

हैं। इस तरह से हमारा विद्यार्थियों के साथ सीधा संबंध है।

मैं परसो लखनऊ विश्वविद्यालय के वाइस चान्सलर से मिला था। उनसे मिलने पर यह पता चला कि पुलिस पहले ही आ गई थी और उसने वहां पर डंडे भी चलाये . . .

THE DEPUTY CHAIRMAN: This is out of place. Arising out of the discussion on the Reports you can ask for clarification. As regards what is happening here and there, I think the best person to answer will be yourself.

श्री राजनारायण : अन्रेस्ट है। माननीय, मैं आपसे निवेदन कर रहा हूँ कि अन्रेस्ट है ना ? इस रपट से पैदा हुई अन्रेस्ट पर चर्चा हुई या नहीं और मंत्री जी ने स्टूडेंट्स की अन्रेस्ट की चर्चा की या नहीं। मैं आज जानना चाहता हूँ कि विद्यार्थियों में अन्रेस्ट है या नहीं और इसकी पूरी जिम्मेदारी शिक्षा विभाग और वाइस चान्सलरों की नीति पर है। विद्यार्थियों की भर्ती पर रोक, उनके यूनिवर्सिटी के प्राप्तर फैक्शन पर प्रतिरोध, प्राप्तर एकमोडेशन नहीं और बाकायदा विश्वविद्यालयों के वाइस चान्सलरों ने मीटिंग करके यह फैसला कर लिया है कि विद्यार्थियों की ट्यूशन फीस बढ़ाई जाय। अगर फीस बढ़ाई जाती है और आमदनी नहीं बढ़ती है तो विद्यार्थी कहा जायेगा। उनको उनकी कल्पना के मुताबिक काम नहीं मिलता है और इस तरह से विद्यार्थी बेकार रहता है। तो आर्थिक, सामाजिक और प्रशासनिक ये तीनों बातें इसमें शामिल हैं जो आज विद्यार्थियों को बेचन की हुई हैं। जब तक इस को दूर नहीं किया जाता तब तक विद्यार्थियों में बेचैनी रहेगी।

उपसभापति : मैं आप से विनती करती हूँ कि आप खत्म कीजिय और जो सवाल पूछना है पूछ लीजिये। As it is, you are not relevant.

श्री राजनारायण : मैं पूछ रहा हूँ कि उत्तर प्रदेश में माध्यमिक शिक्षक हड़ताल पर हैं और इसके बारे में सरकार क्या कर रही है ?

THE DEPUTY CHAIRMAN: If you have no reply, then we take up the next item, the Banking Laws (Amendment) Bill.

श्री राजनारायण : कोई रिप्लाय नहीं है मंत्री जी के पाम ?

THE BANKING LAWS (AMENDMENT) BILL, 1968

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI R. DESAI) : Madam Deputy Chairman, I beg to move :

"That the Bill further to amend the Banking Regulation Act, 1949, so as to provide for the extension of social control over banks and for matters connected therewith or incidental thereto, and also further to amend the Reserve Bank of India Act, 1934, and the State Bank of India Act, 1955, as reported by the Select Committee, be taken into consideration."

SHRI BHUPESH GUPTA (West Bengal) : Must you insist on passing this Bill when we are hard pressed for time ?

SHRI MORARJI R. DESAI : The House will recall that, towards the close of the last Session, we had a general debate, after which the Bill was referred to the Select Committee. The basic framework of the Bill and the underlying policies on which the legislative provisions have been drafted were discussed in detail in this House. The Select Committee also had a detailed discussion on each of the clauses and it has recommended that no change is necessary. I do not, therefore, propose to cover the same ground once again. I would, therefore, confine myself to certain important points which cropped up during discussion in the Select Committee.

As the House is aware, we are introducing for the first time a definition of banking policy in the Banking Regulation Act. The banking policy has been defined in the Bill to mean the

[Shri Morarji R. Desai]

policy which is specified from time to time by the Reserve Bank in the interest of the banking system or in the interest of the monetary stability or sound economic growth having regard to the interests of depositors, volume of deposits and other resources and the need for equitable allocation and efficient use of these resources. The reference to the banking policy has been made in sections 21, 35A, 36 and 36AB of the Banking Regulation Act and this will have the effect of widening the Reserve Bank's power in respect of control over bank advances, directions to banks generally on any other matter concerning the affairs of the bank, whether arising out of the inspection or otherwise, and the appointment of observers or additional directors by the Reserve Bank. During the course of discussion in the Select Committee, a view was expressed that in specifying the banking policy the Reserve Bank should pay due regard to the integrated expansion and development of small or regional banks. This is an important concept and its implication deserve to be examined in detail. The House would recall that in my statement on social control over commercial banks made last year I had hinted that the question of the growth of regional banks needs to be examined in the context of the development of the banking system as a whole. I intend to include it in the terms of reference for the proposed Banking Commission. The Commission would go into the entire structure and organisation of the banking system and to make as to how structurally the banking system could be made more responsive for meeting the needs of credit from all sectors of the economy.

I would also refer to another point which cropped up during discussion in the Select Committee. This is about the definition of a small-scale industrial concern. At present the criterion of a small-scale industrial concern is that the value of its investment in plant and machinery should not be in excess of Rs. 7½ lakhs. We propose to adopt this criterion for the purposes of the Banking Regulation Act. We have, however, made the definition somewhat

more flexible, so that, if the ceiling is increased at any future date, having regard to the trends in industrial development and other relevant factors, we need not have to amend the Act. This has given rise to an apprehension that we might adopt a ceiling in relation to a small-scale industrial concern for the purpose of the Banking Regulation Act which is different from the one which is applicable for purposes such as the credit guarantee scheme for small-scale industrial concerns or for other special facilities available to such concerns. I would take this opportunity of clarifying that this is not our intention and hon. Members need have no apprehension on this account.

I would not take any more time of the House, as hon. Members are already aware of the basic provisions of the Bill. Social control does not end with the passing of this legislation; we are taking and will continue to take measures to bring about a desired orientation in the commercial banks' lending policies and procedures. There has to be considerable improvement in the technical expertise in the banking profession and we have already taken on hand measures to pursue vigorously the training programmes for banks' personnel. We also intend to examine the basic structure and organisation of the banking system, its size, area of operation, its operating methods and procedure and these will be gone in depth by the Banking Commission which is proposed to be appointed shortly. I am confident that the implementation of measures which have already been taken in hand will pave the way for a positive reorganisation of the banking system on sound lines. With these words, I beg to move that the Bill be taken into consideration.

The question was proposed.

THE DEPUTY CHAIRMAN: Mr. Rajnarain has submitted his amendment at this moment. I have not got the original. I have got the translation in English. You may move your amendment.

SHRI BHUPESH GUPTA: With your permission, I would also like to move a simple one:

"That the Bill be recommitted to the Select Committee."

THE DEPUTY CHAIRMAN: I have not received yours.

SHRI BHUPESH GUPTA: I do not know why.

श्री राजनारायण (उत्तरप्रदेश): माननीया, यह मैं नियम 93 के अंतर्गत . . .

THE DEPUTY CHAIRMAN: I do not want all that now. In English your amendment reads:

"That the Banking Laws (Amendment) Bill, 1968 as reported by the Select Committee be recommitted to the Committee with respect to clause 15."

You may read it in the original in Hindi.

श्री राजनारायण: मैं प्रस्ताव करता हूँ कि:

"बैंकारी विधि (संशोधन) विधेयक को धारा 36-डी पर पुनः विचार कर जनतंत्रीय बनाने के उद्देश्य से पुनः प्रवर समिति को भेजा जाये।"

The question was proposed.

श्री राजनारायण: हिन्दी में मैंने दिया है। जरा यह देखा जाये कि अभी तक आप के विभाग को यह पता नहीं था कि इस स्तर पर भी अमेंडमेंट हो सकता है या नहीं। एक नयी चीज हम लाये हैं, हम भी पार्लियामेंटरी पद्धति जानते हैं। हम क्यों इस को मूव कर रहे हैं जब तक हम यह नहीं बतलायेंगे तब तक सदन के सम्मानित सदस्य कैसे इस पर विचार करेंगे कि इस को रि-कमिट करने की जरूरत है।

THE DEPUTY CHAIRMAN: I am admitting your amendment. What do you want?

श्री राजनारायण: पहले आप नियम पढ़िये। इस में साफ लिखा है कि: यदि विधेयक का भारसाधक सदस्य यह प्रस्ताव करे कि, यथास्थिति राज्यसभा की प्रवर समिति अथवा सभाओं की

संयुक्त समिति द्वारा प्रतिवेदित रूप में विधेयक पर विचार किया जाय, तो कोई सदस्य संशोधन के रूप में यह प्रस्ताव कर सकेगा कि विधेयक समिति को पुनः सौंपा जाये या उस पर राय या और आगे राय जानने के प्रयोजन के लिये उसे परिचालित या पुनः परिचालित किया जाये। तो इस नियम में बिल्कुल स्पष्ट कहा गया है।

THE DEPUTY CHAIRMAN: It is not discussed at this stage. We accept your amendment.

SHRI BHUPESH GUPTA: Here it is entirely different.

श्री राजनारायण: मैं अपने अमेंडमेंट पर इस समय बोलने के लिये खड़ा हुआ हूँ। माननीया, मैं आप के द्वारा मोरारजी भाई से यह निवेदन करना चाहता हूँ कि जो विधेयक प्रवर समिति से लौटा है और जिसको विचारार्थ वह इस सदन में प्रस्तुत कर रहे हैं, मैं चाहता हूँ कि उसे पुनः प्रवर समिति में जाने का एक मौका और दिया जाय ताकि प्रवर समिति गंभीरता के साथ लोगों की राय ले कर इस पर विचार करे और फिर अपनी रिपोर्ट इस सदन को भेजे और विशेषतः 15वें क्लॉज के बारे में, जिसके अन्तर्गत 36 क घ आ जाता है। क्या सदन चाहता है कि इतना अधिकार सरकार को दिया जाय।

THE DEPUTY CHAIRMAN: This is not necessary, but if you want to speak on this amendment and the Bill, you may be the first speaker.

SHRI BHUPESH GUPTA: On a point of order. There are two things . . .

THE DEPUTY CHAIRMAN: Mr. Gupta, you need not get up for everything. Mr. Rajnarain, you can explain.

श्री राजनारायण: जी हाँ, मैं केवल अमेंडमेंट पर बोल रहा हूँ।

THE DEPUTY CHAIRMAN: Are you speaking on your amendment now at this time, or are you speaking on the Bill and the amendment?

श्री राजनारायण : मैं पहले अपने अमेंडमेंट पर बोलूंगा।

THE DEPUTY CHAIRMAN : Mr. Rajnarain, you have submitted the amendment. I have accepted your amendment. It will be circulated. It will be discussed when the discussion begins. The debate must begin on the Bill . . .

श्री राजनारायण : हम बिल पर डिबेट नहीं करना चाहते। हम तो अपने अमेंडमेंट पर इस समय विचार करना चाहते हैं और चाहते हैं कि आप कृपा कर के सदन के सम्मानित सदस्यों को हमारे अमेंडमेंट पर बोलने का मौका दें क्योंकि यह विधेयक बिलकुल काला विधेयक है, संविधान विरोधी विधेयक है, यह मजदूरों के तमाम अधिकारों को कुचलने वाला विधेयक है। इस लिये मैं यह अर्ज कर रहा हूँ कि जो विधेयक मजदूरों के फंडामेंटल राइट्स को कुचल रहा हो जो यहाँ तक करने की क्षमता रखता हो कि किसी बैंककारी कंपनी के कार्यालय या कारखाने के स्थान के भीतर कोई प्रदर्शन नहीं करेगा जो हिंसात्मक हो या जो बैंककारी कंपनी की सामान्य कारखाने निवारित करता हो या निवारित करने के लिये प्रकल्पित हो, उस के लिये मेरा कहना है कि यह कौन जज करेगा। मैं चाहता हूँ कि संपूर्ण विधेयक पर यह समिति विचार न करे। हम चाहते हैं कि समिति इस के एक खास पोर्शन पर अच्छी तरह से विचार करे। दुनिया के तमाम मुल्कों में जनतंत्र है। देखें कि वहाँ बैंक के कर्मचारी किस तरह से काम करते हैं। यहाँ वह बोल न पायें, नारा न लगा पायें, वह अपनी मांगों के लिये शांतिपूर्ण प्रदर्शन न कर पायें तो यह जनतंत्र का निषेध है। इतनी ज्यादा पाबन्दी लगाया जाना जनतंत्र की हत्या है, संविधान की हत्या है, स्वतंत्र परंपराओं की हत्या है। इस लिये मैं बाध्य हुआ, मजबूर हुआ और मैं ने बहुत देर तक कोशिश की कि मैं नियमावली में कही गुंजाइश पाऊँ ताकि मुरारजी भाई से निवेदन कर सकूँ कि वह क्या करने जा रहे हैं। हमेशा मोरारजी वित्त मंत्री नहीं रहेंगे इस लिये आप कोई ऐसा

कानून न बना दें जो कि आगे आने वाली पीढ़ी के मार्ग में सीधी बाधा उत्पन्न करे। मैं ज्यादा समय नहीं लेना चाहता। मैं कहना चाहता हूँ कि किसी भी मजदूर को अपनी जायज मांग को कहने का हक होना चाहिये, उन को शांतिपूर्ण ढंग से मिलने जुलने का हक होना चाहिये क्योंकि राइट आफ एसोशियेशन, स्वतंत्र रहने का अधिकार जो है वह हमारे फंडामेंटल राइट्स में दिया हुआ है और जिस के बारे में आप माननीया, देख रही हैं कि हमारी संसद में भी विचार हो रहा है नाथ पाई जो के एक बिल के द्वारा इस प्रश्न पर कांग्रेस पार्टी भी बटी हुई है कि हम अपने फंडामेंटल राइट्स को चेंज कर सकते हैं या नहीं। इतना बड़ा प्रश्न है। फंडामेंटल राइट्स में माना गया है कि हमको भाषण की स्वतंत्रता है, बोलने की स्वतंत्रता है, मिलने की स्वतंत्रता है। हम अपनी मांगों को ले कर किसी अधिकारी के पास नहीं जा सकते, अगर यह बिल पास हो जाता है, हम कोई प्रदर्शन नहीं कर सकते अगर यह बिल पास हो जाता है तो मैं किन शब्दों में कहूँ कि यह जनतंत्र को ममाप्त करने वाला बिल होगा। इतना घोर अनर्थकारी क्लोज इस में रखा हुआ है, इस को रखने हुए अगर इस को कानून की शक्ल दी जायगी तो बिलकुल अनर्थ होगा। इसलिये मैं अपने इस संशोधन को मूव कर रहा हूँ और आपके द्वारा मोरारजी भाई से निवेदन करूंगा, सभी सदन के सम्मानित सदस्यों से निवेदन करूंगा कि यह कोई पार्टी का सवाल नहीं है। यह सवाल जनतंत्र का है। यह सवाल एक प्रणाली का है। हमारे मित्र बुजुर्ग साथी श्री हाथी, लेबर मिनिस्टर, बैठे हैं। इस कानून को रखकर लेबर ठीक से चल पायेगा? मजदूर की स्थिति क्या होगी? इस से मजदूरों की हत्या की जा रही है। और दूसरी बात, मैं चाहता था कि श्रम मंत्री जी स्वतः मोरारजी भाई से कहते कि जो श्रम विभाग है वह मजदूरों की जिन्दगी से रिश्ता रखने वाला विभाग है। उस का अधिकार एक दूसरे विधेयक के अंतर्गत ले कर, छीनने की कोशिश नहीं करनी चाहिये। यह दोनों बिलकुल सेपरेट चीजें हैं, अलग चीजें हैं। मजदूरों के

लिये एक कोड बना हुआ है, कानून बना हुआ है। मजदूरों के लिये एक राष्ट्र-व्यापी कोड बनने जा रहा है, फिर क्या बैंक में काम करने वाले कर्मचारी मजदूर श्रेणी में नहीं आयेंगे? आयेंगे, फिर क्यों बैंकिंग सिस्टम को चेंज करने के नाम पर वहाँ के मजदूरों के मौलिक अधिकारों को छीना जा रहा है। यह इस विधेयक की परिधि के बाहर है। इस विधेयक में इस को आने ही नहीं देना चाहिये था। यह श्रम मंत्रालय का काम था, घर मंत्रालय का काम था। श्रम मंत्री जी अपने कर्तव्यों का पालन नहीं कर रहे हैं। घर मंत्री जी अपने कर्तव्यों का पालन नहीं कर रहे हैं। श्रम मंत्री जी को वित्त मंत्री जी से कहना चाहिये था कि हमारे श्रम मंत्रालय का काम है कि हम श्रमिकों के अधिकारों की रक्षा करें। श्रमिकों के अधिकार जनसंघीय प्रणाली में कैसे निरूपित हों इसे देखना उन का काम था, मगर अफसोस के साथ कहना पड़ता है कि पता नहीं क्यों मोरारजी भाई इस पर बाजिद हैं कि जितने श्रम मंत्रालय के कानून हैं वे सब वित्त मंत्रालय के अंतर्गत आ जायें और वित्त मंत्रालय सब को नियंत्रित करे, चाहे वे बैंक के कर्मचारियों से संबंधित हों अथवा किन्हीं और के, येन-केन प्रकारेण वित्त मंत्रालय अपने दायरे को बढ़ाता चला जा रहा है। मैं इस का घोर विरोधी हूँ। इस लिये मैं चाहता हूँ कि इस नुक़्ते-नज़र से इस बात को देखा जाय और हमारे संशोधन को यह सदन मायता प्रदान करे। मोरारजी भाई को भी आप मौका दें। वह भी अपनी बात वहाँ पर कहें ताकि मजदूरों के हक को इंडाइरेक्ट तरीके से वित्त मंत्रालय छीनने के लिये आगे न बढ़े। बस, इतना ही मुझे निवेदन करना है।

3 P.M.

THE DEPUTY CHAIRMAN: Mr. Sundaram will begin the debate.

SHRI BHUPESH GUPTA: No, no. On that motion, you have to decide. I would invite, Madam, your attention to rule 93. Mr. Sundaram, you will open the debate when she gives you the chance.

I am inviting your attention to rule 93. If you dispose of that motion under the rule, the debate will start and he will start. I am not going into that. The only thing that I would like to submit in this connection is this. Why I said—and we say—that this should be referred back or be committed back to the Select Committee is this—this is the only thing that I want to say—that first of all, it appears from the Select Committee's Report that it has not given enough thought to this Bill. There were only four sittings, by no means adequate. It appears from the Select Committee's Report that no witnesses were called to be examined by the Select Committee. It also appears from the Report that the Select Committee does not state any reasons as to why the Committee did not consider many amendments to that Bill. All that I would like to say is that, in my opinion and in my humble submission and with respect to the Select Committee, it dealt with the matter in a very perfunctory manner, maybe under the whip of the Congress Party, and that it did not have any chance to discuss this matter and that those who were opposed to this Bill or to certain provisions of this Bill did not have ample opportunities to state and prove their case by calling the witnesses. And in view of these circumstances, I should like the Bill to be referred to the Select Committee again so that the Select Committee can apply its mind in a proper way by calling witnesses and deliberate upon the measure in a more detailed manner. That is all.

THE DEPUTY CHAIRMAN: Mr. Sundaram.

SHRI BHUPESH GUPTA: What about the motion? The motion is to be defeated.

श्री जगदम्बी प्रसाद यादव (बिहार) : महोदया, दो शब्द इनके समर्थन में मुझे कहने हैं...

श्री राजनारायण : महोदया, मुझ को व्यवस्था बता दी जाय। जब इस समय यह संशोधन सदन के सामने पेश है तो जब तक यह संशोधन डिसाइड नहीं हो जायगा तब तक पूरे बिल पर विचार नहीं हो सकता क्योंकि हमारा संशोधन

[श्री राजनारायण]
एक लिमिटेड, एक पार्टिक्युलर क्लज को रिक्मिट करने का है, पूरे विधेयक को रिक्मिट करने का नहीं है। नियम यही है कि जब यह डिसाइड हो जायगा तब पूरे विधेयक पर विचार होगा।

THE DEPUTY CHAIRMAN: Generally, we discuss them in the general debate; this main motion as well as the other amendments we discuss. It is the general rule. Therefore, I am calling on Mr. Sundaram to speak on the debate. Does the Deputy Prime Minister want to say something on this amendment? Have you anything to say?

SHRI MORARJI R. DESAI: If you admit, I can certainly say.

THE DEPUTY CHAIRMAN: I would like the debate to begin now.

श्री जगदम्बी प्रसाद यादव : मैं पहले दो शब्द इस पर कह लूँ तब वित्त मंत्रीजी जवाब दें।

THE DEPUTY CHAIRMAN: You cannot take the time of the House.

श्री जगदम्बी प्रसाद यादव : मैं समय नहीं लेना चाहता। सिर्फ दो शब्द कहना चाहता हूँ।

SHRI MORARJI R. DESAI: If the hon. Members want, I am certainly prepared to speak on the amendment now, that is on their arguments. My hon. friend . . .

SHRI SUNDAR SINGH BHANDARI (Rajasthan): If he speaks on the amendment, other Members also may want to speak on that.

THE DEPUTY CHAIRMAN: I have drawn the attention of the House that we have one general debate on this with all the amendments.

SHRI BHUPESH GUPTA: That is not the point.

(Interruptions)

THE DEPUTY CHAIRMAN: All of you cannot stand up. I do understand something. You have explained it. You want it to go back to the Select Committee. He also wants it to go back to the Select Committee. Mr. Yadav has something to say.

श्री जगदम्बी प्रसाद यादव : जो अमेंडमेंट आया है उसके समर्थन में मैं दो शब्द कहना चाहता हूँ। महोदया, मेरा कहना यह है कि एक पंक्ति है :

‘देखन में छोटी लगे, घाव करे गंभीर’

उसी प्रकार देखने में ऐसा लगता है कि एक बहुत सिम्पल अधिकार हमारे वित्त मंत्री ने मांगा है, लेकिन यह सिम्पल अधिकार जो कांस्टिट्यूशन में एक राइट दिया गया है प्रदर्शन करने का उस पर कुठाराघात करता है। इसमें जितना अधिकार लिया गया है उस अधिकार से साबित होता है कि किसी भी आदमी को कहीं पर प्रदर्शन करने का अधिकार नहीं होगा।

THE DEPUTY CHAIRMAN: Are you speaking generally on the Bill?

श्री जगदम्बी प्रसाद यादव : इस मैटर पर जो प्रवर समिति के सदस्यगण थे और उन्होंने जो नोट आफ डिसेंट दिया या विरोध प्रदर्शित किया, उससे यह स्पष्ट है कि उन्होंने जो अमेंडमेंट दिये उनमें से एक भी स्वीकार नहीं किया गया है और जब एक भी अमेंडमेंट स्वीकार नहीं किया गया है तो इस तरह की प्रवर समिति की बैठक का जो महत्व है उस महत्व को बरबाद किया गया है। इस लिये हम भी राजनारायण जी के संशोधन का समर्थन करते हैं और चाहते हैं कि इसको प्रवर समिति में फिर से गंभीरतम विचार करने के लिये भेजा जाय।

THE DEPUTY CHAIRMAN: I think we now begin the general debate.

SHRI LOKANATH MISRA (Orissa): Just give me only two minutes. The point is, I think Mr. Rajnarain's amendment is an order, because . . .

THE DEPUTY CHAIRMAN: It is an order.

SHRI LOKANATH MISRA: . . . his contention is that it should be put to vote.

THE DEPUTY CHAIRMAN: It cannot be put to vote now.

SHRI BHUPESH GUPTA: No, Madam. You have to go by the rule. You have admitted the motion.

THE DEPUTY CHAIRMAN: Which is the rule?

SHRI LOKANATH MISRA: I am speaking according to the Rules of the House, and once it is defeated, then it would be proper for the Finance Minister to proceed with the Bill. Or else, suppose we have an amendment...

SHRI BHUPESH GUPTA: "If a member... may move as an amendment".

He has moved the amendment.

THE DEPUTY CHAIRMAN: Which rule are you referring to?

SHRI BHUPESH GUPTA: Rule 93(2).

THE DEPUTY CHAIRMAN: I will tell you. The general practice of this House, when a reference is made to the Select Committee, is that that amendment plus the Bill are generally debated here. And after that, every amendment is put to the vote. This is the general practice of the House; we have been following this practice all through the years.

SHRI BHUPESH GUPTA: Never. Now...

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta who has been a Member along with me from 1952 knows the general practice of the House very well. He has cited a rule today. I would appeal to you...

श्री राजनारायण : माननीया, एक प्वाइंट आफ आर्डर मेरा सुना जाय। रूल 93 के मातहत कोई संशोधन आये...

SHRI MORARJI R. DESAI: May I submit that I have moved for consideration of the Bill? The hon. Member has moved an amendment to my motion. All this has got to be considered together.

SHRI BHUPESH GUPTA: No.

SHRI MORARJI R. DESAI: Voting can take place only together. That is, before the consideration is voted, the amendment must be voted.

SHRI BHUPESH GUPTA: No, no.

SHRI MORARJI R. DESAI: There is no use of saying 'No, no'. This is the practice in this House, in any House. My hon. friends are very capable people. But that is the handicap with them. They do not want to utilise their intelligence in a proper manner. That is the difference.

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam Deputy Chairman, it is a peculiar position. If the amendment moved by Mr. Rajnarain is carried, the Bill is again referred back for further consideration to the Select Committee and the debate becomes infructuous. If the whole debate is allowed to be carried on and if at the end Mr. Rajnarain's amendment is carried, then we have wasted all the time of the House. Therefore, I would request that the motion of Mr. Rajnarain, that amendment, be put to vote, and after that the debate be started.

THE DEPUTY CHAIRMAN: I do not think what Mr. Bhargava says is correct. (Interruptions.) Let me speak.

श्री राजनारायण : माननीया, जरा हम को सुनिये। दुनिया की हर संसद में यही होता है। जब पूरे विधेयक के लिये हम कहें कि सिलेक्ट कमेटी में जाय तो आप इसी तरह से लें। लेकिन जब एक पार्ट के लिये हम कह रहे हैं तो आप को पहले वोट लेना चाहिये और तब डिबेट शुरू करना चाहिये।

THE DEPUTY CHAIRMAN: I do not think Members should go on repeating the same argument again and again. I want to say that the general practice should be followed in this House. What has been followed down the years is that we have...

(Interruptions)

SHRI BHUPESH GUPTA: We have not followed it, we have not followed it. I will remind you. This is not the practice that we have followed in the House.

THE DEPUTY CHAIRMAN: Mr. Gupta, you should refresh your memory. We take this amendment for referring back to the Select Committee along with the other amendments...

SHRI BHUPESH GUPTA : No.

THE DEPUTY CHAIRMAN : . . . and then we discuss . . .

(Interruptions)

SHRI BHUPESH GUPTA : This is not the position. You cannot alter the rule.

THE DEPUTY CHAIRMAN : Therefore, I want to begin the debate.

(Interruptions)

SHRI BHUPESH GUPTA : I want to make a submission on a point of order. Kindly listen to me. It is a serious matter. If you say that we have followed that practice, first of all, that does not decide the issue. If we follow a certain practice as a matter of convenience, irrespective of the rule, then that falls through the moment somebody raises the question of rule, and the rule has to be applied, first of all.

Secondly, perhaps by oversight, you missed one fact. When we move a Bill for reference to a Select Committee, or for eliciting public opinion, we take the vote together after the conclusion of the debate. But here the situation has arisen when the Bill was sent to the Select Committee of this House. Now it has come back to the House from the Select Committee. We are not going into the merits at all at this stage nor into the question of principles. Now the plea is that we are not satisfied with the manner in which the Select Committee has functioned.

Now there is rule 93. That rule has powers in clause (2). Rule 93 should not be mixed up with rule 94 which lays down the procedure of debate. The debate starts only when we have disposed of the thing; otherwise there will be no meaning in having two separate rules.

THE DEPUTY CHAIRMAN : I have made myself very clear. I do want Members to take their seats and let the House go on smoothly.

SHRI BHUPESH GUPTA : No. It cannot go on.

THE DEPUTY CHAIRMAN : Mr. Sundaram.

SHRI K. SUNDARAM (Madras) : Madam Deputy Chairman . . .

श्री राजनारायण : माननीया, मैं जानना चाहता हूँ कि इसमें आपको क्या आपत्ति है। जनरल डिस्कशन तभी हो सकता है जब पूरे बिल को हम रिफर करने की बात करें। हमने एक पर्टीकुलर पोइन्ट को रिफर करने की बात की है और हम उसी पर्टीकुलर एमेन्डमेंट पर बोले हैं। यह एक डीसेन्ट पार्लियामेंटरी प्रेक्टिस है, जिसको हमने अपनी विधान सभा में फालो किया है। आप वोट करा कर आगे बढ़िए।

THE DEPUTY CHAIRMAN : You all want to introduce a new procedure.

SHRI BHUPESH GUPTA : It is not new.

THE DEPUTY CHAIRMAN : I am not prepared to accept a new procedure. . .

SHRI BHUPESH GUPTA : I would not ask for a new procedure. It is not very fair.

THE DEPUTY CHAIRMAN : Please listen. I do not want this procedure that we are having to be flouted for no rhyme or reason. Therefore, let us discuss the whole thing and let Mr. Sundaram begin the debate. Mr. Sundaram.

श्री राजनारायण : मोरारजी भाई एक डीसेन्ट प्रेक्टिस से कैसे इन्कार कर रहे हैं।

SHRI K. SUNDARAM : Madam. . .

SHRI BHUPESH GUPTA : I do not know why it should be so. Madam, I say it is frustration of a motion. My whole purpose in the motion is not to have a discussion but to let the Select Committee discuss it. How do I know? You are now frustrating the motion. If one Member, Madam, points out about quorum, since the quorum has to be there, you know that the House has to be adjourned. This is similarly like that. Why can you not take a vote? If you think the Government is in a majority, let

there be a vote. It will not take much time. It can be done in a split second.

THE DEPUTY CHAIRMAN : Mr. Sundaram.

SHRI BHUPESH GUPTA : Madam, I would like this matter to go to the Chairman. I would like this matter to go to the Rules Committee as also to the Privileges Committee. Madam, I say I want that because a Member has the privilege. . .

THE DEPUTY CHAIRMAN : You can take up the matter, according to the procedure, anywhere you like.

SHRI BHUPESH GUPTA : You are not following the procedure. Let the Leader of the House speak. What is the use of having this rule ?

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : This is the procedure which we have been following. There can even be a motion for circulation. But when the whole motion is put the amendment will also be put. But there is no rule for putting it to vote. The Chair has given the ruling.

श्री राजनारायण : माननीया, पाइन्ट आफ आर्डर । मैं आपके जरिये हाथी जी से निवेदन करता हूँ कि इस रूल का कोई परपञ्च नहीं रह जाता । किसी पार्टीकुलर पोर्शन को कोई मेम्बर चाहे तो सेलेक्ट कमेटी की ओपीनियन के लिए भेजने का प्रस्ताव कर सकता है । इस समय हम केवल लिमिटेड पोर्शन के एमेंडमेंट पर बोल रहे हैं । दूसरे माननीय सदस्यों को भी हक है कि हमारे एमेंडमेंट के पक्ष या विपक्ष में बोलें । वह एमेंडमेंट चला जाता है तो पूरा विधेयक विचारार्थ आएगा । विधेयक पर अभी विचार नहीं किया जा सकता ; अभी तो बहस होगी हमारे उस सीमित एमेंडमेंट पर । सभी पवित्र संसदीय परम्परा में यह होता है और यही पहले हमने किया है । हम आपसे निवेदन करते हैं कि एक साधु प्रथा को तोड़ने की कोशिश मत कीजिए । मेरा यही निवेदन है चेयर से विनम्रता के साथ ।

SHRI BHUPESH GUPTA : It is the function of the Leader of the House to see that even under the gravest of provocations, even if it comes from us, he should not create a situation when rules can be frustrated. Every rule has its own meaning. Every procedure has its own connotation. Here when a reference to refer it to a Select Committee comes, it means the House would not like to discuss it but would like the Select Committee to have a chance before pronouncing on their report. In all fairness to the Select Committee, we would not like to discuss and reflect upon their deliberation without their being given another chance to consider this matter. Therefore, it is neither fair nor just to force us enter into a debate when we are very generous, despite the very strong criticism, to refer the matter to the Select Committee. This kind of thing does not arise. I do not remember of any case when the report of a Select Committee was sought to be referred back to the Select Committee. Tell me in which case we have asked for a reference back to the Select Committee of a report of the Select Committee. As far as I can recollect we have never seen that. Therefore, Madam Deputy Chairman, we do not want to create any difficulty for you at all. All that you have to ask for is "Ayes" or "Noes" on this motion. Take the vote and finish with it.

THE DEPUTY CHAIRMAN : The Secretary points out that such a matter has come up before this House and we have followed the practice that I am suggesting today.

Mr. Gupta said that he is going to take this matter to the Chairman. I would like him to do so. But for the present I am conducting the House and I call upon Mr. Sundaram to speak.

SHRI K. SUNDARAM : Madam Deputy Chairman . . .

SHRI BHUPESH GUPTA : I do not know why the Government is not willing to take a vote. They are morally afraid of taking a vote.

THE DEPUTY CHAIRMAN : Mr. Sundaram.

SHRI BHUPESH GUPTA : Madam, I am not blaming you at all. Why can the Leader of the House and Mr. Morarji Desai not take a vote? You have a majority here.

SHRI LOKANATH MISRA : Madam, now that there has been a ruling—the hon'ble Member of my Party has already gone—there must be peace in the House.

श्री राजनारायण : माननीया, यह हमारे साथ अन्याय हो रहा है। अगर इस पोर्शन को अलग करके हमारे एमेंडमेंट पर वोट हो कि इसको सेलेक्ट कमेटी में भेजा जाय तो बहुत से सदस्य हमारा साथ देंगे, लेकिन पूरे विधेयक पर वोट हो तो हमारा साथ नहीं दे सकते। मैं चाहता हूँ हमारे इस एमेंडमेंट पर वोट हो जाय, इसमें भार्गव, चन्द्र शेखर, मोहन धारिया सब हमारा साथ देंगे, पूरे विधेयक पर हमारा साथ नहीं देंगे।

THE DEPUTY CHAIRMAN : Mr. Rajnarain, please sit down. (*Interruption by Shri Bhupesh Gupta*) Mr. Gupta, please take your seat and no more. We cannot go on like this. There must be some sense of dignity. The Members must behave.

श्री राजनारायण : यह डिगनिटी है ?

SHRI BHUPESH GUPTA : What dignity? The dignity is being marred by them. Do not tell us about dignity. You are violating the dignity. Mr. Morarji Desai and the Treasury Benches are violating the dignity. We care two hoots for the dignity. It is meaningless dignity. We are for dignity but not of that kind.

श्री राजनारायण : देखिये, माननीया, मैं बिल्कुल विनम्रता के साथ कहूँगा कि आपकी व्यवस्था असंसदीय है, अजनतंत्रीय है। मैं आपकी इस व्यवस्था को शिरोधार्य करने के लिये कभी तैयार नहीं हूँ। यह हमारे लिये बिल्कुल सही है और हम चेयर की किसी व्यवस्था से अपनी असहमति प्रकट करने का हक रखते हैं।

SHRI LOKANATH MISRA : Madam, it is very wrong for him to say that it is undemocratic. (*Interruption.*) I may say anything against the Government, but I am here to keep up the respect of the Chair. If there is any attack on the dignity of the Chair, I will dissociate myself. . .

(*Interruption.*)

श्री राजनारायण : ऐसे हल्ले से हम नहीं बैठने वाले हैं। हर्गिज नहीं। देखिये चेयर की डिगनिटी नहीं है. . . (*Interruptions*) . . . बिल्कुल असंसदीय प्रथा है। चेयर से असहमति प्रकट करने का हमारा मौलिक अधिकार है। देखिये, हमारी असहमति होगी तो या नतमस्तक होकर बैठ जायेंगे नहीं तो वाक आऊट करेंगे लेकिन यह नहीं कह सकते कि चेयर की व्यवस्था से हम हमेशा सहमति प्रकट करें। अपने सेक्रेटरी से पूछ लीजिए जो मेज़ की पालियामेन्टरी प्रैक्टिस जानते हैं।

THE DEPUTY CHAIRMAN : Please take your seat. You have said everything you wanted to say. Mr. Sundaram.

SHRI K. SUNDARAM : Madam Deputy Chairman, the Finance Minister while introducing this Bill. . .

SHRI BHUPESH GUPTA : Bogus Bill.

SHRI K. SUNDARAM : . . . said that he is going to appoint a Banking Commission at a later date and all the important aspects of the banking business will be referred to that Commission. But unfortunately. . .

(*At this stage, Shri Bhupesh Gupta and Shri Rajnarain were leaving the House.*)

श्री मोरारजी धार० देसाई : जाइये, जाइये।

SHRI BHUPESH GUPTA : On a point of order, Madam. Is it permissible for a person who is not a Member of the House, namely, Mr. Morarji Desai, to ask a Member to get out like that? He is not a Member of the House. Please give a ruling. Is this dignity? You can ask me, they can ask me. . . (*seeing Shri Morarji Desai leaving the House*) Go, go.

THE DEPUTY CHAIRMAN : Please sit down. Mr. Sundaram.

श्री राजनारायण : माननीया, हुआ क्या। देखिये मैडम, इन्डाइरेक्टली यह आपका अवमान है, यह चेयर पर रिफ्लेक्शन है सदन के किसी मेम्बर से कहा कि वाक आऊट करो। . . .
(*Shri Rajnaram continued to speak.*)

THE DEPUTY CHAIRMAN : Order, order. Please do not take anything down. The debate has begun.

SHRI K. SUNDARAM : Madam Deputy Chairman, the Finance Minister while introducing this Bill said that he is appointing a Banking Commission to go deep into matters relating to the banking industry in this country. But unfortunately he has not said anything about the urgency of introducing such a Bill at this juncture. Some time back there was pressure from a microscopic minority of this country demanding nationalisation of banks, and I am quite sure this is only an alternative for the nationalisation of banks, which is being called socialisation of banks. There have been no proper grounds put forward for such a measure to be taken up immediately. The few grounds that were referred to while the Bill was originally introduced, have not been properly established either. A Select Committee of this House was appointed and this Bill was referred to that Committee. They have gone through it and now have submitted this report. A number of Members have submitted their dissenting notes. Yet it is a majority report. Reading through the report, it is very clear that it is only a discussion, an academic discussion among the Members of the Committee. They have not called for evidences, nor have they studied this subject or have gone into the allegations made against the banking industry in this particular Bill. Therefore, it is only an academic discussion of the various opinions of the individual members of this particular Select Committee.

One of the allegations made about the banking industry is abuse of bank funds by their directors. I would like

to tell this House that this has not been established anywhere. On the contrary, if an analysis is made about the utilisation of the banks' funds by the various directors, it will be proved that the State Bank of India has lent the maximum amount, nearly 25 per cent of their total lendings, to companies in which their directors have interest. There is only one bank out of the other 20 which has an equal amount of advances, that is, 24 per cent. There are, on the whole, only 7 banks which have advanced more than 10 per cent of their total lendings to their directors or companies in which their directors have interest. Such being the case, it is very wrong to say that the directors have misused the funds of the banks and, therefore, socialisation or nationalisation of this industry is warranted. The Maratha Chamber of Commerce have brought out these figures and they have been published. I hope the Finance Minister would have already seen this and studied it. Anyway, he has not repudiated it so far. Therefore, I take it that that statement issued by the Maratha Chamber of Commerce is correct.

The other charge about the industry is that their lending policy is not correct and that they have been lending only to big business houses and big industrialists, and have neglected agriculture or the small-scale industries or anybody who did not enjoy the confidence of the board of directors of these banks. Even this has not been established. On the other hand, there have been so many regulations to safeguard the interests of the depositors. All these years the banking industry has been working purely with the object of safeguarding the interests of the depositors. The policy of the State Bank of India also has been that the money lent to industries or any borrower is safe. That has been the policy pursued by every banking institution in India, including the State Bank of India. That being the case, how can the Government now find fault with the banks that they have neglected the small-scale industries or that they have not advanced adequate

[Shri K. Sundaram]

funds for the development of small-scale industries, or that they have totally neglected agriculture? I may tell the House that the agricultural industry was prevented from getting any money from these various commercial banks. It was the monopoly of the co-operative banks, the co-operative land mortgage banks and such other institutions. These commercial banks were prevented from lending monies to the agricultural sector. That being the case, how can the Government come now and say "You are at fault. You have not lent money to develop the agricultural industry"? If at all there had been any directive from the Reserve Bank of India, naturally the commercial banks would have followed it. Was there any case or any instance established that such directives by the Reserve Bank of India were not being followed in the matter of banking policy? No case has been established in that manner. It has been the custom, tradition and practice of every banker, from the village money-lender to the biggest bank in this country, that the creditworthiness of the customer is the criterion on which the amount or other terms should be determined. Now, it seems that the policy is to be changed. Under the name of social control or social development or whatever it be, they seem to be changing this object altogether. If the intention of the Government is that the money collected from the depositors, from the public, by the banking institutions is to be lent to the people who are only deserving irrespective of whether they are creditworthy or not, whether they are small or big, then the Reserve Bank should have given such a directive to do so. They had been saying that these regulations and amendments, the banking control or regulation Act was brought in to safeguard the interests of the depositors who have deposited their savings in the bank. But if the lending policy is to be changed, then which gets the priority? Is it the safeguarding of the interests of the depositors that should supersede the desirability or the credit requirements of those small borrowers

without any creditworthiness? That has to be decided. If the bank has given any such directive, I am sure, the banking industry would have followed suit. But the Government has never said that they do not care for the deposits of the public.

The main charge levelled against the banking industry is inefficiency. Well, it has been the practice or the experience of businessmen in this country that all the privately-managed banking businesses have been far more efficient than that of the State Bank or its branches all over the country. There is no doubt about it. But even if we see the amount of deposits that these banks have mobilised from the public, it will be an indication to their efficiency. In 1951 all the banks in India put together had a total deposit of 880 crores. But in 1966 they have a total deposit of 3,378 crores. How was it possible? How did they get it? If they were inefficient, was it possible for them to increase the deposits four times? Absolutely not. Who have deposited this money? Fiftyfive per cent of the people who have deposited these monies in these banks are individuals. They are not corporate bodies. They are not big trusts, but individual people who have saved their money and who wanted to invest their savings in these banks. It is that 55 per cent who have put in all their savings here and it is the responsibility of not only the bank of the board of directors but it is also the responsibility of the State to see that money is safeguarded and that is properly returned to the depositors with interest whenever it is due.

And lastly, Madam, about this National Commission to be appointed. If at all any measure is called for after the Commission has gone through, definitely this House will consider any Bill that is necessary to change the present and existing laws and conditions that are prevailing in this industry. But unfortunately in the present proposed amendments there are terms like, "public interest", "national interest", "banking policy", and so on. But their definitions are not very clear. Even if these amendments are meant

to work for a temporary period, these terms very badly require redefining more clearly, exactly what they mean by the terms, "public interest" and "national interest" But unfortunately what I see in this Bill is, it is not nationalisation on a wholesale banking, but it is nationalisation in stages through back door methods, because I see in this under these terms of "public interest" and "banking policy", the heads of the banking institutions can be brought to book, they can be removed by a mere executive order. They need not come to the Parliament to pass any fresh legislation. We are investing the executive with such powers to remove and take over the entire management of these banks and it is very easy under the present conditions, under the trading conditions, under the present economic conditions, that banks will not be able to fulfil the directions of the Reserve Bank. It is not in their control and it is impossible for them to fulfil hundred per cent the directions of the Reserve Bank. Therefore, merely under this plea, once or twice if they take time, if any one bank or institution has not fulfilled or followed the directions of the Reserve Bank, it can be nationalised. Therefore, this is a measure to nationalise the banking industry through the back-door by deceiving the public, by deceiving even this House without bringing in proper legislation for that purpose. Therefore, Madam, I would submit that this Bill should be rejected and a National Commission should be set up as early as possible and if any measures are necessary as recommended by the National Commission, they can do so.

SHRI M. M. DHARIA (Maharashtra) Madam Deputy Chairman, when this matter was referred to a Select Committee of the Rajya Sabha, I was under the impression that the Select Committee would take a correct and proper view of the situation and would go into all the details of the Bill. Unfortunately it did not happen. When I referred to page 36 of the Report of the Select Committee of the Rajya Sabha on the Banking Laws (Amendment) Bill, I found there in para 4

'After some discussion the Committee decided that there was no necessity to issue a press communique inviting memoranda on the Bill or record oral evidence on the subject-matter of the Bill.'

Then afterwards again my friend, Mr Kulkarni, at the next meeting agitated the matter and he asked that several important institutions should be invited. Besides, the All India Bank Employees Association and the All India Reserve Bank of India Employees Association also had requested the Chairman to allow them to appear before the Committee. But all those requests were turned down. The honourable Chairman Mr B. K. P. Sinha, it appears at para 3, informed the Committee that he had invited Shri Morarji Desai, Deputy Prime Minister and Minister of Finance, Shri K. C. Pant, Minister of State in the Ministry of Finance and Shri Jagannath Pahadia, Deputy Minister in the Ministry of Finance, to attend all the meetings of the Committee. When the honourable Chairman could invite these honourable Ministers—it was necessary to invite them because the Bill concerned them—I fail to understand why the Chairman did not call the parties the persons who would have helped a lot in formulating a proper Bill. When I am making these comments before going into the other details of the Bill, I would like to go to section 36AD to which I had referred in my previous speech—Clause 15 of the Bill. I have brought to the notice of this House that so far as Section 36AD is concerned not that it is not at all necessary but at the same time it is redundant. I have brought to the notice of this House that Section 339 of the Indian Penal Code regarding wrongful restraint deals with this matter.

Section 339 says

'Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.'

[Shri M M Dharia]

The section 341 says :

"Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both"

Then I—refer to sections 425, 426 and 427 Section 426 says

"Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both"

Section 427 says :

"Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both"

Then I had brought to the notice of this House section 441 which says .

Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit 'criminal trespass'

Then section 442 says

"Whoever commits criminal trespass by entering into or remaining in any building tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit 'house-trespass'"

Then I had also brought to the notice of the House section 504 of the Indian Penal Code which says

"Whoever intentionally insults and thereby gives provocation to any person intending or knowing it to

be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both"

Then section 511 says

"Whoever attempts to commit an offence punishable by this Code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment "

So all these penal sections are already there in the Indian Penal Code If any employee commits that sort of mischief or restrains any person from lawfully entering the bank, the Manager of that Bank can immediately approach the police station and the police will take immediate cognisance of that offence When all these sections are there, I fail to understand the need of this section, section 36AD What actually the Government has done is that it has made the employees united and has mobilised all of them together because of such repressive measures which the Government intends to have Let me on this occasion warn the Government that if the Government is under any impression that it can crush the trade union activities in this country by such repressive measures, it is not going to succeed On the other hand a time may come when the Government itself will be a sufferer Madam, Mr Sundaram was very critical about nationalisation of banks Even in nationalisation of banks or in social control over banks, what is the part to be played by the employees and the staff? Are they not partners in such social control? Instead of treating them as partners, instead of creating that sense of belonging among the employees, the Government has unnecessarily agitated the employees and thereby the employees are not only united but they are prepared to face

any eventuality to see that their rights are protected. Let me make it clear that I will not blame the employees when they do that. Suppose tomorrow the employees decide to protest against such repressive measures. I can tell you that I will stand with them, not with the Government, because it is quite unfair on the part of the Government to deny the employees their rights, their legitimate rights, by adopting such repressive measures. Should we not take a lesson from our history? Should we not treat ourselves as the representatives of the employees? I just fail to understand why this Government should have that kind of approach at the hands of certain bureaucrats. Is it not the time when the Government should use its own intellect and its own imagination while dealing with this problem? I am really surprised and very much agitated that this Committee, which was headed by such an eminent Advocate who stands in the Supreme Court for the protection of Fundamental Rights, has returned the Bill saying that the Committee do not consider any amendment in the Bill to be necessary. Madam, no evidence was recorded; no witnesses were called for. In spite of all our speeches and the legal points raised by us on the floor of the House, the Attorney-General of India was not examined, the eminent jurists of our country were not examined. This Committee has sent back the Bill to us saying that no amendment is called for. I really pity the functioning of the Committee, even though my friend, Mr. Kulkarni, happened to be one of its Members. Of course he tried his best to raise his voice. Some other Members have given their Minutes of Dissent. So far as this Committee is concerned let me say that this Committee has failed to render justice to this House and also to the employees who were having great expectations from the Committee.

Now coming to social control measures it is true that a compromise formula was reached. It was demanded that the banking industry, having deposits to the tune of Rs. 3,800 crores, should be in the hands of the State, it

should be nationalised. That was our demand. But it was then stated that social controls might perhaps be more useful and more powerful than nationalisation of the banking industry. But in the light of my experience during the last one and a half years I have come to the conclusion that social controls have utterly failed. The slogan of the Government that through social controls it would be possible to have a proper credit policy in the country has failed to yield results. It may perhaps be argued that the country's national credit policy is to be decided by the National Credit Council and then the Government will try to implement that policy. But that will fail because of the various pulls and pressures that exist today in the banking industry. Have we not noticed that it was Mr. Goenka who could mobilise capital worth Rs. 138 crores and who could corner the shares of the Indian Iron Company? Then are they not the same Goenkas who were out to take over the two dailies in Ahmedabad and Gujarat? Then the Government had to come forward and make available Rs. 25 lakhs out of its own financial institutions. From where was Mr. Goenka to secure the loan? Mr. Goenka was not going to give the loan out of his own pocket. He got the loan of Rs. 138 crores from the very banking institutions which are supposed to make credit available for the poor farmers and for the small-scale industries. Some petty schemes are formulated and press conferences are held by the management and then they say: We have decided to give Rs. 10 crores to the small-scale industries and farmers. But why only Rs. 10 crores when they are mobilising hundreds of crores of rupees? This is just to cheat and deceive the people, to give the impression as if the whole trend has now changed because of social controls introduced by the Government of India, as if the whole approach of the banking industry has changed and money is flowing freely towards the poor farmers and small-scale industries. Even today we find there is not much difference, barring a few crores here and there. Let the Finance Minister come before this

[Shri M. M. Dharia]

House and say what he has done during the last one and a half years. Can he prove to the House that the credit facilities required by the agriculturists, the smallscale industries, the experts and the engineers are made available? What is the test of creditworthiness? Again the credits are given to those who can produce sureties and securities. So, naturally all these crores are available to the rich and not to the poor. Those criteria are not yet changed. What is going to be your mechanism? When I say this should be nationalised I do not mean the nationalisation as it functions in our country today. Let me be frank about it because what has happened? At the most the private capitalist has gone but the State capitalism has started. The bureaucrats have taken a grip of the whole situation and they have become the new rulers in this country. So when we say that we want nationalisation, that nationalisation means that it shall be for better production; having regard to the new science and technology. through nationalisation should be in a position to advance further and further. In a nationalised industry or undertaking it is not only the Government bureaucrats but the consumers, the workers, the management and the Government which should be properly represented and care should be taken so that all the interests of the society are properly protected. Nationalisation is an instrument for new social transformation. When we look at the present nationalisation and the schemes of social control, we find that they have never bothered about these imperatives. Now they say that they would try to bring in new personnel but what have they done? They have changed those Chairman. Those who were the General Managers that is, those who were the puppets in the hands of the capitalists have now become the Chairmen of those banks and the Government say that they have changed the structure. It is not changing the structure.

SHRI K. SUNDARAM : That is not the purpose of this Bill.

SHRI M. M. DHARIA : If it is going to be the purpose of the Bill, if because of the pulls and pressures and because of some speeches here criticising the Government—thanks to Mr. Sundaram—if the Government is going to implement the policies as they have been implementing now, they are not social controls. They are not going to achieve the social objectives. Social controls are meant for achieving new social objectives that are in our minds. Is it an instrument for a new social order? It is not going to happen and I have no doubt in my mind that when I study the development of the past one year, I find that the Government is trying to implement the schemes through the same mechanism which was operating for the capitalists which is even to-day operating for the capitalists. It is throwing dust in the eyes of people when they say that they have been able to achieve something during the last one year. I would like to know the progress made by the Government. The hon. Minister said that he is going to appoint a Banking Commission. So many reports are available. Where is the necessity for this Commission? It is nothing but relaying for the purpose of protecting the interests of those capitalists. Let me be excused for being blunt and frank but I have no doubt in my mind that if the present needs of this country are to be solved there is no other alternative but to take over such industries like banking where money is generated. It is Rs. 3,800 crores which are deposited in the banks and Mr. Sundaram is not correct when he said that these amounts are deposited because of the present banking system. I have no doubt that if the poor people in the country are convinced that it is out of these institutions that proper credit facilities will be available, the deposits in the banks would have been much higher than what they are to-day. So the doubts expressed by my friend are not correct, because they know that out of those Rs. 3,800 crores, nearly Rs. 2,000 crores go to those who are hardly 70 families, who have invested only Rs. 40 crores in the share capital of the banks and over that share capital they can have Rs. 2,000 crores at their

disposal and so the common man is afraid of depositing the money. So it is the other way around.

SHRI K. SUNDARAM : May I interrupt him? The present co-operative landmortgage societies and credit societies are purely meant for lending money to these very small farmers. May I know what is the total amount of deposits that these banks have got to-day?

SHRI M. M. DHARIA : Here lies the difficulty. The present co-operative banks are asked to give loans to these poor farmers having no means whatsoever but even then they have been doing it. So wherever the bulk amount and huge profits come, the investments are made by the big bankers and naturally, that is again a tragedy. Let us examine that to-day. Today it looks as if the duty of these cooperative banks is to look after the poor who require the assistance in a major way. That process will have to be reversed and if that is done I have no doubt that the fate of the cooperative institutions will be much better than what it is to-day. So coming to the conclusion I feel that much tommying is being done but it is nothing but the old wine in a new bottle. The people have realised that it is the old wine in a new bottle. Unfortunately, though the Finance Minister is there, it is still nothing but the old wine in a new bottle. The taste is the same, the odour is the same and the effects are the same. On the contrary it is much more serious and grave because the wine has become older. One hour earlier when the Education Minister was replying to the debate did not we feel that to-day to be educated is a problem? And to remain uneducated is a serious problem. To get...

AN HON. MEMBER : What is the label on that bottle?

SHRI M. M. DHARIA : It is 'social control'. To try to be an expert is a crime and to be an expert is a crime and that is why I say that the reason is obvious because the educational policy lies in the hands of Sen and in-sance. Similarly how this social and

economic policy can give a new change? New motivations are required and they are possible provided we have faith in democracy and faith in socialism. Unfortunately I feel that when these efforts are seen that motivation has been lacking. Until that motivation is generated, unless and until the Government decides to take a radical move in this matter, it will not be possible but I would warn the Government that the time is running very fast and the situation is getting more and more serious and if this Government fails in having these radical measures, the people are not going to wait. They shall come forward and the whole situation—social, political and economic—will go out of the control of the Government and therefore these social controls should be important in the spirit in which they are meant and the Government should otherwise come forward for the nationalisation of this industry.

SHRI D. THENGARI (Uttar Pradesh) : Madam, in the first place I want to question the propriety of the section, namely 36AD. This Bill is supposed to be a Money Bill or Financial Bill and this was not the proper Bill in which to introduce something in connection with the curtailment of the trade union rights. This belongs to some other Department, namely, the Labour Department and this was not the occasion for introducing a provision curtailing the trade union rights because this is a Money Bill. Secondly, precisely on this point, that is, about disciplinary action, then punishments—major and minor—misconduct—major and minor, all these matters have been gone through by four competent persons, namely, Shri Sen, Shri Sastri, Shri Desai and Shri Iyer and now to come forward with another provision would amount to a sort of no-confidence in these competent persons.

4 P.M.

Again Government has not said even during the last discussion that there was any need for introduction of such a provision in that there was any occasion where the employees became uncontrolled, that they committed

[Shri D. Thengari]

some violence; that is, there was no justification put forward by the Government during the last discussion.

Again, Madam, as has been rightly said by our friends, there are various sections of the Indian Penal Code; certain sections have been referred to, such as 339, 340, 426, 441, 504 and 511. Because of these sections of the Indian Penal Code this section 36AD becomes redundant. More than that I want to say that when the Criminal Law Amendment Act was passed in 1931, when section 7 was passed at that time, even the British Government had assured that the provisions of section 7, which pertained to restrictions on peaceful picketing, would not be made applicable to trade union activities. That is to say, when even the foreign Government was so considerate to the trade union activities, it is tragic, Madam, that our own Government should come with a heavy hand on our employees.

(Interruptions.)

Again, Madam, the wording of section 36AD is very vague; it is capable of being misused. It says in clause (c) :—

“act in any manner calculated to undermine the confidence of the depositors in the banking company.”

Now what does it mean? “Calculated” means, who will calculate? The employees or the employers or the general public or the customers or the Government? That means much is left to the discretion of the employers only. And if the employees try to uncover, try to expose the misdeeds or defalcations or some such matters on the part of the employers, then it would be calculated to undermine the confidence of the depositors. Again, Madam, if the Government says that this is only to maintain law and order, then the proper procedure would have been, instead of saying, “No person shall” etc. Government ought to have said in this clause, “No person other than a worker or an employee” etc. In that case probably the *bona fides* of the Government would not have become

challengeable. Again, Madam, so far as the demonstrations by the employees are concerned, the Standing Orders and the provisions in the Industrial Disputes Act have been quite adequate in public sector undertakings and in private industries to deal with such eventualities. And therefore, in a way the Finance Ministry has encroached upon the legitimate jurisdiction of the Home Ministry on the one hand, and the Labour Ministry on the other by introducing this section 36AD. As a matter of fact, we were thinking that both the Home and the Labour Ministries would come out with a protest against the Finance Ministry not merely to protect or safeguard the interests of employees, but to safeguard their own legitimate jurisdiction. But I am sorry to see that even the Labour Ministry is silent on this point.

Madam, there is another section, section 54 AA sought to be inserted in the Reserve Bank of India Act, 1934, which denies deputation allowance to Reserve Bank of India employees. This is also detrimental to their interests and is unjust to them. In the first place, whoever is sent on deputation has to work under different managements under different working conditions. Even his promotion and seniority may be jeopardised, and under such circumstances it would be cruel to deny him any deputation allowance. And secondly, deputation allowance is an item which properly belongs to the sphere of collective bargaining, and should not have fallen part and parcel of this Bill.

Now so far as the general contents of the Bill are concerned, the Finance Minister has referred to clause 2 which deals with banking policy. I am of the opinion that, instead of laying down the banking policy, the time is ripe when the objectives of banking industry should be prescribed. And according to us banking industry must be given two objectives. Number one, regulation of price structure through currency control, and number two, maintaining full employment through control of credit policy. Now in this

respect I should like to suggest that the very composition of the Reserve Bank should be changed. The Reserve Bank should be entrusted with both these functions, that is, regulating price and maintaining full employment. This would become possible because through currency prices can be maintained. Only thing, Government should not interfere with the work of the Reserve Bank. But today Government is issuing one rupee notes and that is interference. And if in this fashion the Reserve Bank is entrusted with these two functions and if its composition is changed, I am sure the whole economic picture of the country would undergo some drastic change. For these purposes we want to suggest that the composition should be changed in the sense that bureaucrats or I C S officers should not be in the majority. The Board of Directors should consist of independent economists, preferably drawn on a contract basis so that they should not have a feeling that they are Government employees depending upon the mercy of the Government. Only the Secretary may be a bureaucrat or an I C S officer. And in this fashion if the Reserve Bank is really made an independent or autonomous monetary authority, it would be possible for us to have a better economic policy because, in that case, being autonomous, the Reserve Bank would have the right not only to differ with the Government on economic matters, but also to express its difference of opinion publicly, and to initiate a public debate on any matter of difference so that, whenever on any economic policy there is a difference between the Government of India and this monetary authority that would be autonomous, naturally the matter would come to the Parliament before being finalised, and Parliament's verdict would be the final verdict. In this way we propose that even as we have three wings, the legislative, the judiciary and the executive, we should also introduce this fourth wing or arm, that is, this monetary authority. And that can be done if the composition of the Reserve Bank is altered.

Secondly Madam it has been said that those who deserve to be given

credit but are denied the same today, would benefit through this Bill. The hint is obviously to the small scale industries, the medium sized industries and the agricultural sector. But this Bill does not empower the Reserve Bank to control the utilisation of funds advanced to agriculture through the co-operative banking sector, and various State Governments are exploiting this for the political ends of their party. Thus, there are innumerable bad debts in agricultural finance and there is a vast unorganised money market flourishing in the country. Credit-worthiness should not be a precondition for advancing credit. Otherwise only big *kisans* or big people would be receiving credit. This will introduce capitalism even in agriculture. Efforts should be made to advance money to small *kisans* who are not credit-worthy today. It is the point that credit should be advanced to those who are not credit-worthy today and they should be helped by the banks giving credit through a financial counselling system of their own to become credit-worthy. That is true financial counselling. Those *kisans* should be advised how best to utilise the credit given to them and the responsibility for financial counselling should lie with the banks giving credit.

So far as the Board of Directors is concerned, I think the provisions in the Bill are disappointing. In the first place the representatives of customers or employees are not to be found in the Board of Directors and so long as the employees and the customers are not having their own representatives on the Board of Directors they would not be inspired with the zeal to work and they would have no confidence in the conduct of affairs. With these few remarks which are incidental but mainly condemning section 36AD and section 54AA I oppose the provisions of the Bill which I feel must be thrown out lock, stock and barrel and in particular clause 15 which is anti-labour.

SHRI NAND KISHORE BHATT
(Madhya Pradesh) Madam Deputy Chairman, banks are primarily service institutions but unfortunately during

[Shri Nand Kishore Bhatt]

the last 20 years there has been misuse of these institutions by bankers and their agents and no purpose would be served by blaming the employees alone

[THE VICE-CHAIRMAN (SHRI D. THENGARI) in the Chair]

There has been criticism of the employees that they often resort to demonstrations, agitations and violence but the intention as I see from the Bill appears to be that they want to stop unseemingly demonstrations intimidation and obstruction in work. For that we have already got enough provisions in the Indian Penal Code and there can be no justification for introducing clause 36AD because by blaming the workers alone no purpose is going to be served. There is a section in the country, particularly among the employers who have been blaming the employees but, Mr Vice-Chairman, Sir I may tell you from my own experience that there are banks and banks where the bankers themselves have come forward to give salaries to certain type of people who have no other work but to roam about in the office and create such situations which make the employees liable to criticism. If you will look dispassionately if there is anybody who is responsible for any kind of unhealthy atmosphere it is not the employees but the bankers and the agents.

The provision of the Bill in 36AD is ill balanced. While it seeks to paralyse certain forms of agitation it does not provide any machinery whatsoever for the settlement of disputes between the employees and the employers and the reason for the omission is that there is already a law governing industrial disputes. There is no need for such a provision in the present Bill. Again by the same argument it can be said that there is already a law governing punishments in the case of misconduct and therefore there is no need for any such provision to be included in this law as is proposed to be done here now. Therefore a provision for arbitration of industrial disputes between the bank employees and the bank should also be included in this Bill.

Mr Vice-Chairman, Sir, as I said before, banking institutions have come in for a lot of criticism in our country and the public has shown a lot of concern about it. This is primarily because there is concentration of wealth and economic power in the hands of a few and the credit structure has generally been used for aristocratic purposes for example hoarding, speculation in shares, etc.

Then the utilisation of the resources has not been according to the requirements of the public. The existing Banking Regulation Act is faulty and is capable of being abused, because we have seen that there is a close link between the big industrial houses and the commercial banks. There are umpteen instances where undue influence has come into play in the matter of disbursement of loans. The banking companies are being managed by these agents who are representatives of one or the other of the industrial houses because a person who is an Agent in one bank at the same time has interests in another industrial house. These two interests are quite different but because of this the big industrial houses are in a position to exercise undue influence. That is why there has been a demand for nationalisation of this very important institution primarily to promote economic growth and planned development which is our goal namely democratic socialism.

For any advance or for achieving progress through this institution some criteria will have to be laid down. Firstly the banking institution should be used for giving priorities to Plan requirements. Secondly there is no dynamism in extending banking service to the rural masses. Unfortunately experience has shown that the two major institutions, namely, the Reserve Bank of India and the State Bank of India for all practical purposes can be said to be under social control but there is no association of the common man or the agricultural sector. To say that there is social control is not merely enough, there must be association of the people concerned and specially from the agricultural sector;

they should have a sense of participation, a sense of belonging to these institutions on which alone will depend the economic development of our country.

From the figures available one finds that in 1967 eight lakh accounts from among the depositors were such where loan was given up to Rs. 10,000 but on the other side there are 562 accounts where loans were given up to one crore of rupees. This clearly shows the imbalance in the existing system. There is no credit policy for the rural masses and the small-scale industry. From this point of view the present Bill can be said to give them some relief because as has been said in the objectives the rural sector and the small-scale industries which were not getting any benefit from the present banking system will now be able to get some facilities after this Bill becomes law. This is no doubt a good step.

Sir, the institution of National Credit Council is a very progressive step for which the Deputy Prime Minister deserves our congratulations. This is a new organisation and through this everybody big and small will be able to take maximum possible advantage. There they will be able to sit together and discuss the policy.

The proposal to appoint a Banking Commission is a major progressive step. Similarly the proposal to train banking personnel is another important step. We have found, that so far as the top positions are concerned, all these posts, of Agents, Managers, etc. were given to the relations of the big business houses or to persons with influence. This provision for training is very essential because banking like any other branch of knowledge has equally become very much advanced and technical and it is but proper that only trained and qualified personnel should be put in charge of these institutions. The Bill has passed through two Select Committees and we were expecting a great deal, particularly from the point of view of the trade union movement. We are very sorry that the Deputy Prime Minister could not agree to the combined demand of the employees to remove section 36AD

from the present bill. After going through the various clauses of the Bill and the assurance given by the Deputy Prime Minister on the one side and the public concern shows in this matter on the other side, we feel that nationalisation of the banks alone is the solution to take us nearer to our goal of democratic socialism.

With these observations, I would request the Deputy Prime Minister to give a second thought to the demand of deleting section 36AD, which has created a lot of commotion and agitation among the employees. We have been connected with the trade union movement in the banking industry and I can assure you that the bank employees all over the country are second to none in serving the industry and thereby strengthen the country towards its economic development. But by putting obstructions in their way and creating some sort of disturbance in their mind, I am afraid that the efficiency with which they want to discharge their duties will be adversely affected.

Thank you

श्री बालकृष्ण गुप्त (बिहार) : उप-सभाध्यक्ष महोदय, यह बिल ऐसा मालूम होता है कि अपनी तरह का एक अलग ही अर्थ का बिल है जिस में ताजीरात हिंद और उसमें भी बदतर चीजें घुसेड़ दी गई हैं। अंग्रेजी जमाने में भी कभी 36 'ए' जैसा क्लॉज किसी आर्थिक बिल किसी राज्य में ईस्ट इंडिया कंपनी के जमाने में भी इस तरह की धारा नहीं आई है जहां छ महीने की कैद और 1000 रु० जुर्माने का समावेश हो जिस तरह इस बिल में है और वह व्यवस्था उन काम करने वालों के खिलाफ हो जिन्हें बैंक कर्मचारी कहते हैं। तो इस तरह का कानून कहीं भी दुनिया में नहीं है। यह सब जो हो रहा है शायद उप प्रधान मंत्री मोरारजी भाई की तानाशाही और सामंती प्रवृत्तियों का यह प्रदर्शन मात्र है।

यह बिल बैंकिंग इन्स्टीट्यूशन के पूर्ण और बढ़िया तरीके से संचालन के लिये बनाया गया था लेकिन इसमें इस तरह की धारा का समावेश

[श्री ब.ल.कृष्ण गुप्त]

करके इस बिल को बिलकुल ही एक फौजदारी कानून की तरह से बना दिया गया है। अभी थोड़े दिन पहले मुझे कलकत्ता में हरीदास मूधरा मिला, मैंने उससे पूछा कि तुम्हारे ऊपर आफन क्यों आई तो उसने कहा कि भाई मेरे पास एक तो अखबार नहीं था और एक बैंक नहीं था, अगर बैंक मेरे पास होता तो दम बीस तीस कन्स- और खोल लेता। अभी कलकत्ता के वागडा परिवार ने दिल्ली के एक बैंक को खरीदा है और इन बैंकों के लिये जितनी बातें की जाती हैं वह इन्हीं पंजीपतियों के हित में की जाती हैं, सिर्फ सामाजिक नियंत्रण के अन्तर्गत जो जनरल मैनेजर है वह चेयरमैन बन गया। इन बैंकों के बारे में मोहन चरिया साहब ने कहा था कि इनमें 38 अरब रुपया जमा है। लेकिन हमने पिछले हफ्ते को गिटर्न पढ़ी है, उसके अनुसार करीब 42 अरब ६० जमा है जब कि सरकारी करेन्सी कुल 38 अरब ६० है। यह करेन्सी कितनी ही हो लेकिन हिन्दुस्तान के अधिकांश लोग जो अंग्रेजी पढ़े लिखे नहीं हैं वह बैंकों के पास ही नहीं जा सकते क्योंकि बैंकों का सारा काम अंग्रेजी भाषा में होता है और दस्तावेज भी हिन्दुस्तान की भाषाओं में बहुत से बैंक मंजूर नहीं करते, न पस बक्स ही दूसरी भाषाओं में इश्यू करते हैं। अमरीका में करेन्सी में बैंक का डिपॉजिट दस गुना ज्यादा है। अगर हिन्दुस्तान में भी इस तरह की धारणाओं में परिवर्तन नहीं किया गया और बैंक सिर्फ ऊपर के पचास लाख आदमियों के लिये रखे गये तो वह कभी भी जनता को अपनी तरफ आकर्षित नहीं कर सकेंगे। आज सामाजिक नियंत्रण की बात तो इस सदन में उठती है लेकिन मुझे तो इस सरकार के ऊपर भी सामाजिक नियंत्रण दिखायी नहीं देता। यह बैंकों के ऊपर सामाजिक नियंत्रण तो गण्ट्रीकरण के रास्ते को भुलावा देने के लिये एक झूठा "रेड हेग्गिंग" डाला गया है। यह सब क्या हो रहा है, क्यों हो रहा है जब खुद फाइनेन्स मिनिस्टर कहते हैं खड़े होकर कि हम एक बैंकिंग कमीशन और भी नियुक्त कर रहे हैं। तो उसके पहले इस निरर्थक

बिल की क्या जरूरत थी और क्यों दोनों सदनों के सदस्यों का वक्त इस तरह के बिल को लाकर बरबाद किया जा रहा है जब उनको खुद महसूस होता है कि यह बिल पर्याप्त नहीं है, यह बिल उपयुक्त नहीं है। यह बिल हिन्दुस्तान में बैंकों को गरीबों की तरफ अग्रसर नहीं कर सकता। अब तो करोड़पथी का ब्याज भी रुपया सैंकड़ा प्रति मह हो गया है, हिन्दुस्तान में जो काबुली ब्याज पहले गरीबों पर लगाते थे वह बड़े बड़े उद्योगपतियों को भी लग रहे हैं। करेसी, बैंकिंग पॉलिसी, मनी स्टेबिलिटी वगैरह बड़ी बड़ी बातें कही जाती हैं, चीजों के दम बढ़ रहे हैं और ब्याज की दरें भी बढ़ती जा रही हैं और उद्योगीकरण एकदम रुक गया है, जगह जगह जाकर कही तो हम मैकनमारा के वरल्ड बैंक के नीचे माथा झुकते हैं, कभी कुछ करते हैं। अगर सामाजिक नियंत्रण होता तो बैंक आफ अमरीका, नेशनल सिटी बैंक, फ्रेंच बैंक के ऑफिसों में आज कलकत्ता के मोहल्लों में खुलते नजर नहीं आते। वह लोग कभी इस सामाजिक नियंत्रण के पीछे नहीं जाते, उनको पूरा पता है कि वह फारेन बैंक जो पहले कभी हिन्दुस्तान में नहीं आए, वह आज अपना कारोबार बढ़ा रहे हैं और हिन्दुस्तान का ही रुपया लेकर, फारेन कोलोबोरेटर्स के जो बड़े बड़े कारखाने खुल रहे हैं, वह हिन्दुस्तान के गरीबों का, मध्यवर्तीयों का रुपया इकट्ठा करते फाइनेन्स कर रहे हैं और हिन्दुस्तान को बड़े विदेशी उद्योगपतियों का गुलाम बना रहे हैं। यह सब देखकर मुझे तो आश्चर्य होता है कि किस तरह का बिल इस सदन में बनाया जाता है, किस तरह के भाषण इस सदन में दिये जाते हैं। कहा सामाजिक नियंत्रण है, कहा गरीबों को कोई बैंक में घुसने देना है, कहा बैंक में किसी संचारण आदमी को कर्जा मिलता है। करोड़ रुपये का कर्जा मिलना आसान है लेकिन हजार रुपये का मिलना दुष्कर है। यह जितने बैंक बने हुए हैं इनके अलग अलग दफ्तर खुल रहे हैं। जब और कारोबार बड़ी समृद्धि की तरफ जा रहा है, हर साल पांच, सात अरब रुपये के डिपॉजिट्स बढ़ जाते हैं। यह रुपया

कहाँ से आता है, क्यों बैंकों में जा रहा है, इसके ऊपर किसी की भी कोई इन्क्वायरी नहीं हो रही है कि यह बैंक आज रुपये का किस तरह से उपयोग करते हैं, किस तरह से दूसरों को नहीं देते हैं, किस तरह से हिन्दुस्तान के छोटे छोटे उद्योग और कृषि धधे मर रहे हैं और बेकारी फैल रही है, इसकी तरफ किसी का ध्यान नहीं और यह एक निरर्थक चालीस पचास पेज का बिल, दुर्लभ अंग्रेजी भाषा में पीनल प्राविजस के साथ लाकर कर्मचारियों को बदमाश ठहराने वाला, उनको शांतिमय प्रदर्शन नहीं करने देने वाला, सुधार के नाम पर हमारे मामने पेश किया जाता है। हम इसका विरोध नहीं करे तो क्या करे, इस तरह का बिल सदन में आना ही नहीं चाहिये और अगर आए तो भी यह 36 का जो क्लोज है उसके लिये तो कभी भी बिल में कहीं जगह नहीं हो। कभी किसी देश में अगर किसी उद्योग धधे के अंदर झगडे होते हैं तो उसके कानून अलग होते हैं, फौजदारी के कानून अलग होते हैं। ताजीरात हिंद की 500 धागा हमारे यहाँ मौजूद है, अगर कोई अहिंसा, वायलेन्स, करत है तो उसको पकड़ने के लिये पुलिस तैनात है, फिर इस बिल के अंदर ये सब चीजे क्यों भर दी गई हैं यह हमारी समझ में नहीं आता। हमें बड़ा दुख होता है कि सामाजिक नियंत्रण के नाम पर इस तरह की धाराओं को एक अर्थ को संचालित करने वाले बिल में समाविष्ट कर दिया गया। यह अभूतपूर्व बातें हो रही हैं। हिन्दुस्तान में इस वक्त असंतोष है, महगाई की मार ने छोटे छोटे कर्मचारियों को असंतुष्ट कर दिया है, एल० आई० सी० के कर्मचारी भी असंतुष्ट हैं और वह 5 तारीख को हड़ताल करने वाले हैं, बैंक कर्मचारियों को भी असंतोष है। सिर्फ कुछ थोड़े से लोगो के लिये यह देश का शासन चल रहा है, उनके असंतोष को इन धाराओं के जरिये दबा कर, छ महीने की सजा देकर या 1000 रु० का जुर्माना करके। पहले ही अवार्ड में काफी गुजायश है कि अगर कोई नियंत्रण में नहीं रहता है, कोई अनुशासन की अवज्ञा करता है, तो उसको बर्खास्त किया जा सकता है फिर इस अतिरिक्त धारा की क्या जरूरत है,

क्यों इस तरह के प्राविजन्स इस बिल में लाये जा रहे हैं।

श्री रेवती कान्त सिंह (बिहार) : यह मजदूर नियंत्रण बिल है।

श्री बालकृष्ण गुप्त : हा, यह बैंक नियंत्रण बिल नहीं यह मजदूर नियंत्रण बिल है। यह कर्मचारी नियंत्रण बिल है। बिरला, टाटा जिनके हाथों में बैंक्स हैं उनके ऊपर नियंत्रण की इसमें कोई गुजायश नहीं है। वे तो वैसे ही नित्य नये नये उद्योग बना रहे हैं और करोड़ों का रुपया उनको कर्ज में मिल रहा है। उन्हीं के नौकर बैंको के चेररमैन होते हैं और उनकी हीन भावना इन्हीं बैंको में काम कर रही है। एक तरह से 51 परसेंट डायरेक्टर्स रिजर्व बैंक मुकर्रर करेगा और रिजर्व बैंक हिन्दुस्तान में फाइनेंस मिनिस्ट्री का एक विभाग है। दुनिया में जिस तरह में दूसरे बैंक्स होते हैं, जैसे इंग्लैंड का रिजर्व बैंक है, फ्रांस का बैंक है, उस तरह का हमारा रिजर्व बैंक नहीं है। इसका नतीजा यह हो रहा है कि सरकार तथा सरकारी पार्टी के जो कृपापात्र अदमी होते हैं उन्हें ही बैंकों का डायरेक्टर बना दिया जाता है। यही डायरेक्टर मिलकर एल० आई० सी० का 12 अरब रुपया और इसी तरह से रिजर्व बैंक 42 अरब रुपया बड़े बड़े उद्योगपतियों और पूँजीपतियों को नये नये उद्योग खोलने के लिए देते हैं। इन रुपयों से न जनता का कल्याण होता है, न छोटे उद्योगधन्वो का कल्याण होता है और न ही कृषि का कल्याण होता है। जब मैं इंग्लैंड में पढ़ता था तो मुझे कुल 15 या 20 पौंड महीना मिलता था और जिस महीने मेरे पास खर्चा नहीं आता था तो जिस बैंक में मैंने हिसाब खोल रखा था, वार्कले बैंक में, वह मुझे जरूरत के वक्त एडवान्स दे दिया करता था। लेकिन हमारे देश को आजाद हुए करीब 20 साल हो गये हैं, देश में बैंको की जगह जगह शाखाये खुल गई हैं, मगर कोई मध्यम वर्ग का आदमी एडवान्स चाहता है तो उसे एडवान्स नहीं मिलता है और न ओवर ड्राफ्ट ही मिलता है। लेकिन आज ओवर ड्राफ्ट इन बैंकों द्वारा उन लोगो को मिलता है जो उद्योगधन्वो के मालिक बने बैठे हैं। यह पद्धति

[श्री बालकृष्ण गुप्त]

किस तरह से ठीक होगी, किस तरह से सुघरेमी ताकि छोटे उद्योगधन्धे भी पनप सकें, यह बात इस बिल के अन्दर नहीं है। प्रिम्बल में मंशा के सबंध में बड़ी बड़ी बातें लिख दी जाती हैं, लेकिन काम मंशा के बिल्कुल उल्टा होता है और उसका प्रचार भी उल्टा होता है।

हिन्दुस्तान के बैंक्स बड़ी बड़ी इमारतें बना रहे हैं। ये लोग एक रुपया और दो रुपया स्क्वायर फुट में जमीन प्राप्त कर लेते हैं और इन मकानों को वे किराये में दे देते हैं और 10 या 20 वर्ष का एडवान्स किराया ले लेते हैं। इस तरह की बातें फाइनेंस मिनिस्ट्री और रिजर्व बैंक के नीचे हो रही हैं। इसी तरह से हम देखते हैं कि जगह जगह पर बैंकों की शाखाएं खोली जा रही हैं और इनके दफ्तर बड़े बड़े लोगों के मकानों पर खोले जा रहे हैं जो काफी किराया सरकार तथा बैंक वालों से वसूल करते हैं। आज बड़े बड़े शहरों में कलकत्ता, बम्बई आदि में लोगों को ओब्लाइज करने के लिए उनके मकान किराये पर ले लिये जाते हैं और इस तरह की घाघली आज बैंकों द्वारा इस देश में हो रही है।

इन बड़े बड़े बैंकों के चमकते हुए डैस्कों के पीछे आज जनता की गर्दन मरोड़ी जा रही है। इस देश की गरीब जनता का जो 42 अरब रुपया डिपोजिट के रूप में है उसको कृपि के लिए और गरीब जनता की भलाई के कामों के उपयोग में नहीं लाया जाता है। जो बैंकों के मैनेजर होते हैं वे छोटे उद्योगधन्धों के लिए ओवर ड्राफ्ट नहीं देते हैं। अगर किसी का 20 लाख का ओवर ड्राफ्ट मजूर करते भी ह तो उसके लिए वे 2 या 3 परसेंट कमीशन ले लेते हैं तब ही उसको मजूर करते हैं। अगर आप उनको रुपया नहीं देंगे तो वे तुमको किसी तरह का न कर्जा देंगे और न ही ओवर ड्राफ्ट देंगे। वैसे तो यह बिल देखने में बहुत अच्छा मालूम देता है मगर यह दुनिया को धोका देना हुआ और वास्तव में यह एक भयंकर बिल है जिससे जनता की कोई भलाई होने वाली नहीं है। (*Time bell rings*) इतना कहकर, मैं अब आपका विशेष समय नहीं लूंगा।

SHRI A. G. KULKARNI (Maharashtra): Mr. Vice-Chairman, I rise here to support the Bill, and particularly I am very happy to congratulate the hon. Deputy Prime Minister in connection with his announcement of appointing a Banking Commission.

Mr. Vice-Chairman, let me make myself also clear on one matter. As regards section 36AD I have got my own reservations. I tried to focus attention on them in the Select Committee. But the difficulty was, when a pace is being set by appointing a Credit Council as well as by the introduction of this Bill, I thought that slowly the entire set-up would be so geared that what we desire as an economic policy can be brought in. But particularly as regards 36AD I have my reservations, and I questioned in the Select Committee the utility in introducing this section 36AD at this moment because there are alternate provisions available in the Penal Code, as has been rightly pointed out by my colleague, Mr. Dharma, in this House. But apart from this, Mr. Vice-Chairman, I want to observe as follows:

I do not quite follow whether the appointment and the creation of a Credit Council agency and the passing of this Bill, whether the effect of all these will be that credit will flow in the desired priority fields so quickly as we all desire, because after the planning of the last fifteen years we find that at present the desired effect has not come as far as the common man is concerned. I may give here two or three instances. Particularly, Mr. Vice-Chairman, if I could quote, in 1961-62—when the planning started round about 1956-57—the cloth consumption was about 148 meters as against the present consumption of 138 metres, foodgrains consumption per head at that time was about 173.8 kg as against 146.8 kg now, edible oils—I am giving just a comparison—consumed were 42 kg., now it is round about 34 k. g.; sugar available was 57 kg as against 5 kg available now. As against these, Mr Vice-Chairman, you see that the motor cars registered has risen by round about

2.2 times, the art silk fabrics have risen by 2.6 times, consumption of radio receivers by 10.6 times, electric fans by 5.3 times, refrigerators by 3.7 times, and airconditioners by 2.1 times, and the rate of interest charged to a small-scale industrialist has risen to between 18 and 24 per cent.

Mr Vice-Chairman, my submission is that after the planning process has been initiated for the last 15 to 17 years this is the present state of affairs in this country, and no other Commission is required to find out why the rich is becoming richer and the poor is becoming poorer. What I want to emphasize is that the planning process has become a failure because, apart from other reasons, the implementation machinery was not proper. There was no co-operation from the bureaucracy but particularly the credit policy was not proper. That is my grouse. It will not be also proper unless a fundamental change as regards the concept of credit-worthiness of a person concerned is decided upon by the Government. Your desire in initiating planning process is to attain a socialistic economy. For attaining socialistic economy, I do not find even in the present set-up of the Credit Council that a talented engineer or an artisan or a small-scale industrialist can get adequate funds on his own credit-worthiness. I am not going into the details as to how many crores are collected in the banks and whether those 75 houses have taken them away. I can understand that because they have got the industry the money might have been given. But the way in which it is being given, the way in which it is being managed, the way in which the credit concept is being worked out is a dangerous omen for attaining a socialist economy. And that is why I am pleading with the Government that the concept of credit-worthiness is definitely to be changed in favour of the small man. I shall also request the Government in this very respect because in the case of an agriculturist, a farmer, they are trying to change the definition. Up to now, the farmer was getting money in accordance with the acreage held by him and on the basis of the total value of it and the total revenue paid to the

Government. Now, the Government itself has decided that the potentiality of the crop has to be taken into consideration while granting loan to the co-operatives. The concept of credit-worthiness in the case of industries and in the case of technocrats must be changed on the assessment of his industry's capacity to produce and unless it is changed whatever law you pass or any creation of Council is not going to change the situation.

Here I may also say about the entire planning process in this country. What I was thinking was that the vast resources available in the form of deposits placed with the banks should have been really diverted to the priority sectors. What we find at present is that the entire planning for the last 17 years has created so much of unutilised capacity. Today, I think, it is there in the Press that in the engineering industry itself the entire capacity used to be utilised to about 90 per cent and they have now found that it is being used up to 50 per cent. Which country will thrive and progress if only 50 per cent of the installed capacity in the engineering industry is used? I do not understand it. Similarly what I am finding is that the engineering industry which really contributes between 30 and 32 per cent of the value added to the production of the country is remaining idle to an extent of 50 per cent. So this is the condition in the engineering industry which is supposed to be the cream of industries which can create that technological climate. This is the condition in the engineering industry. We have seen synthetic yarn industry being developed, we have seen ice cream collaboration being sanctioned. This is entirely due to the wrong credit policy and wrong priorities which the Government followed during the last 17 years in its entire planning process.

In this connection, what I wanted to request the Government was, this creation of a Credit Council and the passing of this Bill is not enough unless very stringent measures are taken to see that the benefits go to the small man concerned who will ultimately shoulder

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the responsibility for the progress of this country.

I am very happy about the two amendments which I suggested at the Select Committee meetings; the Deputy Prime Minister has made a mention of it. What I was suggesting was that the Credit Council and the passing of this Bill might be there but the entire small industry, the entire gamut of the small industry, the artisan at the village level, the farmer at the village level, should be served by the regional banks. It is the present practice of the Reserve Bank of India to allow mergers, to encourage mergers, so that the small bank can be taken over by the big banks? That was what I was against too. And I suggested that the small industry should be supported by the regional bank and the Government must see, in the total concept of the banking industry, to the integrated development of the small bank along with the medium bank, along with the big bank, and to that extent, the policies must be diverted so that ultimately the link between the small man and the local banker which is much stronger, whereby the local banker takes decision on the spot in the interests of the small man should be strengthened. As some of my friends have stated, the State Bank of India being nationalised alone has not served the purpose. Let me make it very clear. I have experience with the State Bank. I have found as one connected with the small-scale industry—it is the indoctrination of the agent at the lower level, the motivation, that he must help the small man is important so that progress can be made. The State Bank India is veering round to that view and the new agents being now recruited are given this reorientation and motivation in their thinking. Ultimately, it is the motivation, whether it is in a bank or whether it is in the public sector or whether it is in the service of the Government—unless the motivation is there, the country cannot progress.

I want to submit that in this country we have now reached a stage; and unless some very drastic decisions are

taken on the economic front, I do not think there is any future for this country as regards economic progress. Why am I saying this particularly? You have also seen what is the future of this Plan. Just now I was discussing it with some of my colleagues in the Central Hall and I can find it out. They say, why blame the States for not raising their resources? The Central Government is also not very sure how to raise Rs. 2,500 crores. The difficulty is that the process of formation of capital is already dried up. There is no process at all. In agriculture, there is a break-through. I can understand. Agriculture is being developed. But there must be a process whether that progress is to be in agriculture or in the small industry or anything in any industrial activity must be so directed that capital formation takes place at every stage. What happened to France, such a nation, with such a leader like Gen. de Gaulle, who was taking the world in his stride, what happened to it today! The difficulty is that the entire economy of France was in a disarray due to the recent strike whereby production failed. During the past eight or ten months there was a very huge drain on the gold reserves of France. On the other hand, in West Germany their pockets were bulging with money because they are technological very much trained and they can produce goods at cheaper prices. They have pegged down the prices of consumer items as well as the wages of the workers. In this country, if you really want to progress, if the exports have to be increased there has to be an equilibrium between wages, prices and production; that will save the country. It is not only that. We can ask the workers to get less. Britain tried to pay the workers less. But at the same time they encouraged the imports of consumer items. That was very wrong...

AN HON. MEMBER: They have now stopped it.

SHRI A. G. KULKARNI: Now they have become wiser. What I want to

say is this. It is not the slogans of socialism that are going to solve the problem. It is a practical problem. The problem is, you please freeze the profits of all concerned. Let us freeze them. Then another problem will be to peg the prices of consumer items at a level where the workers can purchase their daily needs at those prices. Thirdly, the workers must also have an understanding with the manufacturers of the industry so that the total effect of all this will be a competitive product in the world market.

I have got also another small warning to give. We have got increased productivity due to automation of machinery. This productivity is not only due to the capital invested by the industrialists, it is also due to the worker who works. So, in view of this banking policy, this Government must arrange the flow of money into priorities. The first priority must be for agriculture, the second must be for irrigation and the third must be for light consumer industries where we have got ample opportunity. Now, we have got ample engineering capacity. But unless you develop these things along with the small-industry sector, you cannot compete with any country. We take the names of Japan and Germany. Only in talk we take their names. But if we want really to achieve what we want, the equilibrium between the prices, wages and production must be maintained. Otherwise, you cannot achieve progress in this country. And it is only the small man, the former and the wage earner, who is going to shoulder the entire progress in the country, who must be encouraged to get adequate credit.

That is all; thank you.

SHRI C ACHUTHA MENON (Kerala): Mr. Vice-Chairman, Sir, this Bill is now in its final stages after its inglorious passage through the Lok Sabha and also through this House. We had remitted this Bill to a Select Committee of this House...

SHRI M. N. KAUL (Nominated): Which made no change.

SHRI C ACHUTHA MENON: ... but unfortunately we are surprised to find that the Select Committee has not been able to make any change at all in the Bill although there was very strong opposition to several clauses in the Bill, especially to section 36AD. That shows that the Government is determined not to accept any amendment to the Bill, whatever may be the strength of the arguments and whatever may be the merits of the case. I am therefore very much perturbed in speaking at all because one feels that there is absolutely no use speaking or arguing a case before this House if the Government is so determined to push through this Bill at any cost. However, we have to perform our duty to the people and to fight for causes which we consider to be just and right and that is why I have to make certain observations with regard to this Bill.

Now, Sir, the objectives with which this Bill was supposed to be brought before the House have been stated by the Deputy Prime Minister himself. It was said that the link between the few industrial houses and the banks has to be snapped or at least made ineffective. Then it was stated that the exclusive orientation of the banks towards industries and business has to be changed. It was also stated that monopoly trends and misdirection of resources will have to be curbed. It was further said that in order to ensure that the credit policies of the bank managements conform to the priorities laid down in the Plan for economic development this Bill was necessary. Sir, if the Government was at all serious about these objectives the only way in which these objectives could have been achieved was by nationalisation of the banking industry in this country.

SHRI M. N. KAUL: Quite.

SHRI C ACHUTHA MENON: But the Government is determined not to accept this proposal in spite of the very broad agreement and in spite of the pressure brought upon the Government even by its own ranks and so they have proposed this measure of

[Shri C. Achutha Menon.]

social control which after all is a camouflage. If you go through the evidence that was tendered before the Select Committee of the Lok Sabha it will be found that the bankers after all are not very much perturbed about this Bill because they know what is going to happen to the trumpeted objectives of social control. They have the experience of the control exercised by the Reserve Bank for the last so many years. They know very well that there is nothing much to be afraid of in social control. So the objective of social control after all is not going to be achieved by this Bill.

There were some provisions in the Bill which pointed towards that direction but even those provisions have been very much watered down after its passage through the Select Committee in the Lok Sabha. I shall just refer to one or two such provisions.

For instance take the definition of small-scale industrial concern in clause 2 (na). In the original Bill it was 7:5 lakhs of rupees but now a small-scale industrial concern means an industrial concern in which the investment in plant and machinery is not in excess of Rs. 20 lakhs. Government could fix the limit up to Rs. 15 lakhs before but now it has been changed to Rs. 20 lakhs. So in the ambit of the small-scale industry many other things are sought to be covered like the ancillary industries which are the appendages of the big industrial concerns and they will also get the protection of this provision. Naturally the scope has been widened and the objective with which this Bill has been brought forward is sought to be set aside so to say.

In the same manner there is another provision in 2(nc). That relates to the definition of substantial interest. Now one of the provisions in the Bill is to prohibit loans and advances being given by the banks to the directors who are also directors of other companies or directors who have substantial interest in other companies. This substantial interest was defined as having a holding of 5 per cent of the paid-up capital; now it has been changed to Rs. 5 lakhs or 10 per cent. of

the paid-up capital. That way this provision in the Bill has been watered down. I am not going to enumerate all the items in the Bill by which the very objective with which the Bill was introduced in Parliament has been sought to be set aside; there are so many other things to which I shall not refer.

There is however one thing to which I want to refer, that is, clause 3 relating to insertion of section 10A governing the appointment of directors. There it has been laid down that not less than 51 per cent of the total number of members of the Board of directors of a banking company shall consist of persons who will have such and such qualifications and they go on enumerating the various qualifications but never in this enumeration has there been a provision for the inclusion of anybody from among the employees. Now all the trade union organisations have urged that if at all in the banking companies some provision has to be made for the democratisation of the Board of directors for giving a social purpose to it. It is very necessary to include representatives of the employees. As has been stated on the floor of this House by other Members also, what is after all social control? Social control is not control by the big monopolists and the tycoons who are already in control of the banks and the banking industry. Social control if it is to have any meaning must include control by persons who are directly concerned with production, workers in industry, agriculturists, cultivators, peasants and other categories of workers. If you don't provide for the inclusion of such elements in the Board of directors of the banking concerns absolutely no change is going to be brought about by whatever measure you may be passing in this Parliament. In spite of repeated appeals that have been made before the Select Committee as well as before Parliament by the Members and trade organisations, the Government has not thought it fit to provide for it. So altogether what has been done here is not to provide even for social control according to the conception of the Government. On the other

hand, they have thought it fit to introduce various measures for control of the working class and the trade union activities of the banking employees. That is the main purpose of the Bill. Let us not be taken in by this propaganda. The main purpose of the Bill seems to be to control the trade union activities of the banking employees, and that has been done very effectively by clause 36AD. Many people have said, and I agree with them, that the

provision in clause 36AD itself is quite out of place in a Bill of this kind.

THE VICE-CHAIRMAN (SHRI D. THENGARI) : Mr. Menon, you will kindly continue tomorrow.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Tuesday, the 3rd December, 1968.