934.

10 of 1949.

2 of 1934.

3. The Reserve Bank of India Act, 1934 (2 of 1934).

In section 8, in sub-section (4), for the words "thereafter until his successor shall have been nominated", the following shall be substituted, namely:-

"shall be eligible for reappointment:

Provided that any such Director shall not be appointed for more than two terms, that is, for a maximum period of eight years

either continuously or
intermittently".

4. The Reserve Bank of India Act, 1934 (2 of 1934). In section 9, in sub-section (3), for the words "thereafter until his successor shall have been appointed and shall be eligible for reappointment", the following shall be substituted, namely:-

"shall be eligible for reappointment:

Provided that any such member shall not be appointed for more than two terms, that is, for a maximum period of eight years either continuously or intermittently".

5. The State Financial Corporation Act, 1951 (63 of 1951). In section 7, in sub-section (3), the words and figures "and the Banking Regulation Act, 1949" shall be omitted.'. (10)

10 of 1949.

Page 14, line 8, for "2", *substitute* "6". (11)

Page 14, line 11, for "3", *substitute* "7". (12)

Page 14, line 14, for "4", *substitute* "8". (13)

Page 14, line 17, for "5", *substitute* "9". (14)

Page 14, line 22, for "6", *substitute* "10". (15)

Page 14, line 26, for "7", *substitute* "11". (16)

Page 14, line 29, for "8", *substitute* "12". (17)

MR. CHAIRMAN: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 1 Short Title and Commencement

Amendment made:

Page 1, line 5, for "2011", substitute "2012". (2)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, for "Sixty-second", substitute "sixty-third". (1)

(Shri P. Chidambaram)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

SHRI BASU DEB ACHARIA : Sir, in protest we are walking out.

19.04 hrs

At this stage, Shri Basu Deb Acharia and some other

hon. Members left the House.

SHRI P. CHIDAMBARAM: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

SHRI P. CHIDAMBARAM: Sir, I thank every section of the House.
