

SHRI TAPAN KUMAR SEN: Sir, you did not mention us. ...(Interruptions)... The House is not composed of just the Congress Party and the BJP. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Tapan, you have to be either in the left or in the right. ...(Interruptions)... Now, you are in the Left. ...(Interruptions)... You say you are in the Left. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: Not at all! This House.....(Interruptions)...

SHRI BHUPINDER SINGH (Odisha): Sir, this House is very much concerned about this Bill. The country is concerned about this Bill. They want this Bill to be passed. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Now, Mr. Minister, please move the Bill.

---

### GOVERNMENT BILL

#### **The Real Estate (Regulation and Development) Bill, 2015**

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Sir, I move:

"That the Bill to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto, as reported by the Select Committee of Rajya Sabha, be taken into consideration."

*The question was proposed.*

MR. DEPUTY CHAIRMAN: Now, Kumari Selja.

SHRI M. VENKAIAH NAIDU: Sir, do you want me to make some preface?

MR. DEPUTY CHAIRMAN: If you want, you can do so.

SHRI M. VENKAIAH NAIDU: Mr. Deputy Chairman, Sir, with regard to what my friend, Shri Jairam Ramesh, has said, he is right. He made it very

[Shri M. Venkaiah Naidu]

clear and I got the signals also. And, I can put in on record that not only from the Congress side, but almost all sides of the House, when I interacted with them — and some people also directly communicated to me — they were also eager to have this Bill passed in this Session itself. That is why I would like to thank all the people for the interest they have shown and the support they are extending to the Bill. I am thankful for that.

Sir, with regard to not bringing the Bill — because Mr. Ramesh has made a remark, I have to just put it on record — on 22nd December itself, I brought the Bill to the House. For whatever reason, it could not be taken up. On 15th again, I placed it. Then, on 4th also, on 7th also, 8th also and on 9th also, I placed it. So, there is no hesitation from the Government side. Let me put it straight on the record. But, now, the entire House is broadly for it. Even my friend Shri Naresh Agrawal has said that he is not against the Bill; he was only questioning the competence of the Parliament. For that matter, I have to put it on record because he has taken the name of the Attorney General -- I am thankful to Shri Jairam Ramesh also because he has also clarified the issue -- that the Attorney General is the highest judicial officer of the Government. Whenever there is any problem with regard to the legality of any legislation, it is referred to the Attorney General, and the Attorney General gives his opinion. So, that being the case, there is no need to doubt the capacity or competence of the Attorney General.

Sir, the Parliament is the highest forum in democracy. It is required to do the needful to meet the aspiration of the people. What is the aspiration today? We have a programme called 'Housing for All'. Sir, I must admit that 'Housing for All' is not possible by the Government's effort alone. You need private sector's participation also in a big way. The Government and also the private sector should join together to take up this challenge, this daunting task of 'Housing for All by 2022'.

Mr. Deputy Chairman, Sir, the real estate sector is the second largest employer in the country only next to agriculture besides accounting for 9 per cent of the GDP. Construction sector supports 250 ancillary industries. So, the role of this sector is very important. That is why the previous Government also proposed this Bill, and, for the same reason, the present Government is also pursuing this Bill.

Thirdly, Sir, such an important sector, over the decades, has been marked by a lack of trust and confidence between the consumers and the project developers. It is a reality of the fact. We have also seen in the recent days where some people are agitating and they are meeting the Members of Parliament also about what has happened to them, particularly to the consumers by certain fly-by-night operators. I am not making a general comment on all the real estate developers. This sector, in certain

areas, has acquired some negativity, adversely impacting the investment climate, besides hurting the interests of lakhs of home-buyers every year.

According to the industry sources, Sir, ten lakh people buy houses every year. There is an investment of about ₹ 13.5 lakh crores. According to the information available for 27 major cities, including 15 Capital cities, 2,349 to 4,488 new housing projects were launched every year between 2011 and 2015. Thus, in these 27 cities, during the last five years, a total of 17,526 projects were launched with a total investment value of ₹ 13,69,820 crores. So, delay in implementation of these housing projects due to lack of transparency and accountability has been the bane of real estate sector in this country. The credibility has come into question. This results in huge cost and time overruns. If you delay, the cost goes up resulting in increased cost of houses. That is a matter of serious concern. That is one of the reasons for bringing in this Bill.

For various reasons, including lack of regulation in this sector, consumers have been reduced to a state of helplessness. Consumers drive the sector by investing their hard-earned money. For them, to be at the receiving end is not the right way ahead of this critical sector by simply asking them to go to courts and all. Sir, in this connection, I would like to share a small personal experience. When I went to the United States for the first time in 1991, I think, to attend a political exchange programme, after my tour was completed, I was dropped at the Washington Airport. From Washington, I was supposed to go to Los Angeles to meet some of my friends and visit certain areas.

The lady who was sitting there asked me, "Mr. Naidu, have you not got our message". I was shocked because getting a message in America could mean that something might have happened back home. I was worried. She said that they had sent a message to the Embassy that the flight was delayed for technical reasons and all. I replied that I could not get the message because I left the Embassy long back. Then she told me not to worry, and, she asked me if there was any problem. I told her that I was new and my friend was waiting there at the airport. She asked me for his telephone number and contacted him and then I spoke to my friend. He told me to find out the alternative flight and told me that he would be waiting there for me. I was a little worried because I had gone for the first time to America. Of course, now, in India also, there are many things equivalent to America. After that, I went to the first floor where I was given a \$7 coupon, and, I was asked that since the flight was delayed and there was time, I could go and have some snacks with that \$7 coupon. I was elated. Afterwards, when I boarded the flight, I found that there was a letter addressed to me — it was electronically typed letter, just like printed — and, it stated, "Mr. Naidu, we are very sorry for what has happened. There was some unexpected technical reason and the flight got delayed. Anyhow, as a token of regard, please accept a \$25 cheque

[Shri M. Venkaiah Naidu]

as compensation". My impression about America had gone up like anything. Then, after landing at the destination, I told all this to my friend while going in the car. My friend said, "They are useless fellow, they have deceived you as these are cheap tactics." I said, "What! अगर इंडिया से लेट होती है, तो जो देर हुई, उसके लिए खेद है, ऐसी एक लाइन बोलते हैं। मगर यहां पहले 7 डॉलर्स दिए, फिर लेटर दिया, उसके बाद फिर 25 डालर्स दिए।" He said, "You don't know, here in America, if the flight is delayed, and, there is some time, people go to the Attorney and file damages under the Law of Torts, which is very strong here, and, people get compensation of \$1,000 to \$10,000 in such cases". To avoid that, उन लोगों ने आपको मसका मारा, ऐसा उन्होंने कहा।

In India, Sir, unfortunately, we are yet to develop a system where the Law of Torts is effective. The remedies that are available to the people are limited. Once you go to the court, so much time is taken. It is known to everybody. It is not a commentary about judiciary or anybody, but it is a matter of fact that lakhs of cases are pending and it takes years. Certain cases suddenly come up due to some other reasons, which I do not want to comment. So, here, Sir, the consumer, according to me, shall be the king as has happened in the sectors like telecom after regulatory mechanism has been put in place. And, if there is a king, there ought to be a queen also. The queen, obviously, is the developer and there shall be a happy marriage between the king and the queen. It is for both of them to live happily ever after.

SHRI JAIRAM RAMESH (Andhra Pradesh): Who is the prince? ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Prince is prince. ...*(Interruptions)*... Sir, the Real Estate Bill that we are taking up today seeks to form a happy alliance between the buyers and the developers. This Bill seeks to address the complexities of the sector by putting in place a regulatory mechanism. Sir, it is really a regulation; not a strangulation. I want to make it very clear that this Bill is not aimed at against anybody. I see a role for the private sector also in a big way in all this. It will make my task easy. The private sector also should be encouraged that they should follow certain regulations. Then only will there be a healthy growth in this sector. So, for the sake of both, the buyers and the developers, we are now bringing in a Bill for rights and obligations and a harmonious endeavour, as envisaged in the Bill. As per the latest information, the Ministry of Corporate Affairs have told us that a total of 76,044 companies are involved in the real estate sector, with more than 17,000 in Delhi and the list continues to mention about various other States and cities. But, unfortunately, the real estate sector has come to be seen as otherwise on account of unscrupulous activities by some of the developers. There are many developers who are guided by principles and ethics. That is why, those companies are shining better and they are doing a good job. At the same time, there are some black sheep. Even though they

are a few in number, they are bringing bad name to the entire sector. So, this Bill will really help the sincere people in the real estate sector also. For only a handful of operators in telecom regulator, there is a regulatory mechanism. So, for so many thousands of people in the real estate sector, there is a need to have a regulatory mechanism in the real estate sector. This is also one of the reasons for bringing in this Bill. Today, with your cooperation, we are taking up this important Bill, which was brought in 2013, which provides for registration of all real estate projects with the regulatory authority. This is number one.

Then, they have to disclose information before hand, including details of promoter, project, layout plan, land status, status of approvals, agreements along with details of real estate agents, contractors, architects, structural units – all these details are needed to be provided. They are mandated. This is necessary for ensuring timely execution of the projects, and also for enhancing the credibility of the developers to provide transparency in the field.

Before introduction of this Real Estate Bill, thanks to my colleague Seljaji, that she also did a lot of work and then brought this Bill and thanks to the Standing Committee; they have also gone through it and made many meaningful suggestions. ...*(Interruptions)*... I am just coming to it. First, I am dealing with the earlier Standing Committee. Then, after that when the matter came here, the House, in its collective wisdom, has referred it to the Select Committee. I am thankful to the Chairman of Select Committee, Shri Dave and also the Members who worked in the Select Committee. In a record time and in a more meaningful and constructive manner they have completed the job. Some Members, of course, have added dissent also. Dissent is a part of democracy. They have added their dissent note also. After going through all this, I have brought certain changes and then that Bill, as recommended by the Select Committee, is before the House. As I told you, the Government has proposed a minimum of 70 per cent collection from buyers shall be deposited in a separate bank account to cover the cost of construction and land cost also. Earlier, it was proposed as 70 per cent. Then, it was brought down to 50 per cent. Subsequently, the Select Committee broadly said 50 per cent, but dissenting note and all spoke about 70 per cent. As I understood the concern, finally, we have come back to the position of 70 per cent. We have put it as the 70 per cent.

So, the Bill seeks to make the consumer, as I told you, happy. At the same time, it also gives some sort of comfort to the real estate developers. It also aims at improving the credibility of real estate sector through necessary regulation. The demand for granting infrastructure status for real estate sector, which includes affordable housing, could be considered only when there is an effective regulatory mechanism. Otherwise, I cannot even argue my case effectively with the Finance

[Shri M. Venkaiah Naidu]

Minister. There is a huge potential for foreign investment in the sector; that also needs to be looked into. But what is happening? The desired scale is not happening because of the vacuum of the regulatory mechanism. So, that is why the original Bill, introduced in 2013, has undergone substantial changes after consultation, Sir, – this is a point again – after consultation with the State Governments, consultation with various stakeholders, consultation with the consumer organisations, consultations with CREDAI, real estate sector. Detailed consultations were held. I have given them as many audiences as possible to hear their point of view also because, I feel, they are also important stakeholders. My Secretary also had a workshop for different stakeholders. A-day-long workshop also has been conducted. After all the discussions, bringing in substantial changes, this Bill has come.

Sir, the real estate sector has been brought under the purview of the present Bill. This is one. Projects under implementation before coming to effect of this Bill will also be required to be registered. Thirdly, norms for registration of project with regulatory authority now stand reduced from the earlier Bill of 1,000 sqm or 12 apartments. Present Bill says, 500 sqm or 8 apartments. Even the small people also are brought in. Our area preference for registration of the draft Bill was earlier 4,000 sqm. Carpet area is now specifically defined, which forms the basis of payment as in the case of developed countries, which ends malpractices. This is one area, all hon. Members are aware, carpet area. Many of us do not know what exactly carpet area is and whatever he says in the carpet area, built up area and common area and all. The consumer never had an opportunity to check. What I am bringing in the Bill is, the carpet area is defined. Then both the developers and consumers have to pay interest at the same rate for any delay. If there is a delay, there is an interest also. Aggrieved buyers can also approach 644 consumer courts available at the district level because there was a concern expressed saying that you are going to have a regulator at the State level; how do you expect every consumer to go to the regulator, to go into the State capital? It is not possible. We have not debarred the consumer court's jurisdiction. So, all the 644 consumer courts will also have the jurisdiction and the regulator also is there.

Sir, the Bill now provides for arranging insurance of land title which was not there earlier. It is an improvement after collective wisdom. This helps both buyers and promoters in case of defective land titles. That is another problem. The developer after building, after completing the project, he goes away. Then the original owner comes and says this is wakf's property, this is temple's property, this is private property and this is somebody's property. Then, the consumers are left in the lurch. For that also we have now provided insurance.

Consent of two-thirds of allottees is now required for changing project plans. Sometimes what happens is they show something on paper or in brochure. They say you pay advance money. Then, they change the plans according to their own liking. Now, unless two thirds of people who are allottees accept, you can't change the plan. Some flexibility is given because sometimes even the allottees also come to a view that you should have a better option.

Then, the Appellate Tribunals will now be required to adjudicate cases in 60 days as against the earlier provision of 90 days. It is an improvement. Regulatory Authorities are to dispose of complaints in 60 days, 60 days also a long period but still from 90 days we are bringing it to 60 days.

A provision is now made for imprisonment of up to 3 years in case of promoters and up to one year in case of real estate agents and buyers for continuous violation of orders of Appellate Tribunals or monetary penalties or both. There is a concern about this among some sectors, including the real estate sector. In this regard some of the Members have also spoken to me. But this is the last resort. There will be a warning. There will be a penalty and if there is a continuous violation of the Appellate Tribunals order, then, the provision which is there in the Indian Penal Code will apply. ...*(Interruptions)*... It is only to deter them from violating this, not for any other reason. We do not want to harass anybody. As I told you it is only a regulation and not a strangulation.

Hon. Members, there is an unsold housing stock of over 10 lakh houses in major cities on account of increase in prices due to cost and time overruns and dwindling investor confidence. Recently the Government has launched the Pradhan Mantri Awas Yojana (PMAY) — Housing for All Urban mission to realise the Prime Minister's vision for "Housing for All" by 2022. To achieve this gigantic task active participation of all stakeholders, including the private sector is required. So, that is why I appeal to the private sector also to join us and participate in a big way; and take advantage of this. I must also confess before the House that there must be a consultation with these people. Some of the leading developers in the country have told me, "Sir, we are one with you. Nothing to worry. There may be some fly-by-night operators who are spoiling our name. Please go ahead." We had wider consultations, not only here but in different parts of the country also.

I am also happy that the hon. Finance Minister in the Budget for 2016-17, has highlighted the importance of Housing Sector; and also has given certain tax exemptions, service tax exemption, 100 per cent deduction on profit. Then the size of the houses up to 30 sqm. in four metropolitan cities and 60 sqm in other cities. Then he has given excise duty exemption to ready mix concrete, additional ₹ 50,000 deduction on Income Tax for houses with a value up to ₹ 50 lakhs and housing



[Shri M. Venkaiah Naidu]

loan up to ₹ 35 lakhs. Then, raising the HRA deductions from ₹ 24,000 to ₹ 60,000 under Section 80 GGG. All these things are going to help the real estate sector. They are also for business. So, they have to get some incentives.

Secondly, home buyers also need some support. They are going to get these things also. Even in my Housing Programme for All, I am offering a credit-linked housing subsidy of record 6.5 per cent interest subvention which will be given in the beginning of the loan itself. That will also give a fillip to this movement. As I told you, the capacities of the Government have its own limitations and unless the private sector joins this, we will not be able to achieve our targets.

At the end, I want to say, I tried to strike a balance to the extent possible in my own way after hearing the views of different sections. There will still be scope for improvement. We can think about it later because already from 2013 to 2016, three years have passed. So, I commend this Bill to the House for discussion; and urge upon the House to give valuable suggestions, but at the same time, please extend support for passing this Bill.

*The question was proposed*

MR. DEPUTY CHAIRMAN: Now, Kum. Selja. Every party should adhere to their time.

KUMARI SELJA (Haryana): What is our party's time?

MR. DEPUTY CHAIRMAN: Your party has 33 minutes. You can take 15 minutes.

KUMARI SELJA: Sir, my party is already on record to have supported this Bill. The Congress President and the Vice-President have publicly supported this Bill.

First of all, Sir, let me set the record straight. Many apprehensions have been expressed, but those apprehensions have been there right from the beginning. I would like to share with this august House and our friends in the media, that, in the beginning, when I was the Housing Minister, a lot of people, consumers and others, had come and requested me to do something for this sector. A lot of consumers were falling a prey to very unfair practices in this sector. This sector was totally unregulated. It had been a totally opaque sector. Many people were being taken for a ride by the people in this sector. Some journalists had come to me. I remember a lady journalist had come. She was in a great deal of distress. Sir, this was in the year 2009. Actually, it struck a chord and, then, we, as the Ministry, decided to do something about it, because we are called the Ministry of Housing and if we are not able to do anything for the consumers in this sector, then we are failing them somewhere. So, we did a lot of consultations and held a lot of discussions.



At first, it was decided that we should bring out a model Bill, but it was felt that that was not effective and it would really have no impact on this sector. So, we had further discussions. An expert committee was set up. The expert committee gave its report. The report of this Committee was circulated widely in 2011. Subsequently, many discussions took place with the States. Let me say, all the States have been consulted. The States have concurred on this and they have all agreed that this sort of a legislation is required. So, Sir, as it was explained by the hon. Minister, today we stand on a very firm ground. The Parliament is competent to make a law on this. The Law Ministry gave its opinion. The learned Attorney General has also given his opinion. As the Minister himself has stated, Sir, in the 7th Schedule of the Concurrent List, as per Entries 6, 7 and 46, we are competent. The Law Ministry is very clear on that and the learned Attorney General is very clear on that. I do not think that we need to open up this aspect once again. As I said, States themselves have been consulted and they have supported an enactment of this law. So, I don't think we should go back on this. The whole country is waiting; everybody is waiting, the consumer as well as the real estate sector. A lot of people in the real estate sector also feel that some regulation needs to be brought in. This was the whole genesis of this issue. I am happy that finally, and it gives me a great deal of personal satisfaction, today we are going to pass this Bill and make it an Act.

Sir, the need was also felt because the real estate sector has grown by leaps and bounds in the last 15-20 years. There was a strong need felt for its regulation. As the Minister said, the telecom sector and so many other sectors have regulators. For this sector also, a need was felt to have a regulator. Sir, consumers are waiting, and they are waiting with a baited breath, for this law. The consumers give their money, the real estate developers take their money and, then, for years together, nothing happens on the ground. They give some explanation or the other. But for the consumers, it is their hard-earned money which is at risk. Of course, there are some good developers also. But they too expressed the need for something to be done in this sector.

Sir, I must say here that I would like to thank the hon. Minister for having agreed to take on board one or two of our suggestions. Then, the Select Committee had gone into the whole thing in great depth. I would like to personally, and on behalf of my colleagues, place on record our appreciation and praise for the excellent work done by the Committee, the Members and especially, by the hon. Chairman, Shri Anil Dave. He really tried to take everybody on board. Sir, there were wide consultations throughout the country with all the stakeholders, whether they were associations of the consumers or the real estate developers. They all had a point of view and we tried to take everybody's view on board. And, Sir, I am very

[Kumari Selja]

happy to note that even though the Select Committee had recommended 50 per cent of the money to be kept in a separate account, escrow account, the Government in its wisdom has taken our suggestion because we felt very strongly about it. Sir, we have felt very strongly and we gave an amendment also that it should not be 50 per cent, but 70 per cent of the money should be kept in an escrow account. I am very happy that they have done it. Please take the credit for it. We have no issue with that. But this was something which is flagged by us, time and again, and you have done it. It is indeed in the interest of the consumer. So, it is good that you have done it. Sir, regarding the carpet area also, a lot of discussions went into defining the 'carpet area' and I am happy to say that the Committee in its wisdom has given a very fair definition of the 'carpet area'.

Sir, another issue that really concerns all of us is that the Minister himself has said here that in the 27 cities, a lot of such developments are taking place and the Committee has recommended that an area of 500 square metres or a unit with 8 apartments should come into its purview. So, we feel and our suggestion is that we must include all. What are we talking about? The first point is, we have made it very clear that this is not merely about property, about area. What we are talking about is the contract. What we are talking about is the deed between the buyer and that seller. Sir, if that is the crux, then why are we limiting ourselves to this square metre area? As my hon. colleague has said, the property falls within the purview of the State. That is a separate issue. But, why are we confining ourselves to this? So much development is taking place. In a city, in the poorer sections, the plot area is very small. So, are we going to keep them out? Are we going to keep those consumers out? What protection will they have against these developers or any unscrupulous elements? Sir, my earnest request to the Minister is, please do away with this area specification of 500 square metres and 8 apartments. What will the poor consumer do? What will the smaller consumer do? And, what will happen to the inner cities? What will happen to the smaller cities, smaller towns? So, this, Sir, thus seems as if it is a bit unfair. In fact, it is unfair and I urge the hon. Minister to kindly take a look at it even at this late hour; please agree with us because this whole Act is in favour of the consumer, the last man. So, let us not keep him out of it and only talk about bigger cities and people who can own bigger apartments. So, this is my earnest request to the hon. Minister.

Sir, then, there is another issue. We had given one suggestion that it should also have a clause for non-discrimination. A non-discriminatory clause should be there. Sir, many times we find, and I know I can speak for one section, that the people coming from the downtrodden sections of the society, the Dalits or any other are

discriminated against. They say that they will not be given a house; they will not be given any property like this; they can't buy. That is there and I would say even the Transgenders, Mr. Siva is sitting here, are discriminated against. People coming from Jammu and Kashmir are discriminated against. I know the hon. Minister will say that there are already provisions in the main law. But, since, we are talking about a comprehensive Bill we should also include that non-discriminatory clause in this. This is again my request to the hon. Minister. Sir, this sector is evolving. Many things will come up. Even now, many suggestions have come and many more will come. In the times to come, we will see that more requirements have to be met. ...(Interruptions)...

DR. K. P. RAMALINGAM (Tamil Nadu): Sir, hon. Member said about transgenders ...(Interruptions)...

MR. DEPUTY CHAIRMAN: What is the problem? Don't interrupt.

DR. K. P. RAMALINGAM: Mr. Siva is sitting here. But its meaning will be wrong ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no; nobody will consider like that.

SHRI K. C. TYAGI (Bihar): Sir, he is a promoter... ...(Interruptions)...

KUMARI SELJA: Sir, may I clarify? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: It is okay.

KUMARI SELJA: Sir, I would like to clarify it. With all due respects, Sir, my colleague Mr. Gehlot, the hon. Minister, is sitting here and I was also a Minister for Social Justice because we had dealt with this issue of transgenders and how they are discriminated against. And I greatly admire Mr. Siva for having brought in a Private Members' Bill which was passed unanimously in this House. So, Sir, I will take this opportunity. The Government should bring in a Bill, on the same lines, that was piloted by Mr. Siva and passed by the whole House, so that the transgenders are not discriminated against. That was my point, that certain sections of the people, like, transgenders or any other minority groups, who are discriminated against, should also be given a fair chance here. So, I hope the Government will take this point also on board and I hope the hon. Minister will say something on this.

There are a few suggestions which we had given and I would like to thank you for having given me this opportunity and I would like to say that Congress Party (I) stands committed to protecting the interests of the consumers, big or small, and we are against any discrimination. We also want to see the real estate sector grow in this country. So, we support this. We had brought in this Bill in 2013. Sir, let

[Kumari Selja]

the Government take all the credit for it. We have no issue on that, even 70 per cent credit. Once again, let them take the credit and I request the Government to do the needful. We stand by the Bill. Thank you, Sir.

**श्री अनिल माधव दवे** (मध्य प्रदेश): उपसभापति जी, इस देश के अंदर छोटी-बड़ी बातों के लिए सब जगह रेगुलेशन केबल के लिए है, मोबाइल के लिए है, खाने की चीजों में है, दवाइयों में है, लेकिन इस देश का 50 प्रतिशत से ज्यादा पैसा जिस सेक्टर के अन्दर घूमता है, वह रीयल एस्टेट है। उसमें वास्तव में पैसा घूमता है। उसमें ऐसा नहीं है कि कोई सौदा हो गया और लेन-देन का हिसाब शाम को हो रहा है। चाहे जमीन हो या भवन-निर्माण की सामग्री हो, जिसे कंज्यूमर खरीद रहा हो, हर क्षेत्र के अंदर जो सबसे बड़ा क्षेत्र है, वह रीयल एस्टेट है। इसे वर्ष 2013 से 2016 तक जिन-जिन सरकारों ने, व्यक्तियों ने, मंत्रियों ने छुआ है, मैं उन सबको बधाई देना चाहता हूं। पहले मुझे इस सेक्टर का बहुत ज्ञान नहीं था, लेकिन जब इस समिति के साथ देश भर में घूमना हुआ तो मैंने देखा कि यह तो बहुत महत्वपूर्ण विषय है। आज इस देश के अंदर रेगुलेशन उस फील्ड में बनने जा रहा है, जिसके अंदर इस देश के वित्त का एक बहुत बड़ा हिस्सा घूमता है। जैसा वेंकैया जी ने कहा कि कुछ आज होगा, कुछ कल होगा, लेकिन शुरुआत हो जाएगी तो हम कहीं न कहीं पहुंच ही जाएंगे।

जब सेलेक्ट कमिटी की जवाबदेही मेरे पास आई तो उसके बीच में मुझे ब्रिटेन जाने का अवसर मिला, तब मैंने वहां के सेक्टर को समझने की कोशिश की वहां एक-दो लोग दूसरे देशों से भी आए थे, उनसे भी मैंने पूछा कि आपके यहां रीयल एस्टेट को लेकर क्या व्यवस्था है? मेरे ध्यान में आया कि दुनिया बिल्कुल ही अलग है। मैं सोचने लगा कि ऐसा कभी हमारे देश में भी होगा, ठीक ऐसा ही हो जाएगा। आज जो शुरुआत हुई है, वह कुछ समय में, दो साल बाद, पांच साल बाद, वैसे ही ट्रांसपेरेंट हो जाएगी, जैसी हम कल्पना करते हैं। यह बिल उपभोक्ता को कांच के घर के अंदर झांकने के लिए ताकत देता है, आकार देता है। जैसे आप कहते हैं कि एडवरटाइजमेंट करने से पहले रजिस्ट्रेशन कराना है, आज क्या होता है? एक विज्ञापन आता है, एक खूबसूरत विदेशी लड़का, लड़की उसके साथ एक-दो बच्चे और उसके पीछे मकान बना हुआ है। अनादि काल से मकान किसी भी नए गृहस्थ का स्वप्न होता है कि मेरा अपना मकान होना चाहिए। भले ही वह सपना रिटायरमेंट के बाद पूरा होता है। वह 30-40 साल तक प्रोविडेंट फंड, ग्रेज्युटी, पता नहीं क्या-क्या नहीं बचाकर अपना घर बनाने की सोचता है। वह जब कभी बैड बिल्डर्स के पास चला जाता है, उनके हाथ में फंस जाता है। हमारी समिति के सामने कई कंज्यूमर्स आए और उन्होंने अपना दर्द बताया। उस रिटायर्ड आदमी की पीड़ा को सुनकर लगता था कि इसको अभी पास कर दो, मुम्बई में ही पास कर दो। ऐसा लगता था कि इसको यही पास करो, लेकिन विधान है, अपनी प्रक्रियाएं हैं, उनसे ही काम होता है। व्यक्ति का जो स्वप्न है, विज्ञापनों के अंदर, जैसे वायदे और इरादे किए जाते हैं और बातें कहीं जाती हैं कि यह हो जाएगा, वह जाएगा, वैसे ही सारे स्वप्न दिखाए जाते हैं। कम्प्यूटर के अंदर डिजाइन किए हुए चित्र दिखाकर हम उसको कहते हैं कि तुम्हारा घर ऐसा होने वाला है। जब वह यथार्थ में जाकर खड़ा होता है, तो उसका स्वप्न धूमिल हो जाता है, भंग हो जाता है। सच यह है कि इस बिल के माध्यम से, भविष्य में कोई भी व्यक्ति ऐसा विज्ञापन नहीं दे पाएगा, जैसा उसको बना करके देना है। अब दिखाने और देने के बीच में अंतर नहीं रहेगा। आप वही दिखाएंगे, जो आप देंगे। सच का

दिखना अपने आप में सब कुछ है और केवल विज्ञापन ही नहीं, रजिस्ट्रेशन के साथ ही, उसको अपनी सारी जानकारी देनी पड़ेगी। जैसे मेरे से लोग मोबाइल नम्बर लेते हैं, तो मैं उनसे कहता हूँ कि आप राज्य सभा की वेबसाइट पर चले जाएँ। मेरा मोबाइल नम्बर और घर का एड्रेस क्या, मेरा ब्लड ग्रुप भी वहाँ से पता चल जाएगा। वेबसाइट पर सब कुछ मिल जाता है। इस वेबसाइट पर पूरा प्रोजेक्ट होगा, केवल प्रोजेक्ट ही नहीं होगा, उसने पिछले पांच साल में कौन-कौन से प्रोजेक्ट पूरे किए हैं, उसके कंज्यूमर्स कौन थे, उसकी रिपोर्ट क्या है? जब हम होटल का कमरा लेने जाते हैं, तो कहते हैं कि रिव्यु देख लो, हजार, दो हजार, पांच हजार का कमरा किराए पर लेने में हम 10 रिव्यु पढ़ते हैं कि अगर मैं उस शहर में जाऊँगा, तो इस होटल में रुकूँ या नहीं रुकूँ, इसका रिव्यु क्या है? जब आप 25 लाख, 50 लाख रुपये का मकान लेने जा रहे हैं और बिल्डर का रिव्यु नहीं जान रहे हैं कि उनका रिव्यु क्या है? उसकी वेबसाइट पर अब रिव्यु होगा। उसकी डिटेल्ड जानकारी होगी और उसके फाइनेंशियल क्लोजर्स भी होंगे। वह एकदम कांच की तरह खुला है। कंज्यूमर उसको पढ़ सकता है, देख सकता है, किसी पुराने कंज्यूमर से बात कर सकता है। अपने आप में यह ट्रांसपेरेंसी गुड गवर्नेंस का भी हिस्सा है, कंज्यूमर की रक्षा के लिए भी जरूरी है और अच्छे बिल्डरों के लिए भी जरूरी है। बिल्डर्स के बारे में यह राय रखना कि सभी बिल्डर्स खराब होते हैं, मुझे लगता है कि यह ठीक नहीं है, क्योंकि मैं खुद कुछ ऐसे बिल्डरों को जानता हूँ, जो बहुत अच्छे-अच्छे मकान बनाकर देते हैं, इसलिए अपनी बहन को भी कहने की इच्छा होती है कि एक तुम भी ले लो। ऐसा कहने की इच्छा होने लगे, ऐसे बिल्डरों की देश में कमी नहीं है। यह बात अलग है कि इसमें बैड बिल्डरों की संख्या बढ़ रही है। इस बिल के संबंध में मुझे एक चैनल ने नोएडा में बुलाया कि आप हमारे यहां डिबेट में आइए। मैं वहां गया। मैंने रास्ते में देखा कि लोग एक फोर्लिंग टेंट के अंदर चीख-चीख कर प्लाट खरीद लो, ऐसा चिल्ला रहे थे। यह मेरे लिए पहला दृश्य था। मुझे जो चैनल के लोग लेने के लिए आए थे, मैंने उनसे पूछा कि यह क्या बेच रहे हैं? क्योंकि मेरे दिमाग में कल्पना थी कि भोपाल या इंदौर के अंदर बस स्टैंड के बाहर पूड़ी-सब्जी वाले एक रस्सी पकड़कर चिल्लाते हैं कि आ जाओ, आ जाओ, मेरी दुकान से पूड़ी-सब्जी ले लो मैंने समझा कि ये ऐसे ही तो कुछ नहीं बेच रहे हैं, लेकिन उन्होंने कहा कि नहीं, फ्लैट बेच रहे हैं। मैंने पूछा कि एक, दो लाख के बेच रहे हैं? उसने कहा कि पच्चीस लाख, पचास लाख, एक करोड़ के फ्लैट बेच रहे हैं।

[उपसभाध्यक्ष (श्री तिरुची शिवा) पीठासीन हुए]

जहां दो हजार, पांच हजार का लड़का सड़कों पर ऐसे खड़े होकर फ्लैट बेच रहा हो, तो चिंता सेक्टर की होती है। चिंता यह होती है कि यह माल ऐसे कैसे बिक रहा है और इस सेक्टर में हो क्या रहा है? अंततोगत्वा उसको लेकर, मुझे चैनल पर वह बात कहनी पड़ी कि भाई, अगर मैं इंग्लैंड में मकान लेने जाऊँगा तो उसके लिए, जो उसका मध्यस्थ है, जिसको हमने दलाल कहा है, मैं यहां उसको ब्रोकर कह रहा हूँ, उसकी भी जवाबदारी है और वहां पर इतनी जवाबदारी है कि करीब-करीब न खरीदने वाला बेचने वाले को जानता है और न बेचने वाला खरीदने वाले को जानता है, यह जो बीच का व्यक्ति है, यह न केवल सक्षम है, न केवल समर्थ है, न केवल तकनीकी दृष्टि से समर्थ है, कानून की दृष्टि से समर्थ है, वह दोनों की रक्षा करता है तथा उसका कहना है कि मुझे 5 per cent लेना है, 10 per cent लेना है, वह लेता है। यह एक अच्छी व्यवस्था का लक्षण है और उसके ठीक विपरीत मैंने देखा कि रेग्युलेशन न होने के कारण सड़कों पर फ्लैट बेचे जाते हैं। मुझे वहां जाकर मालूम पड़ा कि 75,000 से ज्यादा फ्लैट्स खाली हैं। उसका कारण

[श्री अनिल माधव दवे]

यही है कि इस प्रकार के सेक्टर के अंदर जब रेगुलेशन नहीं होता है, तो अव्यवस्था होती है और अव्यवस्था का लाभ हमेशा अपराधियों को मिलता है, गलत लोगों को मिलता है और अच्छे लोग किनारे खड़े हो जाते हैं, वे भीड़ में धक्का-मुक्की नहीं करते। वह नहीं कहता कि मैं धक्का मारकर मंच पर चढ़ूंगा, भाई, मुझे यह बोलने दो, मुझे वह बोलने दो। वह खड़ा रहेगा। ठीक है, आपकी इच्छा है तो आप करिए, नहीं तो हमको नहीं करना। इसलिए यह बिल अच्छे बिल्डरों के प्रमोशन का है। इस बिल के लिए कई लोगों ने मुझसे कहा कि भाई, इस बिल के आ जाने से सेक्टर के अंदर एक कमी आ जाएगी। मैं दावे से कह सकता हूँ, जितना अध्ययन है, उसके आधार पर और जितना मैं वित्त को जानता हूँ, देश की अर्थव्यवस्था को जानता हूँ कि इस बिल के आने के बाद इस सेक्टर के अंदर बूम आएगा। यह बूम बिल्डर्स को भी आएगा। और कंज्यूमर्स को भी आएगा। यह कंज्यूमर उसको लेकर आगे बढ़ेगा। इससे कंज्यूमर्स के हितों की रक्षा होगी।

एक बहुत अच्छा काम यह हो रहा है कि इसके अंदर एक शब्द स्पष्ट हुआ है, जिसके बारे में मंत्री जी कह रहे थे। कंज्यूमर को नहीं मालूम होता है कि ये अलग-अलग शब्द क्या हैं, बिल्ट-अप एरिया और कॉरपेट एरिया। अगर पूरे देश के अंदर एक विधा चलने लग जाए कि यह कॉरपेट एरिया है और यह कॉरपेट एरिया की डेफिनेशन है, दीवार के एक तरफ से दूसरी तरफ तक यूजेबल एरिया है और उसके अतिरिक्त बाहर की दीवार के क्षेत्र हैं, बाकी क्षेत्र हैं, वे उससे अलग हैं, तो कम से कम यह तो समझ में आएगा कि मैं जो भुगतान कर रहा हूँ, यह किसका कर रहा हूँ, और कॉरपेट एरिया को कोई भी समझ लेगा। सामान्य आदमी भी समझता है कि कॉरपेट एरिया का मतलब होता है, वॉल टू वॉल कॉरपेट। एक दीवार से दूसरी दीवार के बीच का जो अंतर होता है, वह कॉरपेट एरिया है। यह बिल भी एक सामान्य उपभोक्ता को कई प्रकार के शब्द जालों के बीच में संरक्षित कर रहा है। इन शब्द जालों से वह ठगा नहीं जाएगा। वह कॉरपेट एरिया के माध्यम से अपने को प्राप्त होने वाले कुल भूखंड या प्लैट या जो हिस्सा उसके हिस्से में आ रहा है, उसकी कुल लम्बाई और चौड़ाई को समझ सकेगा। यह बिल एक और बहुत बड़ा काम कर रहा है। यह वाटर कंजर्वेशन और एनर्जी मैनेजमेंट के अंदर उपभोक्ता ही नहीं, निर्माण करने वाला एलॉटी, जो भवन बना रहा है, यह सुनिश्चित कर रहा है कि उसको ये दोनों काम करने पड़ेंगे और बाद के उपभोक्ताओं को उसको संरक्षित करना पड़ेगा, क्योंकि यह भविष्य की समस्या है। जैसे कहते हैं कि सबको यमुना से पानी चाहिए, लेकिन यमुना कहां से पानी लाएगी, इसका कोई हिसाब नहीं है। हम प्रत्युत्तर में यमुना को क्या दे देते हैं, एक करोड़ लोगों का कचरा ले जा और इसी के लिए ही तू है। हर आने वाले भविष्य का प्रोजेक्ट, हर आने वाली कॉलोनी, हर आने वाला मकान इस बात के लिए होगा कि उसे जल प्रबंधन के क्षेत्र में और ऊर्जा प्रबंधन के क्षेत्र में अंदर उन सारे नियमों के आधार पर काम करना पड़ेगा, जो राज्य सरकारों ने बनाए हैं, जो केंद्र सरकार के द्वारा बने हुए हैं या किसी बॉडी, नगर निगम, नगर पालिका के द्वारा बने हैं। जो स्थानीय नियम हैं, उन नियमों के अधीन कम से कम जल प्रबंधन और ऊर्जा प्रबंधन पर काम करना पड़ेगा, क्योंकि यह भविष्य की बहुत बड़ी समस्या है। अभी यहां प्रधान मंत्री जी ने अपने भाषण में कहा भी था। यह बात भी सही है और पूरे विश्व में इसको लेकर बात हो रही है, लेकिन अगर जल बचाना है, तो एक लोटा पानी की भी चिंता करनी होगी।

3.00 P.M.

मैं यह उदाहरण यहां पर पहले भी दे चुका हूं, अब फिर से देना चाहता हूं क्योंकि इससे बेहतर उदाहरण नहीं मिलता है। पंडित जवाहरलाल जी गांधी जी का हाथ धुलवा रहे थे, जब आधा लोटा पानी चला गया तो गांधी जी ने कहा क्यों? जब उन्होंने उनसे कुछ कहा, तब उन्होंने कहा कि एक लोटा भी महत्वपूर्ण है। This Gandhian way of conservation of water, this Gandhian way of conservation of energy is the only way for climate change. दुनिया में जो भाषण देना है, उसको देते रहिए। आप पर्यावरण पर कोपेनहेगन, डरबन सेमिनार में इधर-उधर जो बातें करनी हैं, कीजिए। मैं सारे सेमिनारों में गया हूं, मैं सबको सुबह से रात तक सुनता रहता हूं। मैं अच्छा वक्ता नहीं हूं, लेकिन लिसनर बहुत अच्छा हूं, मैं घंटों बाद भी थकता नहीं हूं। मैं थक-थक कर इस निष्कर्ष पर पहुंचा कि ये कहीं नहीं पहुंचेंगे क्योंकि इनके पास गांधी नहीं है। हमारे पास गांधी है, इसलिए हमारे पास जवाब है। ...**(व्यवधान)**... देखिए स्वयंवर में सबको अपना-अपना वर चुनने की इच्छा रहती है। आप जिसे चाहें उसके गले में वरमाला डाल सकते हैं। बहुत गांधी हैं। ...**(व्यवधान)**... एक दूसरी बहुत बड़ी बात है, जिसका हमने उल्लेख किया है कि जब एलॉटमेंट के साथ, पजेशन के साथ बिल्डर्स का काम खत्म हो जाएगा, उसके बाद उस बिल्डिंग या उस कॉलोनी में रहने वालों की जो समिति बनेगी, उसके अंदर बल्क परचेज़र भी हो सकते हैं। हमने कहा कि बल्क परचेज़र रहेगा, लेकिन उसका वोट एक ही होगा। यह नहीं हो सकता कि आप दस फ्लैट ले लेंगे तो आपके दस वोट हो जाएंगे और आप भविष्य में या अभी निर्माणाधीन भवन के अंदर कोई परिवर्तन कर देंगे। उसके लिए दो-तिहाई बहुमत चाहिए। वह दो-तिहाई बहुमत बल्क परचेज़र के हाथ में नहीं जा सकता, वह उसके ओरिजनल कंज्यूमर्स के हाथ में रहना चाहिए। इस प्रकार की बहुत फाइन ट्यून बातें शैलजा जी से लेकर यहां तक आते-आते हुई हैं। इस समिति के प्रत्येक सदस्य ने इस पर बहुत चिंता से काम किया है। मैं इसके लिए समिति के सभी सदस्यों को बहुत धन्यवाद देता हूं कि उनका इतना कोआपरेशन रहा है, उन्होंने इतनी अच्छी तरह से काम किया है—चेयरमैन की तो वैसे ही बड़ाई होती रहती है, लेकिन अगर यह टोटल है, This is the sum total of all the hon. Members of the Committee. इसलिए मैं सभी को बहुत-बहुत बधाई देता हूं ...**(व्यवधान)**...

**श्री जयराम रमेश:** शुक्र है मनी बिल नहीं बनाया।

**श्री अनिल माधव दवे:** धन्यवाद। यह जो 70 परसेंट और 500 मीटर वाला विषय है, मुझे लगता है कि यदि धीरे-धीरे चलेंगे तो यह काम और आसान हो जाएगा, क्योंकि इसकें जो बहुत बड़े लोग हैं, बड़े बिल्डर हैं, सामान्यतः डिफॉल्टर्स बड़े लोग हैं इसलिए सामान्यतः जो गड़बड़झाला होता है वह ऊपर वाले लेवल पर ज्यादा होता है। मुझे ऐसा लगता है कि अगर बड़ी चीज़ें पहले हाथ में आ जाएंगी तो अच्छा होगा। जैसा कि मंत्री जी कह रहे थे कि फेज़ वाइज इसका विकास होगा, अतः निरंतर क्रमागत विकास के द्वारा ही हम इसको पूरा कर पाएंगे। मेरी ऐसी अपेक्षा है कि 2010, 2020, 2025 तक आते-आते यह अपने आप में एक बहुत परफेक्ट बिल बन जाएगा।

एक और अच्छी चीज़ है कि जब मुझे चेन्नई और मुंबई के अंदर कंज्यूमर्स ने फोटोग्राफ्स दिखाए कि हमें एलॉटमेंट में यह मकान मिला है, तो उसके अंदर व्यक्ति तो क्या, यदि किसी व्यक्ति ने कोई जानवर भी पाला होगा, आप उसको भी नहीं रख सकते हैं, पर बिल्डर ने वह मकान बनाकर उसको एलॉट कर दिया। यह देखकर बहुत बुरा लगा, लेकिन फिर लगा कि यदि



[श्री अनिल माधव दवे]

बनने के बाद कोई डिफाल्ट आता है तो क्या होना चाहिए। उसके अंदर दो साल की अवधि का प्रावधान था कि यदि दो साल के अंदर निर्माणाधीन भवन में कोई त्रुटि है तो वह दूर की जा सकती है, जो बाद में पांच साल कर दी गई। क्योंकि निर्माण में त्रुटि आने पर कभी-कभी मैनुफैक्चरिंग डिफेक्ट बहुत देर से दिखता है इसलिए उसके दिखने पर कंज्यूमर का नुकसान नहीं होना चाहिए।

जैसा कहा गया है कि भूमि पर स्वामित्व को लेकर कई प्रकार के विवाद बाद में आते हैं। इन सारी चीजों की बीमा में भी रक्षा है। इन सारी चीजों की एलॉटी या निर्माण करने वाले व्यक्ति को भी चिंता करनी पड़ेगी। वह पांच साल तक उस विषय को देख सकता है। मुझे लगता है कि इसमें किसी प्रकार के भय या जेल वाला कोई विषय नहीं है।

अगर आप इंश्योरेंस सेक्टर का अमेंडमेंट बिल 2015 देखें तो उसमें लिखा है कि यदि कोई बगैर रजिस्ट्रेशन के किसी पॉलिसी को फ्लोट करता है तो उसके लिए दस साल की सजा है। शासन के अंदर कहीं न कहीं यह व्यवस्था का हिस्सा होना ही चाहिए। मुझे लगता है कि इन सारी बातों को लेकर यह बिल, जो सदन के सामने है, सदन के सभी सदस्य इसको सपोर्ट कर रहे हैं। यह भविष्य में एक अच्छा बिल साबित होगा। मैं आपको बता रहा हूँ कि आज इस देश के कोने-कोने में जो consumers हैं, इस बिल के पास होने के बाद वे शाम को निश्चित ही हलवा बनाएंगे। जब provident fund और gratuity से मकान खरीदा जाता है, तो उसकी पीड़ा कोई कर्मचारी ही समझ सकता है, उसकी पीड़ा कोई मध्यमवर्गीय परिवार ही समझ सकता है। जिसके होटल का बिल ही 20 हजार आ रहा हो, उसको यह समझ में नहीं आएगा। वह कभी नहीं समझ सकता कि इसका कष्ट क्या है। वह कष्ट वही समझता है और उसमें भी अगर वह किसी bad builder के पास फंस चुका है, तो उसके कष्ट की कोई सीमा नहीं है, क्योंकि शायद उसको वह पैसा वापस मिले या न मिले, इसका पता नहीं, कम से कम वह यह तो कहेगा, जैसे मां बेटे से कहती है कि जा बेटा, जहां रहना, वहां सुखी रहना, हम कैसे भी रह लेंगे, लेकिन तुम सुखी रहना। वह कहेगा कि मेरा पैसा डूब गया, कोई बात नहीं, लेकिन भविष्य में किसी का पैसा नहीं डूबेगा। कम से कम वैसे consumers के लिए हमको लड़ना ही है और उनके लिए यह बिल लाना ही है।

इस बिल के सम्बन्ध में मैं एक और बात कहना चाहता हूँ। मैं कुछ चीजें कह नहीं सकता और कुछ चीजें कह सकता हूँ। मुझे भी यह समझ में आया कि इस देश के अन्दर पावर कितनी है और कैसी-कैसी पावर। साउथ में बेंगलुरु गया, तो अलग पावर ने मुझे प्रभावित किया। ऐसी पावर सुबह 7 बजे से पहले और रात 10 बजे के बाद मिलती है कि यह करो, वह करो। दिल्ली जाओ, तो अलग समस्या, मुम्बई जाओ, तो अलग समस्या, कोलकाता जाओ, तो अलग पावर। लेकिन भगवान ने कृपा की। ...**(व्यवधान)**... पावर सब जगह, गांव-गांव के अन्दर, सब जगह है, लेकिन हमने सब कुछ पूरा किया। मैं यह कहना चाहूंगा कि पूरी समिति उस दबाव में नहीं आई, कोई सदस्य उस दबाव में नहीं आया। सारे सदस्यों ने उपभोक्ता और यह सेक्टर है, इस सेक्टर के उत्थान के लिए इतने विवेक से और इतनी अच्छी तरह से उसके अन्दर भाग लेकर अच्छे-अच्छे सुझाव इसमें जोड़े हैं कि उन सबके लिए मैं पुनः समिति के सभी सदस्यों को धन्यवाद देता हूँ और आप सबको भी बहुत-बहुत धन्यवाद देता हूँ कि आज आपने मुझे बोलने का अवसर दिया।

**कुमारी शैलजा:** सर, अनिल जी यह भी मानेंगे कि जब इतनी पावर उन्होंने भी देख ली और माननीय मंत्री जी ने भी देख ली होगी, तो आप इस बात को मानेंगे कि इस पावर से जूझते हुए हमने यह बिल create किया।

**श्री नरेश अग्रवाल** (उत्तर प्रदेश): उपसभाध्यक्ष जी, सेलेक्ट कमिटी का सदस्य मैं भी था। जब हम लोगों की सेलेक्ट कमिटी बैठी, तो हम लोगों ने बहुत प्रयास किया कि आज consumers के साथ जो हो रहा है, वह न हो, क्योंकि एक स्थिति ऐसी खड़ी हो गई थी कि किसी से पूछो कि क्या काम करते हैं, तो हर व्यक्ति कहता था कि रीयल एस्टेट का काम कर रहे हैं। ...**(व्यवधान)**... नहीं, प्रॉपर्टी डीलिंग नहीं, रीयल एस्टेट, ब्रोकर भी रीयल एस्टेट कहता था। जैसे मुम्बई में चले जाइए और किसी से पूछ लीजिए कि क्या कर रहे हो, तो वह कहता है कि फिल्म में काम कर रहे हैं। चाहे वह फिल्म में काम कर रहा हो या नहीं, लेकिन हर व्यक्ति कह देगा कि हम फिल्म में काम करते हैं, साइड रोल कर रहे हैं। ऐसे ही यहां हुआ। श्रीमन्, ऐसा लगा कि जैसे रीयल एस्टेट इस देश का मेन बिजनेस हो गया और बाकी बिजनेस खत्म हो गए। यह बात भी सही है कि तमाम consumers को छला गया, ठगा गया। आज भी हम लोगों के पास बहुत से लोग आते हैं। नोएडा, ग्रेटर नोएडा से लोग आते हैं, जहां तमाम लोगों से पैसा लिया गया, लेकिन अभी तक उनको उस पर right नहीं मिला, possession नहीं दिया गया, वे मारे-मारे घूम रहे हैं। मैं चाहूंगा कि मंत्री जी कुछ ऐसा करें, जिससे आपने जो कोर्ट बनाया है, उसमें consumers को तुरन्त न्याय मिले। कहीं ऐसा न हो कि ऐसा Consumer Court हो जाए, जैसे पहले के Consumer Courts थे। 20 साल पहले हमने रेलवे पर एक मुकदमा किया था, लेकिन अभी तक उस मुकदमें में Consumer Court से कोई निर्णय नहीं हुआ। यह 20 साल पहले का मुकदमा है, जो हमने Consumer Court में किया था। हम District Court से जीत गए, लेकिन State Consumer Court में जाकर यह फंस गया और उस मुकदमें में आज तक कोई decision नहीं हुआ। मैं चाहूंगा कि आप कुछ ऐसा करें कि consumers का interest सुरक्षित रहे। जब हम लोगों ने बुलाया था, तो बिल्डर्स को बुलाया था, Consumers को बुलाया था, अथॉरिटी को बुलाया था, मैंने शुरू में कहा था कि मैं इसका विरोध नहीं कर रहा हूं। लेकिन हमें कुछ आशंकाएं थीं, क्योंकि इस पर स्टेट के भी ऐक्ट बने हुए हैं। हमारे उत्तर प्रदेश में भी real estate का bill बना हुआ है और वह बिल भी लागू है। अब यहां पर यह बात आएगी कि स्टेट का बिल ज्यादा effective है या सेंटर का बिल ज्यादा effective है। बहुत सारी राज्य सरकारें यह कहेंगी कि हम इसको कैसे लागू कर दें, हम अपनी राज्य सरकार का कानून लागू करेंगे। आपने एक अथॉरिटी तो बना दी, लेकिन उस Development Authority का रोल क्या होगा?

आप जो बिल्डर की बात कह रहे हैं, अभी दवे जी कह रहे थे कि वह बिल्डर, आपने जो Regulatory Authority बनाई हैं, उसी से लाइसेंस लेगा, लेकिन कानून तो यह कहता है कि सारे अधिकार Development Authority के पास हैं। ऐसे में Development Authority क्या रोल अदा करेगी? उस Development Authority का अधिकार क्षेत्र क्या रह जाएगा?

महोदय, आज नोएडा में जो बिल्डिंग बनाने जाएगा, वह नोएडा की अथॉरिटी के पास जाएगा या आपकी Regulatory Authority के पास जाएगा? चूंकि इस कानून से तो Regulatory Authority बड़ी हो गई, तब तो Regulatory Authority को अधिकार होगा, लेकिन फिर नोएडा अथॉरिटी कहेगी कि हमारे अधिकार अलग हैं। इस तरह अगर कहीं दो अथॉरिटीज के बीच अधिकारों का झगड़ा पैदा हो गया, तो यह बहुत अच्छा नहीं होगा। मैं चाहूंगा कि इसे देखें।

[श्री नरेश अग्रवाल]

एक चीज जो बिल में छूट गई है, वह यह है कि आप बिल्डर उनको मान रहे हैं, जो मकान बना रहे हैं। जो लोग प्लॉट बेच रहे हैं, उनका क्या होगा? बहुत से लोग तो सिर्फ प्लॉट ही बेचते हैं। उन्होंने अपना प्लॉट बेच दिया, रास्ता भी नहीं छोड़ा, ड्रेनेज भी नहीं दिया और उसके बाद वहां के सब लोग हम लोगों के पास आते हैं और कहते हैं कि आप अपनी सदस्य-निधि से पैसा दे दीजिए। हम लोगों ने मकान तो बना लिए हैं, लेकिन चूंकि आप जन-प्रतिनिधि हैं, इसलिए बिजली, सड़क और पानी के लिए पैसे आपको देने पड़ेंगे। यह सिर्फ हमारी ही समस्या नहीं, यहां पर हमारे जितने भी और साथी बैठे हैं, उन सबकी यही समस्या है। चूंकि आज सबके शहर जितनी तेजी से बढ़ रहे हैं, ऐसे में शहरों से जुड़े हुए गांवों की सारी जमीनें प्लॉटिंग में चली गई हैं, उन प्लॉटों पर मकान बन गए हैं और उन मकानों को डेवलप करने की जिम्मेदारी हम लोगों पर आ गई है। अगर हम लोगों का यह काम नहीं करेंगे, तो वे वोट नहीं देंगे, इसलिए वोटों के डर से हमें यह काम करना पड़ रहा है कि कहीं वे छोड़ गए, तो क्या होगा? इसलिए इसमें आप प्लॉट वाला प्रोविज़न भी ऐड कीजिए कि खाली मकान बनाकर देने वाला ही बिल्डर नहीं है, जो प्लॉट बेच रहा है, जो प्लॉट दे रहा है, उसकी यह जिम्मेदारी भी हो कि जो कॉलोनी पूरे तरीके से डेवलप होगी, वहीं के प्लॉट बिकेंगे।

दवे जी कह रहे थे कि बिजली नहीं मिलेगी, पानी कहां से आएगा? ...(व्यवधान)... मैं कह रहा था कि आप उसके लिए भी कोई नियम बना लें। जैसे इस बिल के Clause 2(q) में आपने Completion Certificate की बात कही है और 2(z)(f) में Occupancy Certificate की बात कही है। ज्यादातर राज्यों ने तो दोनों सर्टिफिकेट मांगे हैं, लेकिन कुछ राज्यों ने दोनों में से एक ही सर्टिफिकेट मांगा है। हमारे राज्य उत्तर प्रदेश ने भी केवल Completion Certificate ही मांगा है, Occupancy Certificate नहीं मांगा है। ऐसे में क्या स्थिति उत्पन्न होगी? या तो आप राज्यों पर यह नियम लागू कर दीजिए कि आप दोनों सर्टिफिकेट्स लीजिए।

सर, एक बात यह भी आई थी कि अगर किसी के पास सात एकड़ जमीन है और वह सिर्फ एक एकड़ जमीन पर ही कुछ बनाता है, तो जो बचा हुआ छः एकड़ का एरिया है, क्या वह भी उसमें ले लिया जाएगा अथवा वह छः एकड़ इससे अलग रहेगा। वह जो कंस्ट्रक्शन कर रहा है, वह छः एकड़ उसका पार्ट माना जाएगा या नहीं माना जाएगा? यह बात हम लोगों ने कमेटी में भी उठाई थी। उस समय यह बात तय हुई थी कि जितने हिस्से पर वह निर्माण कार्य करेगा, जितने हिस्से पर वह बिल्डिंग बनाएगा, उतना हिस्सा इसमें लिया जाएगा, बाकी हिस्से को नहीं लिया जाएगा। यह भी स्पष्ट हो जाना चाहिए कि इसमें कौन-सा कानून लागू होगा और कौन-सा नहीं लागू होगा।

महोदय, बिल्डर के लिए यह भी आया है कि अगर कोई बिल्डिंग बन रही है और बीच में ही उस बिल्डिंग के नक्शे में कोई बदलाव लाना चाहे, तब क्या होगा? इसके लिए उस समय यह बात आई थी कि जब तक उसमें दो-तिहाई एंलॉटीज़ राजी नहीं होंगे, तब तक वह उसमें चेंज नहीं कर सकता है। मेरे ख्याल से यह दो-तिहाई की संख्या बहुत ज्यादा है, इसको कुछ कम किया जाना चाहिए। जब यह बिल सेलेक्ट कमेटी में डिस्कस हो रहा था, तब मैंने भी यह कहा था कि सज़ा का प्रावधान हरेक चीज़ में डाला जाए। ...(समय की घंटी)... मेरे ख्याल से फाइनेंशियल मैटर्स में, हर चीज़ के लिए सज़ा की बात लिखी हुई है। आप लोग जितने भी बिल ला रहे हैं, उनमें

हरेक को सज़ा का अधिकार दे रहे हैं। मेरे ख्याल से आपने इतने लोगों को सज़ा का अधिकार दे दिया है कि अब देश में कोई सुरक्षित नहीं रहेगा। ऐसा लग रहा है कि सभी लोग इनमें फंस जाएंगे। सज़ा का प्रावधान हटा कर आप इसमें फाइन का प्रावधान डाल दीजिए, शायद आपने 10 प्रतिशत या 15 प्रतिशत फाइन रखा है, फाइन का एक अच्छा हैंडसम एमाउंड इसमें रखा गया है, इसलिए इसकी शुरुआत आप फाइन रख कर ही कीजिए। अगर उसके बाद भी नहीं आता है, तो फिर अमेंडमेंट ला सकते हैं। इसमें कोई दिक्कत नहीं है। लेकिन, शुरू से इतना भय न पैदा कर दें कि मालूम पड़े कि रीयल एस्टेट सेक्टर पूरी तरह बैठ गया। ...**(समय की घंटी)**...

सर, मैं अभी सूरत गया था। वहां देखा कि कम से कम 10-20 हजार फ्लैट्स बनकर खड़े हैं। मैंने पूछा कि इतने फ्लैट्स कैसे बन गए? तो कहा गया कि फ्लैट्स सबने बना दिए, लेकिन यहां खरीददार नहीं है। अब रीयल एस्टेट की जो स्थिति है—यह मत सोचिएगा कि मैं कोई रीयल एस्टेट का काम करता हूं, लेकिन जनता से जुड़ा हूं, इस कारण मैं जो देखता हूं, वह कहता हूं कि कहीं ऐसा न हो कि रीयल एस्टेट को देखते-देखते, अगर रीयल एस्टेट सेक्टर एकदम बैठ गया, तो कहीं हमारी इकोनॉमी न बैठ जाए, अर्थव्यवस्था के सामने एक संकट न खड़ा हो जाए, बेरोजगारी की समस्या न खड़ी हो जाए। ...**(समय की घंटी)**...

सर, एक और बात है कि अभी किसान की जमीन महंगी बिकती थी। ...**(समय की घंटी)**...

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you, Now, Shri K. C. Tyagi. ...**(Interruptions)**... Please, please.

**श्री नरेश अग्रवाल:** सर, मैं बस खत्म कर रहा हूं। रीयल एस्टेट में गिरावट आई है, तो किसान की जमीन भी सस्ती हो गई है। आप इन सब बिन्दुओं का ध्यान कर लीजिएगा। इन्हीं शब्दों के साथ, मैं इस बिल का समर्थन करता हूं।

**श्री के. सी. त्यागी:** उपसभाध्यक्ष महोदय, बहन शैलजा से लेकर नायडु साहब, दोनों के काल के बीच में यह रीयल एस्टेट वाला बिल आया है इसके लिए मैं आपका धन्यवाद करता हूं। साथ ही, सेलेक्ट कमेटी के जो चेयरमैन हैं, उनकी विद्वता का, उनकी सज्जनता का और वे एक अच्छे लिसनर हैं, इसके लिए भी उनकी प्रशंसा करना चाहता हूं, जिसके बगैर हम जो सेलेक्ट कमेटी के लोग हैं, उतना अच्छा बिल शायद नहीं बना पाते।

सर, मैं जिस इलाके से हूं, यह रीयल एस्टेट का है। मैं नेशनल कैपिटल रीजन से हूं। ...**(व्यवधान)**...

**श्री नरेश अग्रवाल:** आप तो बिहार से हैं।

**श्री के. सी. त्यागी:** हां, मैं बिहार से भी हूं, मैं सारे देश से भी हूं। मैंने आपको डिस्टर्ब नहीं किया, इसलिए आप मुझे डिस्टर्ब न करें।

सर, इस व्यवसाय में लगे हुए जो लोग हैं, मैं नायडु जी से कहना चाहता हूं कि यह कोई मामूली व्यवसाय नहीं है। नेशनल कैपिटल रीजन में जितनी भी पॉलिटिकल पार्टियां हैं, as on today, जो निष्ठावान कार्यकर्ता था, जो पॉलिटिकल एक्टिविस्ट था, जो कि सड़क पर जुलूस में, धरने में, प्रदर्शन में रहता था, उसका स्थान आज इन्हीं लोगों ने ले लिया है, जिनको आप रीयल एस्टेट वाले कहते हैं। इनके पास अथाह दौलत है। बड़े-बड़े नेता चुनाव के चंदे के दौरान

[श्री के. सी. त्यागी]

इनके डिस्पोजल पर रहते हैं। देश के जितने नामी वकील हैं, आप एक का भी नाम ले लीजिए, वे सब इनके पैनल पर हैं। मुझे फौज से रिटायर्ड गुड़गांव का एक बड़ा ऑफिसर मिला और मेरे शहर गाजियाबाद के दो पत्रकार मिले, जिन्होंने जिन्दगी भर की अपनी कमाई इन बिल्डर्स को दे दी। वह फौजी, जो चीन और पाकिस्तान वालों से नहीं हारा था, वह रीयल एस्टेट के लोगों से हार गया। 20 साल के बाद भी वह गुड़गांव के एक नामी बिल्डर से मकान प्राप्त नहीं कर सका। चूंकि इस देश का नम्बर वन या नम्बर दो का जो बड़ा वकील था, वह रीयल एस्टेट एजेंट के आदमी का वकील था। 22 साल से वह मुकदमा लड़ रहा है। मेरे साथ पढ़ा हुआ गाजियाबाद का जो मेरा पत्रकार दोस्त है, उसकी जितनी कमाई थी, उसने लगा दी। मैंने राज्य सभा में भी एनसीआर के अन्दर का यह मामला उठाया था। तो इसे दांत से काटने वाला बिल आपने और हमने बनाने का जो प्रयास किया है, इसके लिए मैं मुबारकबाद भी देना चाहता हूं। दवे साहब, इसमें मुकदमों के मामले में आपको ध्यान रखना है कि इसके लिए जो Regulatory Authority बना रहे हैं, उसकी समय सीमा शायद तय नहीं हुई है। मैं चाहता हूं कि इन मुकदमों की मियाद भी तय हो ताकि यह डिस्प्यूट ज्यादा से ज्यादा छः महीने में समाप्त हो जाए, क्योंकि उन्हें फिर कोई न्याय नहीं मिलेगा।

सर, इसमें सारी अच्छी चीजें हैं। मुझे ज्यादा नहीं कहना है। मैं तो इसकी प्रशंसा करने के लिए खड़ा हुआ हूं। लेकिन मेरे जो चेन्नई के मित्र हैं, वे कई दिन बड़ी तकलीफ में रहे हैं। वहां जो unplanned regulation है, यह उसका नतीजा है। इतना havoc मैंने बहुत सालों से कभी नहीं देखा, जो चेन्नई शहर में हुआ। यह बिल्डर्स की काली करतूतों का नतीजा था कि जिन्होंने किसी अथॉरिटी से — मैं मेम्बर ऑफ पार्लियामेंट होने के नाते और मैं उच्च सदन का एक मेम्बर हूं, इस नाते भी कहना चाहता हूं कि सारी अथॉरिटीज़ इनके डिस्पोजल पर हैं, to whom you call colonizers. इन्होंने चेन्नई बरबाद कर दिया। बेंगलुरु की बुरी हालत है। रहमान साहब बता देंगे। ये लोग किसी से पूछते ही नहीं हैं। कोई नक्शा पास नहीं होता, लैंड यूज चेंज कराना तो इनके लिए चुटकी बजाने की तरह है। चूंकि जो पूरे सिस्टम का संचालन है, बहुत सारे शहरों में... मुम्बई के बारे में जितना मैं कहूं मेरे दोस्त शिवसेना वाले इस समय यहां पर नहीं हैं। ...**(व्यवधान)**... देसाई साहब, आप पीछे बैठ गए हैं। इनके यहां बिल्डर क्या-क्या नहीं कर रहे। बिल्डर लॉबी है। अमेरिकन लॉबी सुनी थी, रूस लॉबी सुनी थी, यहां हिन्दुस्तान में तो बिल्डर लॉबी है and, in Mumbai, it is very significant, बहुत बड़ी लॉबी है। इस समय आपके लिए अचम्भे की चीज होगी कि 25 रीयल एस्टेट कंपनियां एनसीआर में है। इस समय तीस हजार करोड़ रूपए के डेब्ट रिस्क में, ...**(व्यवधान)**... आप ठीक कह रहे थे। मकान बने पड़े हैं, कोई खरीदार नहीं है। अब इस मार्केट में बूम भी नहीं है। दवे जी, आपके मुंह में घी शक्कर, वैसे तो आप नॉन-वेज भी खा लेते हैं। आपके मुंह में घी शक्कर इसके बाद इस स्टेट में अगर बूम आता है तो मुझे प्रसन्नता होगी। पूरा गुड़गांव, पूरा नोएडा, ग्रेटर नोएडा, पूरा गाजियाबाद, यहां इतने फ्लेट्स खाली हुए, लेकिन कोई खरीदने वाला नहीं है। इसलिए जो इतना बड़ा डेब्ट रिस्क है, वह भी इसके बाद कवर होगा, इसकी भी मैं उम्मीद करता हूं। सपने लुभावने देखो ...**(समय की घंटी)**... एक ही सेकेंड में मेरा काम तो पूरा हो गया।

जो फिल्म के बड़े कलाकार हैं, जो क्रिकेट वाले हैं, जो मशहूर हस्तियां हैं, और बाबुल सुप्रियो हैं, इनके फोटो लगा दिए कि बाबुल सुप्रियो इस फ्लेट में रहते हैं, आप भी इसी फ्लेट में

चले जाइए। हमने यह भी प्रोविजन किया है कि जिन फिल्म वालों के, क्रिकेट वालों के या नामी गिरामी लोगों के झूठे चित्र और तस्वीर दिखा करके मकान खरीदने के लिए लोभ और लालच दिए जाएंगे, उन कलाकारों को भी सजा के प्रोविजन में लाया जाना चाहिए, क्योंकि उनके नाम का झूठा इस्तेमाल किया गया। अगर यह सच में ही किया गया है तो क्यों उन्होंने होने दिया?

**श्रीमती जया बच्चन** (उत्तर प्रदेश): आप कह रहे हैं झूठा इस्तेमाल किया।

**श्री के. सी. त्यागी:** वे कई बार उनसे पूछते नहीं हैं।

**श्रीमती जया बच्चन:** आप उनको कैसे पनिश कर सकते हैं?

**श्री के. सी. त्यागी:** मैं कह रहा हूँ कि बिल्डर्स को तो पनिश करेंगे, ...(व्यवधान)... आप बहन जी, ...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Your time is running out. ...*(Interruptions)*... Your time is running out. ...*(Interruptions)*...

**श्री के. सी. त्यागी:** मेरा समाप्त हो गया। ...(व्यवधान)... सर, यह अच्छा है गुड कंज्यूमर्स के लिए और गुड प्रमोटर के लिए भी and promoted by a good Chairman of the Select Committee.

SHRI MD. NADIMUL HAQUE (West Bengal): Sir, today I stand before the House to discuss the Real Estate Bill. In my opinion, the real estate sector constitutes as the most important building block of a nation, as it provides infrastructure and housing for a better life to all the people residing in the country. However, in our country, a specific law, stating the duties and rights of buyers and promoters involved in the real estate sector, has been largely left unaddressed. Though the consumer in our country could avail the remedies available under the civil, criminal and consumer laws against these players, yet these remedies are not broad enough to address all the issues and concerns of the buyers and consumers of real estate. This situation has led to gross mismanagement and unprofessionalism in the field of real estate, wherein the project developers indulge in tactics of deliberate delays and other wrongdoing. In order to address these issues, the Real Estate (Regulation and Development) Bill was introduced in the Rajya Sabha in 2013. It was later referred to the Standing Committee and then to the Select Committee. Both these Committees have submitted their reports. The Bill, as it stands today, regulates transactions between buyers and promoters of residential real estate projects. It establishes State-level regulatory authorities, called the Real Estate Regulatory Authorities (RERAs). The promoters need to be registered with the RERAs. They cannot book or offer their projects for sale without registering. The real estate agents, dealing in these projects, also need to register with the RERAs. On registration, the promoter must upload the details of the project on their website.

[Shri Md. Nadimul Haque]

Sir, the Bill also contains the penalty provisions. In case, the promoter fails to register the property, he may be penalized up to 10 per cent of the estimated cost of the project. Failure to do this, despite orders issued by the RERA, will lead to imprisonment up to three years. He will have to also pay 5 per cent of the estimated cost of the project if he violates any other provisions of the Act. However, Sir, there are some grey areas in this Bill which I would like to point out clause-wise.

Clause 3(2)(a), which relates to the registration of real estate project, of the original Bill mandated that registration was not necessary where the area of the land proposed to be developed does not exceed 1000 square metres or the number of apartments proposed to be developed does not exceed 12. Sir, the Select Committee reduced this to 500 square metres and 8 apartments, and power was given to the appropriate Government to reduce the threshold from 500 square metres and 8 apartments. Sir, it is pertinent to mention that if this clause is passed, then it may lead to the exclusion of middle class or poor class who are vulnerable to a higher rate from the promoters.

Sir, secondly, as per Clause 4(2)(i)(d), the original Bill puts a positive obligation on the promoter to put 50 per cent funds, as notified, in a separate bank account for construction work. Sir, it does not take into account the fact that there might be different situations in different States wherein the cost of land may be higher than the cost of construction.

Sir, Clause 5(2) in the original Bill stated that if the application of the promoter to register is not accepted or rejected in 15 days, then the project shall be deemed to be registered. The Committee recommended that this period be extended to 30 days. Sir, I have to say that the said clause can be subjected to abuse as there might be a lot of instances that the authorities might not be able to register a promoter project due to overburden of work.

Sir, Clause 7(1)(a) states the revocation of registration. The original Bill included 'wilful default' on the part of the promoter to do anything under the Act will lead to revocation of the registration. The panel had recommended that the word 'wilful' be deleted from the definition. However, Sir, the recommendation of the panel to delete 'wilful' is meritorious. At the same time, the recommendation tilts the balance in favour of the buyer and against the promoter. The promoter is now strictly liable under the Bill for any default. *...(Time-bill rings)...* By deleting the word 'wilful' from the definition, the promoter is now liable also in a case where he may have acted in good faith. The aforesaid recommendation would equally establish a balance between the right of the buyer as well as that of an honest promoter.



Lastly, Sir, this Bill does not include anything about the sanctioning authorities. For example, even if a project is completed and there is a delay in seeking a completion certificate from the local authority or there is a delay in obtaining electrical and water connections, the project cannot be offered for possession to the buyers on time. For this purpose, Sir, rules and recommendations to the sanctioning authorities have to be incorporated in the Bill.

With this, Sir, I rest my case supporting the Bill. Thank you.

SHRI A.W. RABI BERNARD (Tamil Nadu): Hon. Vice-Chairman, Sir, I rise to oppose the Real Estate (Regulation and Development) Bill, 2015.

At the outset, I would like to clarify that we must protect the consumer. We must strengthen, empower the home buyer, particularly, those who are buying their first home, for whom that home is a life-time dream. But how can we accept a Bill which eats into the already limited powers of the States? That is why, All India Anna Dravida Munnetra Kazhagam, our leader, hon. Chief Minister, Puratchi Thalaivi Amma, categorically oppose this Bill in toto. ...*(Interruptions)*...

DR. K. P. RAMALINGAM: You don't want any regulations.

SHRI A.W. RABI BERNARD: No, let me finish. The Real Estate (Regulation and Development) Bill, 2015 *per se* relates to land, which is a State List subject under the Seventh Schedule of the Constitution. Strictly speaking, it is within the legislative competence of the State Legislature and not the Union Parliament. The Government of India seems to be introducing this Bill under the residuary powers vested with it. It would have been better had this been sent as a model Bill to the States, with States enacting their own Bill to regulate the real estate sector.

In the definition of the Bill, 'company' is defined as 'something to include a developmental authority or any public authority established by the Government in this behalf under any law for the time being in force'. Similarly, the term 'promoter' is defined to include 'any developmental authority or any other public body in respect of allottees of buildings or apartments, as the case may be, constructed by such authority or body on land owned by them or placed under their disposal by the Government or plots owned by such authority or body or placed at their disposal by the Government.' It includes cooperative housing societies too. This Bill would bring Government agencies, like the Tamil Nadu Slum Clearance Board, the Tamil Nadu Housing Board, the Police Housing Corporation, Cooperative Housing Societies, etc., under the purview of this Act. The Government agencies should be kept out of the purview of the Act since the Government is responsible for the construction and will protect the interests of the consumers.

[Shri A.W. Rabi Bernard]

Sir, Section 3 provides for prior registration of real estate projects with a real estate regulatory authority and talks about the area and number of apartments. The power to modify and threshold the limit should vest with the State Government and should not be appropriated by the Central Government.

Sir, the Bill involves the competent authority to complete the remaining developmental works. This is practically impossible. Revocation of registration should be followed by appropriate criminal and fine/compensation against the promoter. The competent authority or the Government cannot step in at this stage to complete the project. I do not know how a few individuals getting together to buy a flat can complete a project without any prior experience or expertise. I am afraid, this Bill will result in making homes and flats more expensive in India. Affordability would be affected because of the various new, additional costs. There are many agencies already existing in the country to regulate the real estate sector. Why one more agency? This would make the projects longer and hidden costs would increase. This should not drive out genuine, small-time marginal developers. The genuine, small-time, marginal developer is the man who is providing affordable housing to the common Indian. I am really afraid, as a result of this Bill, that sector will get eliminated and only MNCs would exist.

To sum up, Sir, our stand is, the Bill is not strictly within the legislative competence of the Central Government. The Bill casts undue responsibilities and takes away the freedom of the State Government and the competent authorities. We oppose the Bill in toto.

**श्री मुनक्राद अली** (उत्तर प्रदेश): महोदय, आपने मुझे इस महत्वपूर्ण विधेयक पर बोलने का मौका दिया, इसके लिए मैं आपका बहुत शुक्रगुजार हूँ। मैं अपनी पार्टी की नेता बहन कुमारी मायावती जी का शुक्रिया अदा करता हूँ, जिन्होंने इस महत्वपूर्ण बिल पर बोलने के लिए मुझे अधिकृत किया।

चूँकि भू-सम्पदा विधेयक देश के गरीब लोगों के लिए बहुत ही महत्वपूर्ण विधेयक है और इस बिल में उपभोक्ताओं और गरीबों के लिए व्यवस्थाएँ की गई हैं, इसलिए हमारी पार्टी इस बिल का पूर्ण रूप से समर्थन करती है। मैं एक बात जरूर कहना चाहूँगा कि इस विधेयक को सरकारों को बहुत पहले लाना चाहिए था। यदि वक्त रहते यह विधेयक पहले से सरकारें पास करवा लेतीं, तो शायद करोड़ों लोगों को सस्ते घर मिल सकते थे और करोड़ों लोग अपने साथ हुई बेईमानी से निजात पा सकते थे।

उपसभाध्यक्ष महोदय, मैं पूरी जिम्मेदारी के साथ, देश के करोड़ों लोगों के बरबाद होने की बात इसलिए कह रहा हूँ, क्योंकि आज पूरे देश में लाखों बिल्डरों ने मकड़ी के जाले की तरह देश में अपना पूरा कारोबार वैध-अवैध तरीके से फैला रखा है। अगर हम पूरे देश को छोड़कर

केवल एनसीआर में ही देख लें, तो हजारों बिल्डरों ने सरकारी, गैर-सरकारी जमीन पर बड़ी-बड़ी बिल्डिंगें, मकान, दुकान बनाकर अपना साम्राज्य स्थापित कर रखा है और लागत से कई गुणा ज्यादा दामों में जरूरतमंद लोगों की मजबूरी का फायदा उठाते हुए, अपने मकान, दुकान को सैल कर रहे हैं।

उपसभाध्यक्ष महोदय, आज यह हो रहा है कि बिल्डर बाजार में आता है, जमीन खरीदता है और बिना मकान, दुकान बनाए, यहां तक कि बिना नक्शा पास करवाए बिक्री शुरू कर देता है और अपने कागजों पर बने मकानों, दुकानों को बेचने के लिए टेलिविजन, अखबारों, रेडियो, होर्डिंग्स, बैनरों के जरिए से इतने बड़े पैमाने पर प्रचार-प्रसार करता है कि आम आदमी बेचारा इनके इस प्रचार के प्रभाव में आ जाता है और उधार में पैसा लेकर मकान, दुकान बुक करा देता है। कई सालों तक उपभोक्ताओं को न तो उनका बुक किया हुआ मकान मिलता है और न ही पैसा मिलता है। मुझे इस बात की पुख्ता जानकारी है कि लाखों उपभोक्ता अपना पैसा बिल्डरों के पास फंसा चुके हैं और बरबाद हो चुके हैं। सबसे बड़े दुख की बात यह है कि जिस समय सीमा के अन्दर बिल्डर मकान, दुकान बनाने का वायदा करता है, उस वायदे को वह कभी पूरा नहीं करता है और बाद में समय-समय पर मकानों के दाम बढ़ाकर वह उपभोक्ताओं से ज्यादा पैसा वसूल करता है। क्या सरकार उपभोक्ताओं के साथ होने वाली इस लूटपाट को रोकने का प्रबंध करेगी? हमारे सामने और भी कई महत्वपूर्ण सवाल हैं, जिनको इस विधेयक में शामिल होना था, जैसे नक्शे के विरुद्ध बनाए गए भवनों पर बिल्डरों के खिलाफ कोई दंडात्मक कार्रवाई करना। ...**(समय की घंटी)**... समय-समय पर बिल्डरों के द्वारा मकान-दुकानों के दामों को बढ़ाने की नाजायज प्रक्रिया को रोकने का कोई ठोस उपाय नजर नहीं आ रहा है।

उपसभाध्यक्ष महोदय, यदि कोई उपभोक्ता अपने द्वारा बुक किए गए मकान या दुकान को तंगी के कारण नहीं खरीद पाता, तो उसके पैसे वापस मिलने का कोई समाधान इस बिल में नहीं है। क्या सरकार उपभोक्ताओं के व्यापक हित के लिए कोई ठोस कानून बनाने का विचार रखती है? माननीय मंत्री जी, आप इसका विस्तार से वर्णन करिएगा।

उपसभाध्यक्ष महोदय, मेरे कई सुझाव हैं, जिन्हें मैं आपके माध्यम से सरकार को देना चाहता हूं। जैसे कि हमारे देश में बड़ी तादाद में गरीब लोगों की आबादी निवास करती है, लेकिन उनके आशियाने के लिए केंद्र सरकार या सूबे की सरकार या बिल्डरों के पास कोई रोड मैप नहीं है। ...**(समय की घंटी)**... मैं सरकार से यह कहना चाहता हूं कि जो भी भवन या मकान आदि बनते हैं, उनमें से एक निश्चित तादाद में भवन या दुकान देश के गरीब लोगों को निशुल्क देने का प्रावधान जरूर होना चाहिए। ऐसा हो रहा है कि बड़े-बड़े पैसे वाले बिल्डर शहर में आते हैं और सरकारी, गैर-सरकारी जमीन खरीदकर बड़ी-बड़ी बिल्डिंगें बनाकर महंगी कीमत में बेच जाते हैं और गरीब बेचारा हाथ मलता रह जाता है। खास तौर से सबसे बुरा हाल उस किसान का होता है, जिस किसान की जमीन को एक्वायर करके सरकार अथॉरिटी या बिल्डर विकसित करते हैं, किसान के पास कोई लाभकारी योजना नहीं होती है।

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you very much.

**श्री मुनक्काद अली:** इस विधेयक में उनको मकान और रोजगार देने की कोई योजना नहीं है।

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you very much. Now, Shri Ritabrata Banerjee.

**श्री मुनकाद अली:** मैं सरकार से यह भी मांग करूंगा कि किसान की जिस जमीन पर मकान या दुकानें बनती हैं, उनमें एक मकान किसान को भी मिलना चाहिए।

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Shri Ritabrata Banerjee. Nothing else will go on record. Please start Mr. Banerjee.

**श्री मुनकाद अली:** \*

SHRI RITABRATA BANERJEE (West Bengal): Sir, my time has started.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): You start. Your time has started.

**श्री मुनकाद अली:** \*

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Mr. Munquad Ali, nothing is going on record. Mr. Ritabrata Banerjee, please start. ...*(Interruptions)*...

SHRI RITABRATA BANERJEE: Sir, if somebody is speaking, how can I start? ...*(Interruptions)*...

**श्री मुनकाद अली:** \*

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): It is not going on record. ...*(Interruptions)*...

SHRI RITABRATA BANERJEE: He is going on, how can I speak? ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Please understand. This Bill has to be concluded by 4.00 p.m. ...*(Interruptions)*... Time allotted is only two hours. Please cooperate. ...*(Interruptions)*...

**श्री मुनकाद अली:** \*

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): There is no meaning in speaking when it is not going on record. ...*(Interruptions)*... There are seven, eight more speakers and the time is very limited. Kindly understand, please cooperate. ...*(Interruptions)*... You have conveyed what you wanted to say. Now, Mr. Banerjee.

SHRI RITABRATA BANERJEE: Mr. Vice-Chairman, Sir, I thank you for giving me the opportunity. I will request you not to ring the bell, I will strictly adhere to time.

---

\* Not recorded.

Sir, first of all, on behalf of my Party, I stand here to support this Bill with some concerns which I will raise here. Sir, the need of a regulatory authority in the real estate sector was there in the country for long. Sir, I want to place on record like my esteemed colleagues in the select Committee have done. ...*(Interruptions)*... *Bhai Sahab*, please.

Sir, the role of the Chairman, respected Shri Anil Madhav Dave, was utmost democratic. He had accommodated all our views and I want to place on record that it was a pleasure to work under his stewardship. It was really a pleasure to work in such a democratic environment, which he created. Now, he had already mentioned when he was speaking about the pain, agony and frustration of the consumers. We also heard the same when they appeared before the Committee when we visited different cities. Precisely, this is a very important legislation that needs to be passed. Now, I would like to share some concerns. Sir, we have given a dissent note and three suggestions were there. One of the suggestions have been taken on board.

The definition of 'allottee' needs to be improved. In any Conveyance Deed, a vendor who agrees to sell and the purchaser who agrees to purchase, both have a legal role to play. In the definition of 'allottee' in the Bill, there is no mention of any party called 'a person who agrees to purchase' or 'a seller who agrees to sell'. Therefore, for the necessary correction which needs to be made, the definition of 'allottee' should be more complete to remove any possible misinterpretation. Sir, currently, the Bill excludes land below 500 square metres or apartments with eight or fewer units from its purview. The provision would result in the exclusion of bulk of the urban, middle and lower class homebuyers from the protection of the Bill. Sir, these homebuyers are the most vulnerable to exploitation by developers and real estate agents. Therefore, there should be no minimum size for plot; there should be no minimum number of apartments in a project. All projects should be brought under the purview of the Bill in the interest of all the homebuyers and to protect them.

Sir, let me come to another point, which was also raised by Madam Selja, about non-discriminatory clause. This is a very vital point. As far as we are concerned, we, Bengali people, cannot live without fish in both the meals. But there are cases where this discrimination is there. It was reported in the newspaper and in the media that somebody had been attacked in an apartment while they were cooking non-vegetarian items. So, this non-discrimination clause should be added to the function and duties of the promoter in the following manner, and, I quote, "shall not discriminate on the basis of age, caste, creed, ethnicity, food preferences, gender, language, marital status, nationality, region of origin, religion or sexual orientation, while transacting with the potential allottee".

[Shri Ritabrata Banerjee]

Now, Sir, I want to mention that the provision relating to seventy per cent funds has already been taken on board, and, I thank the Government for that. I believe that these concerns of ours will also be looked into by the Government. Now, Sir, when the cradles of civilization started developing, when people had started living in a civilized society, the craving of a home had started from that time. It continues from time immemorial. As Mr. Dave is here, we have been going to various cities with the Select Committee. Not only the interaction in the Committee, I had the privilege of interacting with him in different spheres, from literature to culture. Although my politics is diametrically opposite to him, I want to take this opportunity because he was mentioning the pain of the people who were coming. The consumers were coming and telling about that. I just want to take the opportunity, Sir, to quote Tagore. In one of his very famous poem *Dui Bigha Jomi*, Tagore speaks about a person who has been ousted from his land, ousted from his house in a false case. He has been evicted from his hard-earned house. He was roaming around. So, Tagore in that poem mentioned:

And so I became a mendicant's assistant and followed him everywhere Visiting shrines that were memorable and seeing sights that were fair. But no matter whether I climbed high peaks or reached a remote river bend. The thing I could never forget night or day was my little plot of land ! And so I traversed country fairs, fields, and roads for fifteen years or so Until homesickness made me feel to my country once more I must go.

I thought as I went: motherland Bengal-I bow to you lovingly! Your exquisite riverbanks and gentle winds will surely revive me. I'll thrill at skies kissing dust swirling up from wide open fields, I'll seek in the sylvan shade of a tiny village an abode of perfect bliss. Bengal's shaded ponds will be calm and comforting to see And surely I'll delight at sweet village belles carrying water home daily. such thoughts of my motherland made me sad and tears welled up in me.

For years, I have been wandering. After 15-16 years I came back to my home, to my land. I see my house, I see mother Nature, I see mother Bengal. My eyes are filled with tears for my land. Let the dream, dream of having our own roof be protected. Let that dream live and, once again, by supporting the Bill, I conclude. Thank you, Sir.

SHRI A. U. SINGH DEO (Odisha): Thank you very much, Sir. हमारे माननीय मंत्री जी सब कुछ कह चुके हैं। हमारे चेयरमैन, जो श्री दवे साहब थे, उन्होंने हमारी कमेटी की कार्यवाही को बड़ी अच्छी तरह से कंक्ट किया था। बहुत चीजे डिस्कस होकर बिल के अंदर

आ चुकी हैं। मैं चंद सजेशन देकर अपना भाषण समाप्त करूंगा। Naturally, we support this Bill. It is long overdue. It should have come much earlier. There should be a one window clearance for these projects for the kind of corruption that goes into; it probably adds 4 per cent to the project cost as estimated. So, one window clearance is very necessary because this cost is passed on to the consumer.

Secondly, Sir, the real estate agents should be registered with the Authority. There is absolutely no accountability, no control on them. Government has ignored certain models of eliminating agents. गुजरात या महाराष्ट्र मॉडल्स में, mandate that upon 20 per cent of the payment, registration of property must be done and stamp duty must be paid. सर, अगर 20 परसेंट के बाद रजिस्ट्रेशन हो जाता है तो then the agent cannot sell the property to ten other people falsely. यह चीज़ मंत्री जी कंसीडर करें कि 20 परसेंट पेमेंट के बाद रजिस्ट्री कराकर इसको ओपन में ले आएँ, जिससे जो एजेंट है, वह इसको और जगह न बेच सके। The Bill does not define the qualifications of a real estate agent. Therefore, anyone with muscle power, local influence can be registered to become a real estate agent. There should be a professional body in the country certifying the real estate agents. सर, आपने बड़ा अच्छा कहा कि escrow के लिए, 70 per cent of the builders fund tie-up कर दिए। He can divert 30 per cent of the funds. मैं आपसे यह जानना चाहूंगा कि क्या वह पहले 30 परसेंट को डायवर्ट कर सकता है या 70 परसेंट बिल्डिंग में लगाकर लास्ट 30 परसेंट डायवर्ट कर सकता है? कई ऐसे बिल्डर्स हैं, जो पहले ही 30 परसेंट divert कर लेते हैं और फिर अगर पैसा न उठा पाए, तो वे बिल्डिंग नहीं बनाएंगे और consumers ऐसे ही रह जाएंगे। इसलिए Kindly आप इसको consider करें कि आपने जो first 70 परसेंट को Escrow Account में डाला है, वह बिल्डिंग में लगे। वह last 30 परसेंट को इधर-उधर divert करके जहां ले जाना चाहे, ले जा सके। ...**(समय की घंटी)**...

सर, ऑन्टारियो, कनाडा में registration education programmes चलते हैं। सर, आपने घंटी बजा दी, इसलिए I am moving fast. There is a growing problem of environmental clearances. आपने चेन्नई में देखा है और कई वक्ताओं ने कहा था कि चेन्नई और बेंगलुरु में marsh lands में, lake beds में, apartment blocks develop हुए हैं और उनमें problems आ गई। एक ऐसा फ्लड आ गया। Sir, due to Delhi's Okhla Bird Sanctuary more than 3 lakh home buyers were affected by the NGT's order that projects within 10 KMs radius of the sanctuary could not be given completion certificate and over 21,000 buyers could not take possession of the completed houses. अगर NGT की clearance चाहिए, तो पहले क्यों नहीं ली? Why not before the project starts? Why should the consumer suffer? We need to put this in proper perspective. I hope the Minister has noted down my points. ...**(Time-bell rings)**... Please give me two minutes.

Only one point on structural stability. गुजरात में earthquake हुआ, उसमें बड़ी बिल्डिंग्स तो खड़ी रह गई, छोटी बिल्डिंग्स, सब गिर पड़ीं। जैसे शैलजा जी ने कहा, आप तो 500 याडर्स का ब्लॉक रख रहे हैं, उसको हटा दीजिए। Who will protect these millions of poor



[Shri A. U. Singh Deo]

peoples' homes which keep falling every day? They have no money to get structural clearances. The architects cheat them. They build houses for themselves. If they are unable to get structural clearances, the Government should provide for them so that structural inputs can be put into the buildings, and small homes don't get disturbed.

One last point. सर, मैंने भी एक फ्लैट लिया था। मैं आपको अपनी कहानी बता रहा हूँ। 1990s में दिल्ली में मैंने एक फ्लैट लिया था। जब हमें यह मिल गया, हम लोग उसमें रहने लगे, उसके बाद चार-पांच फ्लोर्स तोड़ दिए गए। दो साल बाद पता लगा कि इसकी clearances नहीं थीं, इसलिए तुड़वा दिए गए। इसके बाद हम सुप्रीम कोर्ट ने ऑर्डर दिया कि आपको इतने पैसे मिलने चाहिए, इतना इंटरेस्ट मिलना चाहिए। जब बिल्डर को खोजने गए, तो वह कनाडा में बैठा हुआ था। ऐसी स्थिति में आप consumers को क्या protection देंगे, आप यह बताएं।

Sir, I have a lot of things to say, but I have no time. I hope the hon. Minister will take into account my suggestions. I totally support the Bill.

SHRI PRAFUL PATEL (Maharashtra): The time is very short. So, I will very briefly speak. Most of my colleagues have spoken and mentioned the problems; and I also share my experience. One day I was landing at Mumbai airport. One loader came and met me. ..(Interruptions).. Yes, I am supporting the Bill. A loader from Air India came and met me at the airport. He said, "I had booked a flat and I had put all my life's savings and it was not coming through. It was a listed company." He asked me, "Can you help me? Listed company and carries a big name." But nobody could solve that problem. The intention of the Bill is noble and honourable. I think starting from Kumari Selja to Venkaiahji, and, of course, to Anil Daveji a lot of credit has been given. Everybody needs to be complimented. Why has this become very important? Lands have become very expensive. Why lands have become very expensive? Because cities do not have infrastructure. Everybody wants to congregate only in the centre of town so that commuting or going around becomes easy. Venkaiahji, the Urban Development Minister, what he needs to think is to open up the land mass. Why is the Mumbai city congested? It has become the epicentre of all the problems. Builders have started from Mumbai to Delhi and then spread across the country. If lands become easy to access, then, this problem can be solved. In Mumbai everybody wants to be in a particular belt. Anilbhai, you know it. When Navi Mumbai was made, there was no railway; there was just one road. If there had been more openness, if more infrastructure had been created, people would have gone further ahead. If you could go forty kilometers out of Delhi in an hour without any difficulty, you would certainly be opening up more land area, reducing the cost of land, making land more affordable and, therefore, the problems that are associated with shortage of land would be reduced and so would the problems caused because of the construction industry.

Sir, there are many things that need to be done. Standards have to be defined. Standards are just not there. Today, everybody promises Italian marble, granite or something else, but things are different when you actually go there. So, how much of that is being addressed by virtue of this Bill needs to be seen. Some standards have been mentioned, but how many problems would be addressed because of that needs to be seen. Simply saying that there would be prosecution, this or that would happen, would not solve any problem. Leaving too many powers of regulation in the hands of authorities would, on the contrary, be a deterrent. So, a fine balance needs to be struck. Of course, serial offenders, people who have done something wrong, need to be taken to task. Every time, just showing the fear of arrest would not solve the problems of people or improve standards.

Most importantly, Sir, municipal clearances, clearances from the State Government, environmental clearances, etc., take an abnormally long time. This has been the constant complaint of the construction industry. Mr. Jairam Ramesh complicated the problem. He didn't help the problem. Anyway, there are many such fine examples we have. But we need to speed up clearances, make things easier and not complicate them. Take any construction over fifty crores. Sir, let us say an old building is to be brought down and rebuilt again and the cost is ₹ 50 crores. Where is a new environmental clearance needed for that? It is within the municipal limits. What environmental clearance is needed there? To check whether water has been provided, it is the municipal corporation which is supposed to look into that. To check whether drainage is there, the municipal corporation is supposed to look into it. What is the Ministry of Environment, sitting in Delhi or in Mumbai or in any city, going to look into? That, of course, is Mr. Jairam Ramesh's legacy, which we are all continuing with. But, please, get rid of such archaic procedures and come up with something which is more clearly defined, which has more sustainability, something which is more implementable and has practicability. These are also some of the major issues which have afflicted the construction industry. These problems are, then, ultimately passed on to the poor flat-buyer. Sir, what Mr. Naresh Agrawal said is absolutely relevant. Now, 75 to 80 per cent of the new business is plotting. We are only talking about urban areas. In every village, there is a *plot-wala* who sells plots to poor, unsuspecting people. NA हुआ है या नहीं हुआ, उसका कोई approved lay-out है या नहीं है, वह किस जोन में आता है, residential zone में आता है, इन सब चीजों को देखने की जरूरत होगी। आज लोग no-development zone में भी जाकर प्लॉट बेच देते हैं। इन सारी परेशानियों की वजह से एक unsuspecting आदमी आज बहुत सारी समस्याओं से जूझ रहा है।

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Yes. That is a very good point.

**श्री प्रफुल्ल पटेल:** इस बिल के माध्यम से एक अच्छी शुरुआत हुई है। We support this Bill fully. It is a good beginning, but I am sure, as you rightly said in your speech कि आगे आने वाले वर्षों में इसमें संशोधन होते-होते काफी सुधार हो जाएगा और हर सामान्य उपभोक्ता के पास अपना घर होगा। प्रधान मंत्री जी तो कहते ही हैं कि घर सरकार देती है और हर गरीब के सिर पर छत होनी चाहिए। हमारी मंशा तो बहुत अच्छी है, these are noble ideas, but they will have to be implemented on the ground. Sorry, my friend, Mr. Jairam, I didn't mean to become personal, but the fact is, certain legacies have to be changed and problems have to be eradicated.

Thank you, Sir.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you. Now, Shri Rajeev Chandrasekhar. Mr. Rajeev, you have got only three minutes, please.

SHRI RAJEEV CHANDRASEKHAR (Karnataka): No. No discrimination, Sir. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): It is 13 minutes for Others. Please start. ...*(Interruptions)*...

SHRI RAJEEV CHANDRASEKHAR: Sir, thank you for letting me speak today. This Bill is probably the most important pro-consumer and structural reform legislation that this Government has introduced in Parliament in recent times. It seeks to protect thousands and millions of home consumers in the real estate sector. Let us make no bones about this — it also targets unscrupulous builders and, therefore, it is no surprise that this Bill has been opposed tooth and nail by some builders. So, I congratulate the Minister and I congratulate the Government for standing firmly and solidly on this Bill.

Sir, contrary to conventional wisdom, this Bill is not anti-business. It only seeks to formally enshrine consumer rights and builder obligations in law and it boosts the Industry by creating a framework of competition, efficiency and investments for the sector. Sir, as other colleagues of mine, I was also privileged to serve in the Select Committee under the Chairmanship of Anil Madhav Daveji, which worked extensively on this Bill and through the entire summer of 2015 we had extensive consultations with various stakeholders. One reality of the real estate sector is very, very clear that house owners and house buyers are helpless and victims in front of the might of the builder lobby and the builder industry. They are victims of delayed delivery, poor quality, illegal constructions, fraud, etc. Consumers were having to organize themselves and go through expensive timeconsuming litigation just to get any relief at all from the builder. Sir, it was a David vs. Goliath battle with the Goliath winning every time. It is this Bill, Sir, that will change the

balance from the Goliaths to a more even one where the small Davids and small consumers have a better chance at holding builders accountable to the contracts that they have signed and the promises that they have made. Sir, I will not go into the detailed minutiae of the Bill because my colleagues have done that already. But, let me summarize what the Bill does. The Bill creates rights for consumers, obligations for builders. It analysis those who violate their obligation and creates an independent institutional framework of a Real Estate Regulatory Authority and an Appellate Tribunal that can fast track any dispute that arises between the consumer and the builder. Sir, this Bill is also good for investors because it brings orders and rules to the chaotic real estate sector which has many fly-by-night operators which we must get rid of. It also ensure that builders have to now focus on quality, customer loyalty as attributes around which their business is build and not just fixing local authorities and getting plan approvals by bribes. It also puts the onus on builders to start marketing projects after all approvals are received, reducing the volatility and risk to consumers.

Sir, let me end by saying two paragraphs. Just give me time. Sir, this Bill is a good beginning to reform the real estate sector. I personally, as Seljaji said, would not have liked to be hard coded into the law many of the things that are in the law and I would have left it to the independent regulator and the regulations but the lack of credibility of our regulatory institutions is clearly causing a trust deficit that forces these issues like the minimum size into the law. The Bill is a first step and I am sure the Bill will evolve and improve. I also hope, as Praful bhai said, that State Governments start reforming and making simpler and more transparent the process of building planned approvals, land concession and the whole process that is currently so complex and corrupt. I hope, Sir, that Venkaiahji, after this Bill is passed, would appoint good clean regulators and put the focus on building good effective institution and capacity building in this area. I would urge the Minister to pay attention to this area in the aftermath of passing the Bill. Sir, let's not legislate and forget as is the case with most laws. Thank you, Sir. Jai Hind.

**श्री विजय जवाहरलाल दर्डा (महाराष्ट्र):** सर, आपने मुझे केवल पांच मिनट का समय दिया है। शैलजा जी, वैकैया जी, अनिल जी और प्रफुल्ल भाई, इन सारे लोगों ने मेरे मन में जो बात थी वो सारी बातें उन्होंने कही है। तो मैं आपका आभारी हूँ।

सर, मुझे आज भी यह बात समझ में नहीं आ रही है कि यह जो बिल लाया गया है, इसके पीछे कंज्यूमर को प्रोटेक्ट करने की अहम भावना है। इसमें हमारी या आपकी, सबकी एक ही मंशा रही है कि गरीब आदमी को घर मिलना चाहिए। वह घर कैसा मिलेगा, यह पता नहीं चल रहा है। सही बात यह है कि आप जब कोई काम हाथ में लेते हैं, तो उसके लिए आपको विभिन्न अथॉरिटीज़ के बीच में से जाना पड़ता है, कॉरपोरेशन के बीच में जाना पड़ता है तथा अन्य सारी एजेंसियों के माध्यम से जाना पड़ता है। क्या आप ऐसा कोई मैकेनिज्म बना सकते हैं कि उस

[श्री विजय जवाहरलाल दर्डा]

मैकेनिज्म की दृष्टि से वन विंडो क्लियरेंस हो और वन विंडो क्लियरेंस के अन्दर वह प्लान देने के बाद वह ऑटोमेटिकली पास होकर आ जाए? कम से कम ह्यूमन इंटरवेंशन हो। आज हालत यह हो गयी है कि मुम्बई के अन्दर जितना कुछ नजर आता है, चाहे वह मैदान की जमीन होगी, खेल की जमीन होगी, किसी और काम के लिए आरक्षित की हुई जमीन हो इन सारी जमीनों पर अवैध कब्जा कर लिया जाता है या किया गया है। यह बात सिर्फ मुम्बई की ही नहीं है, सारे महानगरों के अन्दर यह बात हुई है। सच्चा सवाल इंफ्रास्ट्रक्चर का है, लेकिन सारा जो इंफ्रास्ट्रक्चर है, वह कहीं नजर ही नहीं आ रहा है। तो मैं यह चाहूंगा कि इस बिल के माध्यम से वह जो कंज्यूमर है, उसको भी प्रोटेक्ट किया जाए। आज अलग-अलग तरह के इश्तिहार आते हैं। उस इश्तिहार में भी हम लोग देखते हैं अलग-अलग बातों से उनको लुभाया जाता है। तो मुझे ऐसा लगता है कि इन सारी चीजों का इस बिल में ध्यान रखा जाना चाहिए। इसके अंदर एक एजेंट बीच में आता है। वह जो एजेंट है उस एजेंट की भी अहम भूमिका होती है, उसको भी स्पष्ट होना चाहिए। उसको भी इसके बीच में लाना चाहिए, ताकि एजेंट लोगों को ठग न सके। आपने स्पेस इंडेक्स की बात कही, एफएसए की बात कही। आप यह क्यों नहीं करते, उसमें से इसको हटा क्यों नहीं देते? उसके अंदर कार्पोरेशन आ जाता है, वह पानी दे सकता है, बिजली दे सकता है। कई ऐसे देश हैं जहां पर उसकी जरूरत नहीं है। अगर गवर्नमेंट घर बना रही है तो उसकी क्वालिटी कैसी है, क्वालिटी कंट्रोल का प्रोविजन नहीं है। आज सिंगापुर के अंदर हर महीने के अंदर एक बिल्डिंग बन रही है। दुबई के अंदर भी है। क्या हमारी सरकार इसके अंदर क्वालिटी देने के बारे में एश्योर कर रही है? मुझे ऐसा लगता है कि इन सब चीजों का भी इसके अंदर ध्यान रखा जाना चाहिए। साथ ही साथ राज्यों के जो अधिकार हैं, आप उनको इस बिल में किस प्रकार से प्रोटेक्ट करने वाले हैं? महाराष्ट्र के अंदर उनका अपना बिल है। क्या आपने उनको स्टडी किया है, क्या आप उनको इसके अंदर इम्प्लीमेंट करने का प्रावधान ला रहे हैं? यह भी एक बात है जो ध्यान में रखनी चाहिए। साथ ही साथ इसके अंदर जो काम करने वाले लोग हैं, उन्होंने इसके अंदर अपना कितना रूपया लगाया हुआ है? वेंकैया जी, क्या कभी आपने उसका एसेसमेंट किया है कि कितना सारा पैसा देश के प्रोजेक्ट्स के अंदर लगा हुआ है, बैंकों का कितना पैसा लगा हुआ है, उन प्राइवेट कंपनियों का, व्यक्तिगत निजी आदमियों का कितना पैसा लगा हुआ है और उपभोक्ता जिसका पैसा इन प्रोजेक्टों में लगा हुआ है, जो अधूरे पड़े हैं अवैध निर्माण से वो ठगा जा रहा है या नहीं ठगा जा रहा है? क्या उसको अभी तक वहां पर घर दिया गया है या नहीं दिया गया है? आज ऐसे प्रोजेक्ट्स पड़े हुए हैं कि दस-दस, पंद्रह-पंद्रह साल से लोगों को घर नहीं मिले। आज यहां तक हालत हो मुम्बई में, ठाणे में, पूना में कि आखिर में लोगों ने उसके अंदर आत्महत्या कर ली, मगर वह लोगों को घर नहीं मिल पाया है। इस बिल के माध्यम से आपके सामने एक दरखास्त करना चाहूंगा कि कम से कम इसके अंदर इतनी व्यवस्था होनी चाहिए कि ऑटोमेटिक क्लियरेंसिज की व्यवस्था होनी चाहिए। जो डेवलपर्स हैं या बिल्डर्स हैं, उनको घर-घर घूमने की आवश्यकता नहीं होनी चाहिए। आज बिल्डर्स, पॉलिटिशियन और ब्यूरोक्रेट का जो नेक्सस बना है, वह टूटना चाहिए। ऐसी अनेक पार्टी राजनीतिक हैं, जो अलग-अलग काम करती हैं। लेकिन जहां बिल्डिंग का काम है वहां जो पार्टी के लोग हैं, वही सब मिलजुल कर काम करते हैं। मुझे ऐसा लगता है कि यह भी इसके अंदर बहुत बड़ी खामी है, जो दूर की जानी चाहिए। महोदय, अब मैं इन्वायरन्मेंट को लूंगा। मुम्बई के अंदर मीठी रीवर का जो फ्लड आया, चेन्नई के अंदर आया हुआ है, अब जो यह यमुना के बारे

में हुआ है, इन सारी चीजों को सरकारी एजेंसियों से किस प्रकार से नजरअंदाज कर रहे हैं? क्यों नहीं उस ऑफिसर को जिम्मेदार बनाते हैं जहां अवैध काम शुरू होना है। जब वह काम शुरू होता है उसी समय उसको रोक दिया जाए। उस समय सरकार क्या करती है? जो झोपड़पट्टियां बन रही हैं, उनको आप रोक क्यों नहीं पा रहे हैं? दिन प्रतिदिन वे सब बढ़ती जा रही हैं। मैं यह चाहूंगा कि आखिर आपको स्टेट के बीच में ही जाना पड़ेगा और राज्य सरकार और केंद्रीय सरकार दोनों का काम करते समय निश्चित एक तरीका बनाना पड़ेगा तथा यह भी देखना पड़ेगा कि सिर्फ ऑथोरिटी बनाकर काम नहीं होगा। यह कितना इफेक्टिव होगा, उसको देखना पड़ेगा। जो डेबलपर के उनके advertisements आ रहे हैं, क्या वे वास्तव में सही हैं? इसके बाद वे इस प्रकार के advertisements नहीं दे पाएंगे। मगर इसके साथ-साथ आपको यह भी इन्शोर करना पड़ेगा कि उन्होंने जो बात कही है, चाहे वह कारपेट एरिया की हो, चाहे वह विलटप एरिया हो या इंडेक्स की हो, उस प्रकार से होना चाहिए। आप देखते हैं कि बाद में लिटिगेशन होते हैं, कोर्ट के अंदर लोग जाते हैं, बिलडिंगों को गिराने का नोटिस दिया जाता है। मैं मानता हूं कि जो प्रफुल्ल पटेल भाई ने बात कही है, उस बात का भी ध्यान रखिए और यह लैंड बैंक नाम का जो शब्द आया हुआ है, उसके अंदर सरकार को ध्यान देना चाहिए कि यह जो लैंड बैंक है, इसके माध्यम से क्या हो रहा है। आप सभी जानते हैं फिर भी अनदेखी कर रहे हैं। इसी के साथ मैं समाप्त करता हूं। धन्यवाद।

SHRI ANIL DESAI (Maharashtra): Sir, I rise to support and welcome the Real Estate (Regulation and Development) Bill, 2013 as it is a pioneering initiative to protect the interests of consumers, to promote fair play in real estate transactions and to ensure timely executions of the projects. I was a Member of the Select Committee which toured many cities in the country and all the concerned stakeholders were consulted while drafting the legislation. Very effective inputs were there from all the sides, be it the consumers, the Co-operative Housing Societies or Builders' Associations, including Associations like the CREDAI. These people also came out with their suggestions. The local authorities were there. The State Administrations were there. And they really gave very useful inputs which were necessary to draft this legislation, which is going to be a very important legislation in the times to come. All along, the real estate housing sector, as it was known to the common people, was one-sided, totally guarded, totally effected by the builders/developers because consumers, as such, had no role to say, despite booking of the flat or booking of the dwelling and shelling out the money from his side. Whatever the builder or the developer used to give, the consumer had to be satisfied with. Whatever were his policies or whatever were the shortcomings, and even if the consumer was to take it to the court for some justice, it never came his way because it was the might and it was the soleness of the builders' monopoly that was existing all along. I think, now, everything has been addressed in a proper way. No doubt, consumers, being at the centrestage, his protective rights and his interests have been taken care of. This needed to be done and it has been done very fairly. At the same time, the interests and the rightful things which were

[Shri Anil Desai]

portrayed by the other side, or, the arguments which came from the other side also, have been addressed as builders are also at the centrestage, because without developers or builders, the real estate would not exist. So both sides have been taken due care of, and a very comprehensive Bill has been drafted which will really serve the people, the consumers.

Sir, right from the beginning, when the builders are coming out with their project, the registration of their project is necessary. Seventy per cent of the amount, which they collect in the project, is to be deposited, and there will be details shown about how they are charging the consumers. In this Bill, due care has been taken of another aspect. We have seen in urban cities where investors used to play some kind of a spoiler role in the projects, that is, because of their blocking of flats in their societies or dwellings, the prices used to go up, or, builders jack up the prices and, ultimately, the consumers had to suffer. So, here, that thing also has been taken care of, and if an investor, exceeds his investment, beyond a certain limit, then, he is to be treated as a promoter. So, these are the things. The main thing, which was not available until now, that is, the Dispute Settlement Mechanism, has also been put in place. This Bill, which works as a regulator, may have some deficiencies or drawbacks, but in the times to come, as the Bill progresses and as the time progresses, there will be a lot many amendments and a lot many changes being passed.

One last thing, Sir. The Bill has been hanging-in-the-balance over trivial issues. Now, considering the things which are happening in Mumbai, like, the Adarsh Housing Society Scam, which is at the prosecution stage, I am sure, with the passage of the Bill, some more scams, which have occurred in the city like Mumbai or anywhere else, will come to light; that the perpetrators of the crimes will be taken to task; that they will be nailed and the consumer will be relieved. I think this is a very good step which will ensure that the Prime Minister's ambitious programme of 'Housing for All' by 2022, will also be served through this Bill.

PROF. M. V. RAJEEV GOWDA (Karnataka): Sir, in the olden days, you had to save your entire life earnings before you could purchase a house. Then, housing mortgages were introduced. This allowed the whole industry to get transformed. It allowed white money to come in. It allowed people to invest in apartments with their second paycheck. This kind of revolutionary impact is something that this Bill will also have. It sets up a regulatory framework which ensures that the asymmetry of information between builders and buyers is removed. It ensures that the imbalance of power between builders and buyers is also removed. I must also compliment the Government for having gone beyond the work that we had put in. We had focussed



only on the residential sector. This has also included the commercial sector. In both the sectors, as we clean up, bringing transparency and ensuring a variety of penalties and frameworks, we will see that this sector will boom. And, as construction has such a multiplier impact, we will see the economic benefit tremendously.

Sir, I want to support many of the things that Seljaji has said. First of all, I want to compliment her for thinking about this Bill originally. Ajay Makenji took it forward. The Select Committee under Shri Dave took it forward and now Venkaiahji has managed to introduce it and get it through. Sir, there are a few other issues that we need to pay attention to. The very, very crucial aspect that this Bill's functioning hinges on, is actually at the State level, how the Real Estate Regulatory Authority and the Appellate Tribunal actually function. Therefore, since there will be a lot of variation across the States, across the country, I would urge upon the Urban Development Minister to please pay attention to one key issue. You can go as a Ministry much beyond your mandate, create technology solutions, create model codes, create all kinds of other mechanisms that you can share with every State Government to ensure that there is uniformity across the country in terms of Real Estate Regulatory Authorities Appellate Tribunals and their functioning. If you can do that, then, this transparent move will make a huge difference. I would also point out, Sir, that this move to make it 70 per cent is something to be commended, but I join Seljaji, Ritabrataji and others in saying that the poorest of the poor are left out of the ambit of this because you have that limit of 500 square metres or eight apartments and below. So, those are the people who are desperately in need of help, who will be exploited, and their disadvantaged situation will be taken advantage of. We will have to find ways either in the future, or otherwise, to extend help to all of them.

The last point I want to make, Sir, is about the anti-discrimination clause. I have actually moved an amendment. There are numerous stories of discrimination, whether it is for non-vegetarians, people of different sexual preferences, whether it is people of different languages, regional origin, foreigners, whoever they may be, and this is something that we should now allow, that violates the principle of equality that is enshrined in our Constitution. And while that provision may be there in the Constitution, it is important to reiterate it, to spell out numerous other features that require protection under the law. So, Sir, I urge upon the Minister — it doesn't take much time to pass an amended Bill in the Lok Sabha — accept this amendment, incorporate it and strengthen anti-discrimination. I am sure you are not for discrimination. Let us see whether that is, indeed, the case. Thank you very much, Sir. I commend this Bill for passing.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Shri D. Raja. He is not present. Shri Ananda Bhaskar Rapolu.

**श्री आनंद भास्कर रापोलू** (तेलंगाना): माननीय उपसभाध्यक्ष महोदय, धर्म का जब पालन होता है, तब यह देखा जाता है कि इंसान भूखा न हो, वह रक्षित हो और उसके पास आवास हो। यह आवास की सुरक्षा का प्रबंध है।

Respected Vice-Chairman, Sir, way back in 1974, in the United States of America got this enactment, the Real Estate Settlement Procedures Act. After 42 years, we are now going to enact in India. The proud, renowned Telugu veteran is piloting the Bill. He is also overseeing the issues of Parliamentary Affairs. Predominantly, it means reconciliatory measures. It is visible in his efforts through this Bill that the process of conciliation and reconciliation from that side has begun. Our Congress Vice-President in recent times was regularly receiving a number of delegations of homebuyers and with our 2013 Bill itself Congress and UPA are wedded and dedicated to the cause of home buyers. We have to look at the fact that the predominantly rural India is having 40 crore population in urban demography. Out of them, your Real Estate Bill is going to cater, with your restriction of space, only to 10 per cent of 40 crore people which comes to 4 crore. If you remove that clause, 20 per cent more population will be added and about 12 crore people of the urban demography of India will be served by this enactment.

The regulatory authority and the appellate tribunals are order of the day throughout our nation. But, in reality, establishment of commissions, authorities, appellate tribunals and equipping and providing them the required human resources is a tragedy.

Hon. Urban Development Minister shall ensure to have a closer interaction with the State Governments, taking the example from the Federal Act of the USA, to enact in their own way, if they are required to do, and ensure the State level regulator as well as the tribunal. Only then our purpose will serve and will cater to the needs of the gated community which is coming up.

The Real Estate Regulatory Authority shall have a very closer coordination with urban municipal bodies, urban town planning bodies, urban development authorities, pollution boards, water and sewage boards in cosmopolitan and metropolitan cities. Only then it can serve the purpose. Keeping these factors in view, this beginning shall ensure to enlarge the enactment and serve the cosmopolitan and metropolitan India.

Thank you.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you very much. Now, Mr. Ramdas Athwale. Not Present. Now, Mr. Minister.

SHRI K. RAHMAN KHAN (Karnataka): Sir, I only wish to make one point.

Sir, I am not participating in the debate. But, before the hon. Minister replies, I wish to seek a clarification. This Bill is applicable to on-going projects. Now, after registration, if a project is on-going and if the Act applies retrospectively, then in the Bill the sale is 'carpet area', but the builder would have sold as 'super-built area' earlier *i.e.*, before this Act come into force. Now, there will be an anomaly whether it applies to 'super-built' area which he has already sold in an on-going project, or, 'carpet area.' This clarification is needed. Otherwise, there will be confusion. Thank you.

SHRI BAISHNAB PARIDA (Odisha): Sir, I only wish to make a single point. The real estate business in our country has become an effective way to make black money into white money. To check this, what provision the hon. Minister put in this Bill. Whether Bill is an amnesty to them or is it to check such things?

Thank you.

SHRI JAIRAM RAMESH: Sir, I have a small request to the hon. Minister in his other capacity — as Minister of Parliamentary Affairs. Everybody has paid tribute to Mr. Anil Dave as Chairman of the Select Committee. The hon. Minister has referred to the valuable recommendations of the Standing Committees and the Select Committees. I request him to ensure that all Bills that are introduced by his Government go through some Committee or the other — whether it is Select Committee or Standing Committee or whatever Committee it may be. Let it go through a Committee. Please, adopt this principle to all the legislation. Even though you may declare some legislation as Money Bills, let them go through some Committee.

So, I request the hon. Minister to please take note of this. Thank you.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Now, Mr. Minister.

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Sir, I have to seek a clarification.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): No, no. Everyone will start asking clarifications.

SHRI A. NAVANEETHAKRISHNAN: Sir, no, no. It is very vital, according to me.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Everything is vital.

SHRI A. NAVANEETHAKRISHNAN: Sir, wait, wait.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): No; I cannot wait. Mr. Minister, please. You cannot ask me to wait. If you want to seek clarification, seek that.

SHRI A. NAVANEETHAKRISHNAN: Sir, my point is regarding compounding of offences. Clause 70 of the Select Committee Bill reads as follows. It says, 'Notwithstanding anything contained in the Code of Criminal Procedure, 1973, if any person is punished with imprisonment under this Act, the punishment may, either before or after the institution of the prosecution, be compounded by the court on such terms and conditions on payment of such sums as may be prescribed.' Sir, this is defective. It is illogical too.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Enough. Please conclude.

SHRI A. NAVANEETHAKRISHNAN: Wait please. Clause 60, introduced by the Government reads only about... *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Your Members have spoken about it.

SHRI A. NAVANEETHAKRISHNAN: What is this, Sir? I want to bring justice to me! The poor people, the offences punishable under Clause 51 *...(Interruptions)...* Only one Clause is mentioned here whereas Clause 51 to *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Are you speaking on the Bill? Now, Mr. Minister to speak. Nothing else will go on record.

SHRI A. NAVANEETHAKRISHNAN: \*

SHRI M. VENKAIAH NAIDU: Mr. Vice-Chairman, Sir, before I start responding to the Bill, I would first like to respond to my dear friend, Shri Jairam Ramesh. He said, "Please refer every Bill to some Committee or Standing Committee or Select Committee." I have no problem whatsoever. I can give a solemn assurance that if the House functions regularly, if the Bills are allowed to be discussed and passed, I have no problem at all. All of us can come to that understanding. In the last week or ten days, we are having a very positive atmosphere, a very good atmosphere and a constructive atmosphere. *...(Interruptions)...* I am just coming to that.

SHRI JAIRAM RAMESH: You can make Mr. Dave the Chairman of all Committees! *...(Interruptions)...*

SHRI M. VENKAIAH NAIDU: Sir, if the suggestion given by Shri Jairam Ramesh is acceptable to all of his friends on that side also, I will be more than happy because many of the Bills are referred to Standing Committees; a Standing Committee is a Committee of both the Houses, Lok Sabha as well as Rajya Sabha. Then, after that also, we are referring some of the Bills to Select Committee. That has to be revisited keeping in view the time factor. I am not making any comment against anybody.

---

\* Not recorded.

Secondly, once the Standing Committee clears a Bill, the Government of the day, you are all aware, need not be bound by whatever that Standing Committee says. Here, for example, the Select Committee made certain recommendations. I have improved upon that Select Committee recommendations also. I have gone beyond a point by raising it up to 70 per cent. Let us have a healthy precedent. Definitely, the Government believes in discussing every issue during the Session and, before that, in the Standing Committee also. Unless there is an extraordinary situation, we should not resort to bypassing the Standing Committee, and I do agree on that. If there is something special, there has to be a joint/Select Committee only in rarest of the rare cases. But, at the same time, if I have to follow that principle, whatever is agreed upon by the Standing Committee or the Select Committee, that has to be honoured and it should not be stalled in Parliament. This has to be agreed to by one and all. If that is agreed, then I have no problem and I will be more than happy. I understand the spirit of the suggestion given by Shri Jairam Ramesh.

Another thing is about the basic issue raised by Naresh Agrawalji and also by my friend from AIADMK about the legislative competence of the Parliament. Sir, I have already explained in the beginning itself that the Constitution clearly gives power to Parliament to enact laws in such cases. The Law Department's opinion also has confirmed it. The Attorney General also has opined that the Parliament is competent enough to legislate on this very important issue. That is my response to my friends in AIADMK and also to Shri Naresh Agrawal. Please understand the rationale. As you yourself were saying, a lot of things are happening in the reality sector and that is why the Government brought this Bill. Please understand that and try to cooperate.

There is an important made by Seljaji about reducing the area below 500 sqft. Earlier, you are all aware, it was 1,000 sqft. and 12 apartments. Now, I have brought it down to 500 and 8. I would like to bring to the notice of the House that States have the power to reduce even below 500 sqft. also. The threshold of 8 apartments also can be brought down. In this very Bill itself, this power is given to the States. Let us leave it to the wisdom of the States. Depending on the situation, they will decide. The situation is different in Mumbai; the situation is different in Karnataka; the situation is different in my town, Nellore. So that is why we have left it. Under the Clause 3 (2A) proviso, it is clearly mentioned.

Another important point made by Seljaji and my friend Shri Rajeev Gowda is about the discrimination provision. I do agree that there are certain instances that have come to our notice through the media. But, at the same time, the Constitution is very clear. Article 15 of the Constitution provides for protection against any discrimination,

[Shri M. Venkaiah Naidu]

religion, region, sex, whatever it is. Discrimination is totally not allowed. There are remedies also available. Simply reiterating it through another amendment, I don't think, will serve any additional purpose. Except as the Minister, I can say it and we can provide that in the rules also.

KUMARI SELJA: Sir, if the hon. Minister could put it in the rules, that would be very nice.

SHRI M. VENKAIAH NAIDU: Okay, Madam. Firstly, I am reiterating that no discrimination can be allowed on the basis of religion, region, caste, creed or sex, whatever it is, or on the food habits also. You can have restrictions within your house as to what you want to eat and what you don't want to eat. But at the same time you can't force others also. But if some such things are happening, I am reiterating that we are clearly against any discrimination.

Secondly, we will consider including it in the rules while making the rules. This is about the important aspects made by...

KUMARI SELJA: Sir, I am sorry. Sir, I know, it may seem as if I am interrupting you. Sir, again I urge upon the hon. Minister किसी भी तरह से जो गरीब लोग और सबसे छोटे तबके के लोग हैं, यदि यह 500 मीटर वाली शर्त भी हटा लें तो उनके लिए बहुत बड़ी बात होगी।

SHRI M. VENKAIAH NAIDU: Madam, I understand the spirit of your suggestion but there are practical problems also. That is why earlier it was put 1,000 and 12, then I am bringing it to 500 and eight. Once we will start implementing it, any time you can bring the change. Moreover, it has attracted my personal attention also. I, myself, has insisted that the power has to be given to the States. At the end of the day, we are dealing with the local bodies and also with the States. Let there be some flexibility given to the States. That is my response to this issue.

Then, there is the issue regarding single window or early clearances — I am talking about the major issues. I am not going one by one. I have the list of all the speakers' names and also the points they have made. I can recall all of them, but that will take time. One of the important factors that was made was, what about the other side. You are giving all the restrictions, putting time limits and all. Even for tribunals also, for appellate authority also, you are fixing the time. Earlier it was 90 days, now it is 60 days only. What people are asking me is: What about the permissions? You people delay permissions for months and years together, and then you are trying to fix the responsibility on us. So, this also, the Government has taken very seriously. We held consultations with the States also.

(MR. DEPUTY CHAIRMAN *in the Chair.*)

Now, in the "Housing for All" programme, which is an important programme of the Government, we have made it very clear that there has to be single window clearance but at the same time, you cannot prescribe it yourself because permissions/approvals are, again, in the federal system, with the local bodies. But at the same time, through incentives and disincentives, through the reforms which I am promoting in the Amrut Scheme and Smart City Scheme and House for all Scheme, I am insisting that this approval has to be there.

Mr. Deputy Chairman, Sir, I have also held a meeting with six of my colleagues; Civil Aviation Minister, Consumer Affairs Minister, Environment Minister, Defence Minister, Culture Minister. As per Culture Ministry, if you want to construct something-- somebody was mentioning about the NGT order saying that around Chilka Lake, within these many kilometers, you cannot do anything — and if there is any archaeological monument there, up to some area, it is totally prohibited. Nobody knows. Then you have to come to Delhi. If the Civil Aviation Department wants to construct a building in Hyderabad or Thiruvananthapuram, you have to come to Delhi for the project and all.

I am happy to inform you, Sir, that all these things are taken care of. Now, the Ministers, after having exhaustive discussions, have almost come to some conclusions with regard to single window approval by various Ministries, automation of such systems, setting up of nodal agencies and Empowered Committees. For example, in Civil Aviation, colour coded zoning maps of 13 major airports are available online. If you want to apply, within that you can file an affidavit and then, go ahead with your construction. Nobody needs to take any permission. Tomorrow, if you go wrong, then your building is liable to be demolished. It is like self-certification. I hope that Prafulji will also appreciate this because he has worked as Civil Aviation Minister. Automated NOC Approval System on Height Clearance Operations are issued on 6th January this year. We worked on that for the last six months. Then, the Culture Ministry notified the on-line NOC process on 5th February, and helped APP Heritage Byelaws. This is also through that BUWAN. You can locate where you are from that restricted and protected area. You can file a self-certification, and then you can go ahead also. That also has been decided.

The third one is defence; review of Ammunition Storage Policy. The Defence Minister instructed all his local area commanders to share the restricted zone details with the municipal bodies. We are not putting that on the website because it is a security related matter. But they are being shared by the local area commanders with the local municipalities so that they can go ahead. Hyderabad, for example, has had a practical problem. The cantonment is within the Hyderabad city. You cannot construct any building without...



SHRI PRAFUL PATEL: Pune and Bangalore also.

SHRI M. VENKAIAH NAIDU: Pune also has similar situation. Bengaluru is there. There are other cities also. There also, the Defence Minister was kind enough to have detailed discussions. Initially, there was some resistance, naturally, because of security reasons. At the end of it, the Defence Ministry also is reviewing the Ammunition Storage Policy. Then, they are going to share the restricted zone details with the municipal bodies. Also, these permissions are going to be given for four Defence Airports by April, 2016. So, these details will be made available also for the major cities which we mentioned.

Then, with regard to Model Building Byelaws being finalized by the Ministry in consultation with the Ministry of Environment and Forest, that has become a big issue in this country. Environment is a big issue. My friend, Mr. Jairam Ramesh, is smiling. I do agree, we played with nature, and the nature is playing with us. So, we have to protect the nature. But, at the same time, in the name of nature, you cannot stop everything. And for everything, people have to come all the way, and then wait here for months and days together and all. That is why I took up this issue with my friend, Shri Prakash Javadekar, who was so bold enough, and had extensive consultations, and certain things like defence and high tension lines, he has excluded also. They are in the interest of the country. The high tension lines go from one region to another region and all. So, certain things he exempted. Other things also, he has simplified. Now, after consultation for six times together, the Ministry of Environment and Forests also has come to certain conclusions. They are shared with my Ministry. Both of them together are shortly going to come. And I am going to review that Model Building Byelaws in consultation with the Ministry of Environment and Forests. The Ministry of Environment and Forests has put a condition, 'that we are ready to close our eyes provided the conditions being put are adopted by the States, including the municipal bodies for giving permission'. Then, this permission can be given to the municipality rather than Coimbatore Municipality coming to Delhi. But, at the same time, the conditions are very strict, and they have to be followed. For any violation, action has to be taken. So, that much understanding and undertaking they want from those bodies. We are in touch with the States. States are also favourably inclined for that.

Then, the National Building Code 2015 finalized after incorporating Ministry of Urban Development's Model Building Byelaws. For example, C&D, construction and demolition material, if you want to reuse it also, you have to really modify the National Building Code. That has been done, and I am thankful to the Consumer Affairs Minister, Shri Ram Vilas Paswan to...

SHRI PRAFUL PATEL: Sir, just one minute. You mentioned about environment. I raised that issue specifically about environment concerns. Sir, in India, in city after city, you are going to see reconstruction taking place. An old building will be demolished and new building will come up. This is not a new feature. If you are going to seek environmental clearance for each and every reconstruction project within a municipal limit, it is not going to help. I understand that certain large projects need to be cleared environmentally, but every single building, above ₹ 50 crores, if it has to go even not to the Central Government but even to the State Government or to the local authority, it should be left best to the municipal authorities to determine whether they are able to provide water or drainage or other functions.

SHRI M. VENKAIAH NAIDU: Sir, we are moving in that direction. For reconstruction or re-development of the existing buildings, I do not think that they will need to come to the Ministry of Environment. It has to be left to the local bodies. We are already discussing that issue. That will be taken care of.

With regard to the multiplicity of permissions, under regulations, that issue has also been raised. Shri Naresh Agrawal says that we have a regulation here, we have the Noida Development Authority. The development authorities are for land use permission of projects. Whereas, the regulatory body is to see whether the agreement reached between the seller and the buyer is being implemented or not; whether the conditions, which have been prescribed, are being followed or not; whether the offer made to the people is being respected or not. That is the duty of the regulatory body. I do not think there is any conflict between this body and that body. I want to make this very clear.

Then, the hon. Member, Shri Rajeev Chandrasekhar, has said that this Bill will promote efficiency and would enhance competition; it is not anti-business. Let me also make it very clear that the Government's policy is to encourage private people also in a very big way. And, we are happy that they are also playing an important role. They are also equal partners in the development of the country. But they have to follow certain regulations. If they want to enhance their credibility, they will have to fulfill the conditions that they themselves announce. As someone was saying, they come out with very attractive brochures. They make good advertisements, sometimes supported by some icons. But if you do not fulfill the promises that you have made, it is an offence. That is why the provision of punishment is there. The Government do not want to harass anybody. Why should I harass any builder? Some of my friends say that a provision of sending them to jail has been made as if they commit a very big crime. Cheating the people is also a crime, number one. Secondly, who are the people who are being cheated? These are ordinary people. And, if these ordinary people, who have saved throughout their life, are taken for a ride, then,

[Shri M. Venkaiah Naidu]

somebody has to come to their rescue. That is why, initially there is a warning. Then, there is a penalty. Thirdly, if you are a willful defaulter and are continuously violating the orders given by Appellate Authority, then, comes the provision of punishment of three years, etc. This perception is wrong that somebody would be sent to jail straightway.

The Bill also takes care of both plots and flats because the real estate includes flat sale as well as the plot sale also.

Then, a point was raised that all permissions have to be taken beforehand. After construction, someone may say that this is not there, that is not there. Such things have to be discouraged. That is why, we are saying that before commencing the project, they are supposed to obtain all these permission. If they do not do it, then, they will be held responsible and will be taken to task.

Hon. Member, Shri Ritabrata Banerjee, has asked about the definition of 'allottee'. An exhaustive definition has been provided under section 2(d). The other points, raised by him, have already been covered.

Then, a point was raised how people are fleeced through false advertisements. This aspect has also been taken care of. False advertisements also come under the purview of the Bill. The people indulging in such activities will also be penalized. Action can be taken against them also. That is quite clear.

Then, a point was raised about the definition of 'promoter'. All Government agencies, including my own PSU, will have to register. There is no way out because it is an agreement between two people. If you say something, you have to honour it. Whether it is my Ministry's organization or any other organization, if they want to sell, they will have to register themselves. The Government should lead from the front and set an example. That is why, I do not think that any Government will ask for exempting the Government-run agencies. The Government-run agencies must be more pro-active, more answerable and more accountable than the private people because you are a Government and you are running on public money. That is why I quoted the example of an American civil airlines. I didn't name Air India because I don't want to discourage the national carrier because the response you see here on something happening is, “जो देर हुई, उसके लिए हमें खेद है।” — only one sentence. Nothing else is offered even for a delay of three hours, four hours, five hours and sometimes even for cancellation of flights also. ...(*Interruptions*)... If the developer leaves the project half way, then what? Clause 8 provides that the association of allottees has the first right of refusal, and its only then would the authority try and get the project completed by some other manner. There may be various practical problems also. If somebody leaves the project in between, then the authority can also step in.

Then, with regard to the Development Authority *versus* Real Estate Development Regulatory Authority, the Bill provides that the promoter must first take all approvals from the Development Authority. Then only can he register with this Authority and only after the promoter registers the project with the authority, the promoter can sell it to the public. Before that, he is prohibited from selling it. Development Authorities such as NOIDA or HUDA, PUDA, DDA, etc., all have their powers. No, we are not encroaching on the powers of the Urban Development Authorities of various States.

Then, the Real Estate Regulation Authority shall come into picture after getting permissions only. It shall register the promoters and regulate the sale, purchase of real estate and check whether the local authority has given them the permission or not. Then only will the project be registered. Then only will he be allowed to sell.

Daveji, of course, has done a great job with the cooperation of the Members. He also spoke elaborately. He emphasized the importance of the carpet area. Consumer would know what he or she is paying for. That is the issue. Some people will say, 'Sir, it will put difficulties and all that'. It need not. 'The cost will go up.' Some people are saying, 'If you say carpet area, the cost will go up'. The consumer will be knowing what is the cost. Be fair and then say, 'If the carpet area is this, this is my rate'. If he agrees, then he will purchase. If he does not agree, he will not purchase. I don't think there is any problem with regard to clear definition of carpet area.

Structure defect liability was earlier two years, if there is a structural defect. Now, the liability has been increased to five years. The promoter is duty bound to take care of the structural liability, if any. That stringent thing has been brought in because we have the experience also of what happened in Chennai with regard to some buildings which have collapsed earlier also, and then there is the recent episode of Chennai floods, as some of our friends were mentioning. Sir, floods, of course, is one of the nature's fury. There is sudden heavy rain; second, certain dams were full and water has to be released, but then there was a third one also. When I went around Chennai city after the heavy floods, a lot of people told me, 'Sir, these unauthorized encroachments, unauthorized constructions, have added to our problems'. This is what a large number of people have said. But this can be checked not by Real Estate Development Regulatory Authority. It can be checked by the local Development Authority and Urban local body. So, we have to sensitize those bodies. As an Urban Development Minister, I have a responsibility also. After Chennai floods, I had an internal discussion within my Ministry, and we are now in the process of sending guidelines to the States also with the experience in mind of what has happened in Chennai in the recent past.

[Shri M. Venkaiah Naidu]

Then with regard to clause 3, clause 3 provides for registration in phases also. The developer can register in phases because, at a time, he may not be able to go for the entire project. The Bill does not overtake or override the provisions of the Urban Development Act or even the Apartment Ownership Act of any State. There are laws. Their laws will stand. The Bill recognizes this distinction and defines local authority in clause 2(c). Plots are covered under the Bill, as I have explained. Completion certificate or occupational certificate are defined separately. It has been said, 'Resolve disputes in six months'. Dispute resolution is also provided. Tyagi said, you resolve a dispute in six months. The Bill provides to resolve the disputes in sixty days, Tyagiji. ...(*Interruptions*)... He also talked about misleading advertisements. The Bill punishes misleading advertisements, under Clause 12. The Bill also provides for promotional measures with grading of projects, grading of parameters, in Clause 3(2)(b). Clause 3(2) provides for use of appropriate construction material and construction techniques also.

Mr. Rajeev Gowda has given a good suggestion that with the advent of advanced technologies, we need to codify all this and then send it to all the States. I would be doing that. But, at the end of it all, Sir, I am very happy that almost all Members have supported it — I have the names of all the Members — except my friends from the AIADMK, who have raised a principled objection, which they thought was right, but we are in disagreement with them. I only appeal to them to see reason too and see to it that they too support this Bill, because this Bill is the need of the hour. I do agree, there is still scope for improvement. But improvements can be done in the future, as and when we come to some definite conclusions, and evolve a broad consensus. We can bring further changes also. The Government is a continuous institution. ...(*Interruptions*)...

Sir, somebody asked, what about the rural areas? Clause 3(1), second proviso, gives power to the authority to register projects beyond municipal area, but within a planned municipal area. In the interest of all the allottees, that also has been taken care of.

Sir, to the extent possible, whatever doubts were raised or concerns were expressed, have all been addressed. ...(*Interruptions*)... Just a minute.

SHRI BAISHNAB PARIDA: Sir, I had also raised an issue, about black money. ...(*Interruptions*)... Real Estate has become a most effective way to convert black money into white money. Does the Government want that to happen in the name of promoting the real estate business?

SHRI M. VENKAIAH NAIDU: Sir, I am aware of it. If you see, he has to

put 70 per cent of the project cost into a bank. You cannot put black money into a bank. I don't think it is allowed. So, 70 per cent of the money is being put into a bank, which means we are bringing money into the regular system. Let us also understand how the country functions and it functioned up to now. I am not talking about this party or that party. There is a system now. Suddenly, if you insist upon rural people also that for ten thousand or twenty thousand rupees they need to get a cheque and then only payments can be accepted, there would be practical problems there. But, still, to the extent possible, we are trying to take care and see to it that illegal money, unaccounted money, is also prohibited, that is why we have brought this provision of 70 per cent of the money being put into a bank account.

With regard to the issue raised by Shri Rahman Khanji, with regard to disclosing the size of the apartment in terms of carpet area, he was saying, what will happen to the ongoing projects or those that were already sold. About this, there is no clarity, I do admit.

SHRI K. RAHMAN KHAN: You can bring it in the rules.

SHRI M. VENKAIAH NAIDU: But I will definitely address that and bring it in the rules, because Government has the power to make rules, and communicate the same to the States.

Sir, with these words, I would like to thank all the.....(*Interruptions*)...

**श्री विजय जवाहरलाल दर्डा:** मैंने एक प्रश्न किया था। एंक्रोच्ड लैंड के ऊपर जो घर बन जाते हैं, उसके अंदर आर्थोरिटी भी सम्मिलित रहती है, उसके लिए आपके पास में क्या प्रोविजन है, क्योंकि उसके अंदर छोटे-छोटे लोगों का पैसा लगा रहता है। रिटायर्ड लोगों का पैसा लगा हुआ होता है। वे सरकारी जमीनें होती हैं तथा अन्य जमीनें होती हैं। इसके बारे में मैंने आपसे पूछा था कि इनका आपके यहां क्या प्रोविजन है? जो नई टेक्नॉलोजी है, उस टेक्नॉलोजी का यूज करके आप अपने नक्शे कैसे पास कराओगे और इसमें भ्रष्टाचार खत्म कर उपभोक्ताओं को तथा अच्छे बिल्डरों को राहत पहुंचाओगे।

SHRI M. VENKAIAH NAIDU: Sir, about encroached land, unless you get a certificate that the land is free from any encumbrance, you cannot go in for a project. At present what is happening is that we see that after buildings are constructed and it reaches a certain stage, somebody files a litigation saying that it is private property, it is Wakf property, it is temple property, and so on. These sorts of litigations are going on. Right from local courts to the Supreme Court, you see cases are pending and ordinary people are taken for a ride. That is why, he is supposed to provide a clear encumbrance certificate about the land. Only then they would register it. Otherwise they will not. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Let him complete.

**श्री हुसैन दलवाई** (महाराष्ट्र): सर, विजय जवाहरलाल दर्डा जी ने जिस सवाल को उठाया है, मुम्बई में इस तरह के बहुत सारे मामले हैं। वहां कैम्पा कोला बहुत बड़ी प्रॉब्लम है ...(व्यवधान)... झोंपड़-पट्टी वालों का बहुत बड़ी प्रॉब्लम है। उसके लिए जो ऑफिसर सर्टिफिकेट देते हैं, उस ऑफिसर के खिलाफ कुछ नहीं किया जाता है। इसके कारण जो गरीब लोग घर लेते हैं, वे बाद में फंस जाते हैं। आपने इसके लिए क्या किया है?

MR. DEPUTY CHAIRMAN: No speech; put the question only.

**श्री विजय जवाहरलाल दर्डा**: सर, मैंने पूछा था कि जिस अधिकारी के वार्ड के अन्तर्गत encroachment हो रहे हैं, उस अधिकारी के खिलाफ आप क्या करने जा रहे हैं? आपने इस बिल में ऐसे अधिकारियों के लिए क्या प्रोविजन किया है? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: You are asking for the second time.

SHRI VIJAY JAWAHARLAL DARDA: Sir, he has not clarified my point.

SHRI M. VENKAIAH NAIDU: Sir, this power to remove encroachments or power to stop unauthorized construction lies with the urban local body. Officers, who are supposed to take care of it, sleep initially. After construction is complete, some smart IAS officer comes and asks for demolition. That is why, in my new Urban Development Initiative, I have made it mandatory that there has to be transparency and also accountability of the officer in whose area this unauthorized construction takes place. He has to be held responsible.

MR. DEPUTY CHAIRMAN: I think that is enough now.

SHRI JAIRAM RAMESH: Sir, I am somewhat disappointed that the hon. Minister...(Interruptions)...many colourful rhymes.

MR. DEPUTY CHAIRMAN: Put the question only.

SHRI JAIRAM RAMESH: So, I would suggest to him that following his example, this Bill is a Bill that will not kill ...(Interruptions)...

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, the Bill makes registration compulsory for the projects only if the proposed land exceeds 1,000 square metres or the number of apartments is more than 20. I would suggest to the Minister that 1,000 square metres is equivalent to 10,000 square feet. In 5,000 square feet, they can construct 10 apartments, and they can divide it into two projects and construct 20 apartments and need not register it. So, I think if the Minister could bring down the compulsory area limit of 1,000 square metres, that will be helpful. The Standing Committee has made a recommendation in this regard.

MR. DEPUTY CHAIRMAN: That is a very valid suggestion.



SHRI M. VENKAIAH NAIDU: Earlier, it was 1,000 square metres and 12 flats. Now, it has been brought down to 500 square metres and 8 flats. That is one. This issue was raised by Kumari Selja and I have already responded also. Sir, I read from the Bill, "Provided that if the appropriate Government considers necessary, it may reduce the threshold below 500 square metres or 8 apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act." States have been given this power.

MR. DEPUTY CHAIRMAN: That is enough. Now, the question is:

That the Bill to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto, as reported by the Select Committee of Rajya Sabha, be taken into consideration.

*The motion was adopted*

MR. DEPUTY CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill*

MR. DEPUTY CHAIRMAN: In clause 4, there is one Amendment (No.3) by Shri M. Venkaiah Naidu.

CLAUSE 4 - APPLICATION (\*\*\*) FOR REGISTRATION OF  
REAL ESTATE PROJECTS

SHRI M. VENKAIAH NAIDU: Sir, I move:

(3) That at page 8, *for* lines 36 to 43, the following be *substituted*, namely:—

"that seventy per cent., of the amounts realized for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose.

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project."

5.00 P.M.

*The question was put and the motion was adopted*

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

*Clauses 5 to 10 were added to the Bill.*

MR. DEPUTY CHAIRMAN: In clause 11, there are two Amendments. One is Amendment (No.4) by Prof. M.V. Rajeev Gowda. Are you moving?

PROF. M.V. RAJEEV GOWDA: Sir, I would like to have a clarification from the Minister. Will he accept this amendment I am asking this because the House and everyone would be against discrimination which is prevalent in this industry. He has already made one amendment. I would request him to add this amendment too and get it passed in the amended form in the Lok Sabha. Will the Minister please reply?

SHRI M. VENKAIAH NAIDU: With all humility, I would like to convey to my professor friend that the Constitutional provision need not be repeated each and every time. It surpasses all and it is binding. There is anti-discrimination thing in article 15. I have made it very clear. But for the sake of ...(Interruptions)...

SHRI PRAFUL PATEL: You can put it in the Rules. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: At the same time, earlier I have responded saying that I will put it in the Rules. ...(Interruptions)...

PROF. M. V. RAJEEV GOWDA: Sir, I am not moving the amendment.

MR. DEPUTY CHAIRMAN: So, amendment is not moved. Now, there is one Amendment (No. 5) by Shri Bhupinder Singh. Are you moving the amendment?

SHRI BHUPINDER SINGH (Odisha): Sir, my amendment is the same amendment which was given by Prof. Gowda. Now, the hon. Minister has already replied to the amendment of Prof. Rajeev Gowda. And, it is against discrimination on the basis of age, caste, creed, ethnicity, food preferences, gender, language, etc., etc. I am not pressing for the amendment, but I am moving the amendment. ...(Interruptions)...

#### CLAUSE 11 - FUNCTIONS AND DUTIES OF PROMOTER

Sir, I move:

(5) That at page 14, *after* line 29, the following be inserted *namely*:—

"(i) not discriminate on the basis of age, caste, creed, ethnicity, food preferences, gender, language, marital status, nationality, region of origin, religion, or sexual orientation, when transacting with a potential allottee."

*The question was put and the motion was negatived.*

*Clause 11 was added to the Bill.*

*Clauses 12 to 92 were added to the Bill.*

#### CLAUSE 1 - SHORT TITLE, EXTENT AND COMMENCEMENT

MR. DEPUTY CHAIRMAN: In Clause 1, there is one Amendment (No. 2) by Shri M. Venkaiah Naidu.

SHRI M. VENKAIAH NAIDU: Sir, I move:

- (2) That at page 1, line 6, *for* the figure "2015", the figure "2016" be *substituted*."

*The question was put and the motion was adopted.*

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

#### ENACTING FORMULA

MR. DEPUTY CHAIRMAN: In the Enacting Formula, there is one Amendment (No.1) by Shri M. Venkaiah Naidu.

SHRI M. VENKAIAH NAIDU: Sir, I move:

- (1) That at page 1, line 1, *for* the figure "Sixty-sixth", the figure "Sixty-seventh" be *substituted*."

*The question was put and the motion was adopted.*

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

*The Title was added to the Bill.*

SHRI M. VENKAIAH NAIDU: Sir, I move:

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

*The question was put and the motion was adopted.*

MR. DEPUTY CHAIRMAN: The Bill, as amended, is passed.

SHRI M. VENKAIAH NAIDU: Sir, I would like to thank all the Members of the House irrespective of their parties, for coming forward to support this historic pro-people, pro-consumer legislation.

MR. DEPUTY CHAIRMAN: No thanks to the Chair! ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, the Chair always does a thankless job. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: This is the most correct statement ever made in the House. ...*(Interruptions)*... That is the truest statement you have made. ...*(Interruptions)*... I think, Najma ji will agree with me in full, and, what he said. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, I always speak from... ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, you have to thank me also. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes, yes. Special thanks to you. ...*(Interruptions)*... Now, we will take up the discussion on Budget (Railways), 2016-17, for which we have eight hours. ... *(Interruptions)*...

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, please allow Special Mentions first. ...*(Interruptions)*..

MR. DEPUTY CHAIRMAN: I can allow Special Mentions only if you lay the same on the Table without saying anything else. ...*(Interruptions)*.. Just lay it on the Table without saying anything. In that case, I can allow. ...*(Interruptions)*.. Yes. Special Mentions.

---

#### **SPECIAL MENTIONS\***

##### **Demand to expedite the initiatives taken by the Government to weed out inefficient Government officials**

SHRI ANIL DESAI (Maharashtra): Sir, the present Government headed by hon. Shri Narendra Modi has taken a number of good initiatives aiming at eliminating the inefficient elements from the Government service who are not discharging their duties honestly, efficiently and the officers of a bad reputation. In September 2016, Government has reportedly decided to compulsorily retire senior officials ten years in advance if they are found to be inefficient or have a bad reputation. This move is really laudable as it is in the interest of *aam aadmi*, who usually, most of the time is at the receiving end because of such bad employees and officers. I understand that under Rule FR 56(J), the performance of Group A and B officials who are over 50 years of age and junior officials who are 55 years must be reviewed. After the performance appraisal, a decision can be taken on compulsory retirement of such officials before the actual retirement age of 60 years. Hon. Prime Minister has taken a decision to enhance the efficiency of public servants and to implement the purification drive of Government officials; the Government has re-appointed review committees to speed up the process in order to chop off dead wood from the Government service. I appreciate the steps taken by this Government and would further appreciate if the progress in this matter is apprised to me expeditiously. Thank you.

---

\*Laid on the Table.