

an>

Title: Discussion on the motion for consideration of the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016, as reported by Joint Committee (Discussion Concluded and Bill Passed).

HON. DEPUTY SPEAKER: Now, we are taking Item No. 11 - The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016, as reported by Joint Committee.

THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS (SHRI ARUN JAITLEY): Sir, I beg to move:

"That the Bill further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Recovery of Debts due to Banks and Financial Institutions Act, 1993, the Indian Stamp Act, 1899, and the Depositories Act, 1996, and for matters connected therewith or incidental thereto, as reported by the Joint Committee, be taken into consideration."

Sir, in the last Session, this hon. House had approved the Bankruptcy Law. The law is now becoming operational. One of the big challenges that we face is with regard to the enforcement of securities and the recovery of debt by financial institutions. Now, the entire package of empowering financial institutions and banks really comprised amendments to different laws, including the enactment of the Bankruptcy Law.

That having been done, two important laws, namely, the securitisation law and the DRT law require to be amended. These laws were initially legislated in order to give a quick disposal remedy as far as banks and financial institutions are concerned. DRT as a law was meant to be an alternate or a substitute for a civil court. Earlier the banks and financial institutions used to move to the civil court for recovery of their dues. Once the DRT law came, they started moving under the Debt Recovery Tribunal itself. There is a tribunal and there is an appellate tribunal over and above that. That has slightly expedited the matter, but things need to move faster.

The procedures before the DRT cannot be similar to that of a civil court. Otherwise, the very purpose of creating the DRTs itself is getting defeated. So, the present law simplifies the procedures by which there will be a quick disposal of claims of banks and financial institutions before the DRT itself.

As far as the securitization law is concerned, this was enacted really with the idea of a bank or a financial institution being entitled to enforce a security because, earlier the concept was that if the creditor required to recover his money from the debtor, he had to chase the debtor. The Securitisation Law was a landmark law which changed the position. This law came at a point where banking NPAs were almost 13 per cent. This law, after its enactment and implementation, significantly brought down the NPAs to two to three per cent. The procedure under this law was that the bank would enforce the security after giving a notice that 'we will take possession of whatever asset or property has been securitised'. Thereafter, it is for the debtor now to start chasing the creditor for a settlement or for a scheme of repayment or move an appropriate remedy as far as the Debt Recovery Tribunal is concerned.

In the Budget this year, I had announced several reforms with regard to the asset reconstruction companies because as a part of the enforcement of the security, these companies have a very important role to play. Therefore, those norms are being liberalised which have been in the current amendments. These amendments were all referred to the Joint Committee. The same Joint Committee which recommended the enactment of Bankruptcy Law, has recommended the changes to these laws and consequential changes to the Stamp Act and the Depositories Act itself. The Report of the Joint Committee is unanimous. The Government has accepted all the suggestions which the hon. Members of the Joint Committee have given. Along with those amendments, the Bill is before this hon. House.

I commend the Bill to this hon. House for acceptance.

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Recovery of Debts due to Banks and Financial Institutions Act, 1993, the Indian Stamp Act, 1899, and the Depositories Act, 1996, and for matters connected therewith or incidental thereto, as reported by the Joint Committee, be taken into consideration."

KUMARI SUSHMITA DEV (SILCHAR): Mr. Deputy Speaker, Sir, the hon. Finance Minister had introduced this Bill - The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016 - in the Lok Sabha on 11<sup>th</sup> May. This Bill seeks to amend four Acts which the hon. Minister has just stated. I would not like to repeat it.

Primarily, apart from the Indian Stamp Act and the Depositories Act, those amendments are minor and consequential on the amendment of two major legislations that India as a country had introduced as a part of the reforms in the financial sector. That is the DRT Act, 1993. I refer to it as the DRT Act for the sake of convenience, and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, which we commonly refer to as the SARFAESI Act. As the hon. Minister said, on 22<sup>nd</sup> July, the Joint Select Committee tabled its Report in Lok Sabha. This Committee was chaired by Shri Yadav. We had about seven sittings. We also had a Study Tour. We visited Mumbai where we heard detailed submissions of various private banks; and we heard detailed submissions from various DRT Lawyers' Associations. Over and above that, we

also had the opportunity to listen to the Governor of the RBI.

Today, as we debate this Bill, which is placed for the consideration of and passing by this House, the hon. Finance Minister said that these changes actually became imminent due to the passing of the Insolvency and Bankruptcy Code that this House passed after the same Joint Select Committee had given its recommendations. I had spoken on that Bill also. We were on the verge of going a few notches up in the World Bank's ranking of 'ease of doing business', as a nation. I assume that, that must have happened by now.

As a consequence of that Code, what we managed to do is we actually freed the liquidation of companies and individuals from the tenuous and the very lengthy procedure of judicial system into an exercise of a commercial decision where the creditors of the company and the debtors of the company together will sit down and take a decision, either to revive the company or to liquidate the company. The idea being that ease of doing business must also provide a mechanism to exit a business without any stigma.

Consequent to that, this amendment Bill that we are debating today was moved. The Statement of Objects and Reasons, as enunciated by the Government, makes it clear that this has become necessary because of the Insolvency Code, and some of the changes that we see will confer powers upon the Reserve Bank of India to regulate Asset Reconstruction Companies. This was the requirement of the changing business environment. Apart from that, once you transfer the assets to an ARC (Asset Reconstruction Company), then that transfer will be exempt from the Stamp Duty. Apart from that, we actually enabled non-institutional investors to invest in security receipts, which was not there earlier. Debenture Trustees have been included as secured creditors, and specific timelines have been given to take possession of those secured assets.

I remember, recently, when we were debating the issue on price rise, the hon. Finance Minister said to the House, and with some pride, that despite the state of the economic affairs worldwide, India is still considered as one of the fastest growing economies. I feel, if that is the case, then there is cause for some alarm when we look at the growth of NPAs, which has increased a lot in the banking sector. Today, these amendments, however minor they may seem to be, or however consequential they may seem to be upon the Insolvency Code, sitting in this august House, with these amendments, we are hoping that we are fulfilling our duty as policy-makers. But I am pained to say that although India as a country has consistently strived to bring reforms as per the international standards to give our banks a level-playing field, we have consistently strived towards reforming this sector. There was a time, when it was individual money lenders who lent money for business or personal use at high interest rates.

I believe, in India, the banking system was initially brought by the Europeans, and I think the first bank was the Hindustan Bank. Since then, over the last so many decades we have seen various reforms. We have seen our late Prime Minister Indira Gandhi-ji nationalise the banks. We have seen in 1991 massive liberalisation reforms were brought. I think the contribution to the reform of the banking sector does not just go to us the Parliamentarians but I have to say this entire concept of asset reconstruction funds was introduced by the Narasimhan Committee. We also remember the findings of the Tiwari Committee which gave some comprehensive suggestions about how to amend the DRT. So, today this Bill may seem sufficient or ample or substantive or comprehensive when it comes to reforming the financial sector yet again, but we do need to ask ourselves despite consistent reforms in this country what is the state of our banking sector, in particular the public sector banking?

Deputy Speaker, Sir, I refer to a report of the Standing Committee on Finance chaired by Mr. Veerappa Moily-ji which tabled its report on the 5<sup>th</sup> of February 2016. That report actually reflects the state of affairs when it comes to securitisation of assets, when it comes to the status of DRTs, and when it comes to the health of the banking sector be it scheduled commercial banks or be it public sector banking companies. Just to draw from that, it states that the banks are currently faced with a debt of around Rs.8 lakh crore. It states that as on September 2015, 6.2 per cent of the total loans of the public sector banks have been categorised as bad loans or NPAs, another 7.9 per cent is restructured loans where bad loans have been renegotiated and written off or extended, 2.9 per cent of per cent of these are straight write offs.

In fact, that Committee extensively heard various business associations and even the RBI Governor. It must be noted that whereas we always look at public sector banks with some, I would say, suspicion, the RBI Governor has said that there is an inherent reason for the public sector banks facing the problem of non-performing assets much more than other private banks. And the reason for that he says is - he does not deny that there is malfeasance – that it is the public sector banks that have invested the maximum in large infrastructure projects as opposed to private banks. And in 2007-08 when the growth story was very strong and we were expecting even better projections, it was the public sector banks which injected maximum resources into infrastructure projects. But as we all know, due to the crash in the financial markets after that, the NPAs of the public sector banks took a huge hit.

Today the Standing Committee says that as of September 2015, the net NPAs of public sector banks is at Rs.2,05,024 crore and the gross NPAs is at some Rs.6 lakh crore and is likely to touch around Rs.4 lakh crore by the end of the fiscal year. We all have a consensus on this Bill, we all agree that these changes have to be made. But the question that comes to my mind, and I think I am duty bound to say it, is that given the state of health of the public sector banks we cannot pull the banking system out of this crisis unless we legislate in Parliament like we have today, but we also need to rethink about the governing structure that today manages these loan accounts. Today the Reserve Bank of India has certain duties towards it, today the banks themselves have certain duties towards the health of the banking sector, and apart from that we are hoping that these amendments will in turn expedite securitisation of assets and recovery of debts.

Sir, I want to say as far as I know and my research says there are 27 DRTs and there are some five or six DRATs that already exist in this country. But the question is, as we heard all the witnesses, just to take one example, most of the DRT lawyers or people who practice in the DRT repeatedly complained about the fact that despite the fact that recovery officer has huge powers in his hands, we end up seeing that recovery officers have turned out to be a whole genre or a whole set of officers who have not succeeded what we tried to do by way of a legislation. So, the larger point that I am trying to make rather than go through every amendment over which any way we have no dispute is that what is it we need to do to inject life into our Bills, into our Acts. What is it we have to do to ensure that our policy is not just a piece of paper and that when this actually is notified by the Government, it has the intended impact. Some suggestions have come from the Standing Committee and I hope that the RBI and the banking sector will take these things seriously. The emphasis is on recovery of debts, securitisation of asset comes after an asset has been declared as nonperforming asset. But what as a nation, as a government and as Parliamentarians we need to think is as to what are the reforms we should make to avoid an asset turning into a nonperforming asset.

By way of example, Sir, I would like to say that most banks suffer from lack of credit appraisal capabilities, especially project appraisal capabilities as pointed out by the Standing Committee. How can we improve on it? We can expect that the RBI will invest more time and energy in capacity building exercises for the banks. Today the Standing Committee consistently says that one of the main reasons why assets turn into NPAs, Deputy Speaker, Sir, is because we are unable to detect at the right time, in a timely manner, when an asset is going to turn into an NPA. So, they suggested that lead indicators about the health of a project should be devised so that a bank knows on a timely basis when a default is about to happen.

Apart from that, NPAs are created due to the quality of promoters' equity. We often see that the promoters' equity comes from borrowed money from other projects. The brief point I am making is that today the Bill we are passing which will inject technology like filing of e-applications in the DRT, today we have changed the timelines for securitising our assets, for recovering our assets, today we have taken the entire system of liquidation out of our tenuous judicial system and given it to insolvency professionals. All of that has to work. But what also has to work for us is avoiding a performing asset turning into a nonperforming asset.

I hope that we achieve that purpose. I hope that these amendments that we have introduced today in the DRT Act, in the SARFAESI Act, achieve that purpose. I also hope that the reforms that we hope that the financial sector will see, that these Bills will go a long way in achieving that. But today I repeat that unless the adjudicating authorities on which we depend on to see us through when it comes to actual implementation of this law have to work in this nation. Otherwise, opening more DRTs, opening more DRATs, changing these various Bills alone will not eventually ensure good health in the banking sector.

I thank my party for giving me an opportunity to be a Member of this Committee. It was an enlightening experience. One of our Members Shri P.P. Chaudhary even went on to become the Law Minister. I heard senior Parliamentarians like Shri Mehtab, Shri K.C. Venugopal and also Shri Nishikant Dubey. The debates were very fruitful. It is a unanimous and consensual Select Committee report and I hope it brings the desired results. But I am pained to say that every time when the House is doing something with consensus, the attendance is low; every time we take an adversarial position in this House, the House is always full.

Today, I can say with some pride that I have participated in a debate where we all stand together to actually see ease of doing business in India. I hope that at least in my tenure we will have to see no further amendments in these two Bills. It will send the message to the House and the nation that this Committee and this Government has given a legislation to this nation which will ensure good health in the banking sector.

**श्री गजेन्द्र सिंह शेखावत (जोधपुर) :** उपाध्यक्ष महोदय, मैं सबसे पहले अपनी पार्टी को धन्यवाद देना चाहता हूँ, जिन्होंने मुझे जॉइंट पार्लियामेंटरी समिति के सदस्य के रूप में नामित किया है; मैं इसलिए भी धन्यवाद देना चाहता हूँ कि उन्होंने मुझे इस बिल के ऊपर अपनी पार्टी की तरफ से पहले स्पीकर के रूप में बोलने का मौका दिया है।

महोदय, मैं The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016 के बारे में बोलने के लिए खड़ा हुआ हूँ। इस देश में बढ़ते हुए एन.पी.ए. की चिंता सदन में और सदन से बाहर आर्थिक जगत की समीक्षा करने वाले सभी लोग लगातार करते रहे हैं। पूरा देश इस बात से चिंतित है कि हमारा बैंकिंग जगत लगातार स्ट्रेस की तरफ जा रहा है, इस समस्या से निजात पाने के लिए यह बिल सदन में प्रस्तुत किया गया है।

वर्ष 1960 और 1980 के दशक में जब बैंकों का राष्ट्रीयकरण हुआ तो बैंकों की संख्यात्मक तथा भौगोलिक दृष्टि से बैंकों की शाखाओं में जबरदस्त इजाफा हुआ। देश में बैंकिंग कवरेज बढ़ता गया और ऐसा लगने लगा था कि प्राइवेट बैंक्स से जनता को राहत और मुक्ति मिलेगी। निश्चित रूप से यह बहुत बड़ा कदम था, लेकिन तो एफिशियेंसी, प्रोडक्टिविटी की कमी और bad portfolio management के कारण से बैंकों की प्रोफिटैबिलिटी लगातार कम होती चली गयी। इससे सरकार और प्राइवेट सेक्टर के बैंक्स अनेक समस्याओं में धिरे वले गए। बैंकों को बैंकिंग रेग्युलेशन एक्ट और आरबीआई एक्ट के आधार पर जो स्ट्रेच्युटी लिविबिलिटी रेग्युलेशन मॉडल करना होता था या जो केश रिजर्व रेग्युलेशन मॉडल करना होता था, वह अत्यंत ऊंचा होता गया। इससे बैंकों पर दबाव लगातार बढ़ने लगा। एक समय में ऐसी स्थिति पैदा हुई कि वर्ष 1990 का दशक आते-आते भारतीय बैंक्स अपनी साख बचाती प्रतीत होने लगे। वर्ष 1990 का शेर घोटाला हममें से अधिकतर लोगों को याद होगा, उसके बाद परिस्थितियों में जिस तरह से परिवर्तन हुआ और तत्कालीन सरकार ने एक कमेटी बनायी, जो नरसिंहन कमेटी के नाम से जानी गयी। चूंकि यह भारत में बैंकिंग सुधार के क्षेत्र में एक महत्वपूर्ण कमेटी थी, इसलिए इसे बीएसआर कमेटी के नाम से भी बढ़ाया जाना जाता है। नरसिंहन कमेटी ने अपनी रिपोर्ट में वर्ष 1993 Recovery of Debts Due to Banks and Financial Institutions Act. जिसको डीआरटी एक्ट के नाम से जाना जाता है, प्रस्तावित किया और देश की सरकार ने सन् 1993 में संसद में इसे ला कर पारित करवाया क्योंकि ऐसा संज्ञान में आया था कि इससे पूर्व बैंकों को अपने डेब्ट्स को रिकवर करने के लिए जो अस्तित्वों उनके पास रहन रखी हैं, उन परिस्थितियों को बेचने के लिए सिविल कोर्ट्स का सहारा लेना पड़ता था। सिविल कोर्ट का सहारा लेने के कारण उसमें बहुत अधिक समय जाया होता था। वह प्रक्रिया इतनी लंबी थी कि बैंकों को अपनी अस्तित्वों को बेच कर, असेट्स को बेच कर के, सिविल कोर्ट्स को बेच कर अपने ऋण की वसूली में बहुत लंबा समय लगता था।

नरसिंहन कमेटी के आधार पर जो संसद ने बिल पास किया, इस डीआरटी एक्ट के माध्यम से देश में विशेष न्यायालयों की स्थापना की गई, विशेष न्यायालयीय अभिकरणों की स्थापना की गई और उन अभिकरणों के साथ-साथ अपीलीय अभिकरणों की भी स्थापना हुई, जिसके माध्यम से बैंक बिना सिविल कोर्ट में गए उन अभिकरणों और अपीलीय अभिकरणों के माध्यम से अपने ऋणों की वसूली कर सकते थे, परिस्थितियों को बेच सकते थे। किंतु तो जो Sick Industries companies special permission Act और बीआईएफआर के नियम थे, जो सन् 1985 में तिवारी कमेटी के बाद में लागू हुए थे, उनके कारण से जो शैल्टर कंपनियों को मिला हुआ था, जो इंडस्ट्रीज को मिला हुआ था, उसके कारण से जिस तरह की अपेक्षा डीआरटी एक्ट से, जिन परिणामों की अपेक्षा की गई, वे परिणाम नहीं मिले। देश की बैंक एक बार फिर अपनी परिस्थितियों को बचाने के लिए और ऋणों की वसूली के लिए संघर्ष करती दिखाई देने लगी। देश की सरकार ने इस अवस्था का अध्ययन करने के लिए जिन नरसिंहन साहब की अध्यक्षता में पहले कमेटी बनी थी और जिसकी अनुशंसा पर डीआरटी एक्ट लाया गया था, उन्हें नरसिंहन साहब की अध्यक्षता में एक बार फिर एक नरसिंहन कमेटी की स्थापना की गई, जिसको इस सारी स्थिति परिस्थिति का अध्ययन करने का जिम्मा सौंपा गया, उन्होंने अपनी रिपोर्ट दी, लेकिन उस रिपोर्ट के ऊपर कोई विशेष कार्रवाई नहीं हो पाई।

सन् 2000 तक आते-आते स्थिति और अधिक गंभीर हो गई थी। सन् 2000 में देश के पूर्व सॉलिसिटर जनरल श्री अंब्याजुना साहब की अनुवाई में एक और कमेटी बनाई गई। उस कमेटी ने इस बात का अध्ययन किया और इस बात को विवक्षित किया कि जिस तरह से स्टेट फाइनेंशियल कॉर्पोरेशन को या प्राइमरी लैंड डेवेलपमेंट बैंक्स को बिना न्यायालयों में गए या बिना स्पेशल अभिकरणों में गए अपने पास रहन रखी संपत्तियों को बेचने का अधिकार है। ठीक उसी तरह की व्यवस्था बैंकों को भी होनी चाहिए। ठीक उसी तरह की शक्ति बैंकों को भी दी जानी चाहिए। उनकी जो अभिशंसा थी, उस कमेटी की जो अभिशंसा थी, उसके आधार पर सन् 2002 में यह सॉर्सेसी एक्ट, जिस एक्ट को सॉर्सेसी एक्ट के नाम से जाना जाता है, वह एक्ट संसद में लाया गया। इस एक्ट के माध्यम से इस बात की अपेक्षा की गई कि जो तीन नई विधाएं इसमें दी गई हैं, एक सिविलोडिज़ेन, दूसरा असेट रिकंस्ट्रक्शन और तीसरा इंपोसमेंट ऑफ सिविलोडि विडआउट इंस्ट्रक्चरेंस ऑफ कोर्ट, इन तीन के माध्यम से देश की बैंकों को अपने पास रहन रखी संपत्तियों को प्राप्त करने के लिए या उनको बेच कर उनसे अपने ऋणों की वसूली करने में सहायता होगी, सुविधा होगी।

निश्चित रूप से भारत के बैंकिंग उद्योग के लिए यह एक्ट एक मील के पत्थर के रूप में साबित हुआ। इसके प्रावधान के अनुसार बैंकों को अपने पास रहन रखी संपत्तियों को बेचने और अपने ऋण की वसूली करने के लिए सैफ एडजुडिकेशन की शक्ति मिली। किंतु जैसे ही यह एक्ट संसद में पास हुआ, सन् 2002 में देश के विभिन्न न्यायालयों में इस एक्ट को, इस कानून को डिक्रीमिनेशन का दण्ड देकर और ऐसा मानते हुए कि इस कानून में केवल ऋणदाताओं के ही हितों का संरक्षण किया गया है, जो बॉरोअर्स हैं, उनके हितों के ऊपर कुठाराघात किया गया है, विभिन्न न्यायालयों में इसको चुनौती दी गई, किंतु सन् 2004 में माननीय सर्वोच्च न्यायालय ने मडिया कैमिक्ट्स के केस में अपनी स्पष्ट राय देते हुए, ऐसे कुछ मामूली संशोधन करते हुए, अपील का एक अधिकार बॉरोअर्स को देते हुए, ऐसे मामूली संशोधनों के साथ इस कानून को देश भर में लागू करने की अनुमति प्रदान की। सन् 2004 में अस्तित्व में आने के बाद इस कानून के माध्यम से एनपीए का बोझ कम होने की दिशा में सकारात्मक प्रगति हुई। लेकिन ऐसा संज्ञान में आया कि इस कानून के माध्यम से जो छोटे बॉरोअर्स हैं, उनके ऊपर बैंकों का शिकंजा निश्चित रूप से कठोर हुआ है और बढ़ा है लेकिन बड़े और कॉर्पोरेट बॉरोअर्स अभी भी इसकी गिरफ्त से बाहर हैं, ऐसा प्रतीत होने लगा।

सन् 2013 में जब इस कानून में पुनः संशोधन हुआ और उस संशोधन के बाद दो-तीन और शक्तियाँ बैंकों को प्रदान की गई कि बैंक अपनी वित्तीय सेवाओं या ऋण की वसूली के लिए डैट को ईविक्ट में परिवर्तित कर सकते थे और साथ ही साथ बैंकों और फाइनेंशियल इंस्टीट्यूट्स को इस बात की सुविधा भी प्रदान की गई कि लगातार दो बार से ज्यादा बार नीतामी में यदि परिसंपत्ति असफल हो जाती है तो बैंक अपने पैसे से रिजर्व प्रॉडस पर खुद उस संपत्ति को अधिग्रहीत कर सकते थे। साथ ही साथ 2013 के अमेंडमेंट के माध्यम से मल्टीस्टेट कोऑपरेटिव बैंक्स को भी इस दायरे में लाया गया कि वह भी अपने पास में रहन रखी संपत्तियों को सरफेसी एक्ट के माध्यम से बेचकर अपने ऋणों की वसूली कर सकते हैं। इसके लिए व्यापक कानूनी प्रावधान किए गए, लेकिन फिर भी देश पर एनपीए का बोझ बढ़ता गया। देश के बैंकों पर बैंड डैट और बैंड लोनस का बोझ लगातार बढ़ता गया। डीआरटी और डीआरएटी के जो अधिकरण थे, उन दोनों में मुकदमों की संख्या और मुकदमों का बोझ भी लगातार बढ़ता गया और यथेष्ट परिणाम नहीं आ रहे, ऐसा प्रतीत हो रहा था। सूचीबद्ध भारतीय बैंकों के डैट तर्का की गई।

अभी बहन सुश्रीमता जी तर्का कर रही थीं कि जो फाइनेंस कमेटी की रिपोर्ट थी, उसके आधार पर सूचीबद्ध भारतीय बैंकों का डैट लगातार बढ़ते हुए और एनपीए लगातार बढ़ते हुए 8 लाख करोड़ रुपये तक पहुँच गया। जो बैंड डैट थे, वह पिछले एक-डेढ़ साल के पीरियड में 2.97 ट्रिलियन से बढ़कर 4.37 ट्रिलियन तक पहुँच गये। उसी रिपोर्ट और अन्य अनेक रिपोर्टों के आधार पर 10 हजार से ज्यादा वित्तफुल डीफॉल्टर्स के पास ही केवल 76 हजार करोड़ रुपये का बैंक का बैंड डैट है, ऐसा दिखाई देने लगा। डीआरटी और डीआरएटी में 70 हजार से ज्यादा मुकदमे आज की तारीख में तंबित हैं। संज्ञान में ऐसा भी आया कि बैंक और फाइनेंशियल इंस्टीट्यूट्स अपने पास बंधक रखी संपत्तियों को बेचकर अपनी ऋण वसूली के लिए जो प्रक्रिया नियत है, उस प्रक्रिया के लिए जब कलैक्टर के पास या मेट्रोपॉलिटन मजिस्ट्रेट के पास पोज़ेशन की अनुमति के लिए और पोज़ेशन में सहयोग के लिए जाते हैं, तो उसमें बहुत लंबा समय अनेक कारणों से लगता था। सन् 2010-11 की वैश्विक मंदी के बाद में विश्व भर में जो आर्थिक संकट उत्पन्न हुआ और विभिन्न व्यवसायों के सामने जो लिक्विडिटी क्राय आया, उसके कारण से भी हमारे बैंकों पर बहुत अधिक दबाव बढ़ने लगा। वर्तमान सरकार ने इन स्ट्रेड्स एसेट्स को रिकवर करने के लिए तथा देश में ईंज टु डू बिज़नेस का वातावरण बनाने के लिए एक साथ प्रयास आरंभ करने के लिए व्यापक आर्थिक सुधारों को करने और बैंकिंग सुधारों को करने का निर्णय लिया।

माननीय प्रधान मंत्री जी के मार्गदर्शन और माननीय वित्त मंत्री अरुण जेटली जी के निर्देशन में आर्थिक सुधारों को प्राथमिकता मानते हुए इस सरकार ने अपना कार्य प्रारंभ किया और देश में दीर्घकालिक प्रभाव वाले आर्थिक सुधारों की दिशा में काम शुरू किया। आदर्शनीय वित्त मंत्री जी ने 2016 के बजट भाषाण में भी इस बात का उल्लेख करते हुए सदन के सामने ऐसी मंशा व्यक्त की थी कि शीघ्र ही सरकार दो स्तरीय व्यवस्था इसके लिए करने वाली है। उसमें से पहला स्तर था इंसाइलैंसी एंड बैंकरसी कोड 2016, जिसको संसद के दोनों सदनो ने पारित किया है। दूसरे स्तर पर जो प्रयास है, उस प्रस्ताव की दिशा में आज यह एनफोर्समेंट ऑफ सिविलीटी इंटरस्ट एंड रिकवरी ऑफ डैट लॉस एंड मिसलेनियस प्रोविजनस अमेंडमेंट बिल 2016 लाया गया है, जिस पर सदन तर्का कर रहा है।

जैसा माननीय वित्त मंत्री जी ने उल्लेख किया है, इस एक्ट में मुख्यतः चार कानूनों - सरफेसी एक्ट, 2002, इंडियन स्टाम्प एक्ट, 1899, डिपॉजिटरी एक्ट, 1996, और डी.आर.टी. एक्ट में संशोधन करने का प्रस्ताव किया गया। सदन के पटल पर प्रस्तुत होने के बाद जब इस बिल को ज्वान्ट पार्लियामेंटरी कमेटी को भेजा गया तो पार्लियामेंटरी कमेटी ने सारे स्टेटेमेंट्स के साथ इसके बारे में तर्का की। इंडस्ट्री के विभिन्न कॉम्प्लेक्स के साथ इसके बारे में तर्का की, आर.बी.आई. के साथ इसके बारे में तर्का की। विभिन्न व्यावसायिक-व्यापारिक संगठनों और बैंकों के साथ इसकी व्यापक तर्का करने के बाद प्रस्तावित बिल में कुछ संशोधन करते हुए कमेटी ने रिपोर्ट प्रस्तुत की है।

सबसे पहले संशोधन का यदि मैं उल्लेख करूँ, जैसा मैंने कहा कि बैंक जब अपने पास रहन रखी संपत्तियों को ऋण वसूली के लिए कब्जे में लेने जाते हैं तो बैंकों को सबसे पहले कलक्टर या चीफ मेट्रोपॉलिटन मजिस्ट्रेट से इसकी अनुमति लेनी पड़ती है। अनुमति लेने के क्रम में उन्हें बहुत लंबा समय लगता था। प्रस्तावित बिल में उसके लिए 30 दिनों की समयवधि निश्चित की गयी है। लेकिन, साथ ही साथ डिस्कशन में यह बात भी संज्ञान में आया कि कई बार जब लॉ एण्ड ऑर्डर की प्रॉब्लम हो, कहीं चुनाव चल रहे हों तो यह हो सकता है कि शायद कलक्टर ऐसी अनुमति न दे पाएँ और उसके कारण से कहीं कोई न्यायालय के शरण में जाकर इसमें कहीं कोई अवरोध उपस्थित न करे, इसलिए इस समय सीमा को 60 दिनों के लिए यह कह कर बढ़ाया गया कि कलक्टर या चीफ मेट्रोपॉलिटन मजिस्ट्रेट यदि इस समयवधि को बढ़ाते हैं तो उन्हें इसे रिकॉर्ड में लेना पड़ेगा कि उसके वया कारण थे और किस कारण से इसे उन्होंने बढ़ाया है।

साथ ही साथ, डी.आर.टी. की महत्वपूर्ण भूमिका को देखते हुए सबसे पहले डी.आर.टी. के कार्य-क्षेत्रों को निर्धारण किया गया है। इसके साथ-साथ डी.आर.टी. को ऑनलाइन करने की दिशा में प्रस्ताव किया गया है, ताकि त्वरित कार्यवाही हो और डॉक्यूमेंट्स के प्रोसेस होने में, डॉक्यूमेंट्स के सबमिशन में, एप्लीकेशंस के सबमिशन में ज्यादा समय न लगे और वादों का निस्तारण तुरंत हो सके। इसलिए डी.आर.टी. में एप्लीकेशन फाइल करने और स्टेटमेंट्स रिकॉर्ड करने के लिए ऑनलाइन सुविधा प्रारंभ करने का प्रस्ताव किया गया है।

देश भर की वित्तीय संस्थाओं को सुविधा प्रदान करने के लिए और देश भर में लोनस के अग्रेस्ट में जो संपत्तियाँ बैंकों में और फाइनेंशियल इंस्टीट्यूट्स में रखी गयी हैं, उनका ट्रैक रिकॉर्ड रखने के लिए एक सेंट्रल रजिस्ट्री की कल्पना पहले सरफेसी एक्ट में भी की गयी थी, लेकिन चूंकि वह मैनडेटरी नहीं थी, इसलिए उसके सही अपेक्षित परिणाम नहीं आ पा रहे थे। प्रस्तावित बिल में उसे परोक्ष रूप में मैनडेटरी नहीं किया गया है, लेकिन अप्रत्यक्ष रूप में यह कहते हुए कि जब कभी भी किसी वित्तीय संस्था को अपने आस्तियों की वसूली के लिए, असेट्स को बेचने के लिए जाना होगा या असेट्स का कब्जा लेना होगा, तो उससे पहले सेंट्रल रजिस्ट्री में उसका रजिस्ट्रेशन आवश्यक होगा। साथ ही साथ, बैंकरसी कोड में भी, जिसका सेंट्रल रजिस्ट्री में सबसे पहले रजिस्ट्रेशन होगा, उसे फर्स्ट राइट दिए जाने के कारण से अप्रत्यक्ष रूप से इस सेंट्रल रजिस्ट्री की कल्पना को और अधिक सशक्त किया गया है। इसके कारण से दूसरा फायदा यह होगा कि देश के फाइनेंशियल इंस्टीट्यूट्स को जब कभी भी किसी भी बॉरोअर को लेंडिंग करना होगा, तो वे सीधे उसे सेंट्रल रजिस्ट्री में चेक कर सकते हैं कि जिन परिसंपत्तियों के अग्रेस्ट में, जिन असेट्स के अग्रेस्ट में बैंक या फाइनेंशियल इंस्टीट्यूट्स लेंडर को लोन प्रदान कर रहे हैं, वह किसी और फाइनेंशियल इंस्टीट्यूट्स के पास में पहले से रहन तो नहीं रखी गयी है। इस तरह से, एक ही परिसंपत्ति को अनेक बैंकों और फाइनेंशियल इंस्टीट्यूट्स को रहन रखते हुए पहले जो घोषाघड़ी का काम चल रहा था और जिसके कारण ये बैंड असेट्स की बात की जा रही थी, उस पर भी रोक लगेगा। असेट रिकस्ट्रक्चरिंग कंपनी की जो कल्पना की गयी थी, उन कंपनियों को और अधिक मजबूत करने के लिए और उनके काम को और अधिक सुगम बनाने के लिए भी इस बिल में अनेक प्रावधान किए गए हैं।

सबसे पहले यह बात ध्यान में आई थी कि एआरसी कंपनी बैंक से जो परिसंपत्ति लेती है, तो उसको बेचने के पूर्व जब अपने नाम पर ट्रांसफर कराना चाहती है तो विभिन्न स्टेट्स में उसके ऊपर अलग-अलग स्टैप ड्यूटी लगती है। उस स्टैप ड्यूटी की दर में बहुत ज्यादा फर्क था। क्योंकि, बड़ी परिसंपत्तियाँ होने की वजह से उस स्टैप ड्यूटी का बोझ अपने आप में बहुत बड़ा होता था। इसलिए इस बिल में यह प्रावधान है कि यदि एआरसी अपने ऋण की वसूली के लिए कोई परिसंपत्ति को अपने नाम पर हस्तांतरित करती है तो उसके लिए उनको स्टैप ड्यूटी से मुक्त किया गया है।

एआरसी कंपनीज के इन्वेस्टर बेस को और अधिक व्यापक बनाने के लिए आरबीआई द्वारा जिन इन्वेस्टर्स को फिट और प्रॉपर माना जाएगा, उनको इसके लिए योग्य ठहराया गया है। एआरसीज को प्रभावी बनाने के साथ-साथ, क्योंकि कई जगह इस तरह के मामले भी संज्ञान में आए थे कि एसेट रिकस्ट्रक्चरिंग कंपनियों को बॉरोअर्स के ऊपर अनफेयर कार्यवाही करती हैं और कई जगह मनमानी कार्यवाही कर रही हैं। उनके ऊपर प्रभावी नियंत्रण बनाने के लिए आरबीआई को एसेट रिकस्ट्रक्चरिंग कंपनीज को रेग्युलेट करने का अधिकार दिया गया है। साथ ही इस प्रस्तावित बिल में उनके खातों को ऑडिट करने और एआरसी कंपनी की जांच करने का अधिकार भी आरबीआई को दिया गया है। यदि कहीं भी आरबीआई के निर्देशों का पालन न हो या उनके आदेशों का ठीक से पालन न हो, तो उसके लिए पेनाल्टी के प्रावधान को पांच लाख रुपये से बढ़ाकर एक करोड़ रुपये किया गया है। प्रति दिन लगाई जाने वाली डेली पेनल्टी की सीमा को बढ़ाकर एक लाख रुपये किया जाना प्रस्तावित किया गया है। यदि आरबीआई महसूस करे तो एसेट रिकस्ट्रक्चरिंग कंपनी के मैनेजमेंट में परिवर्तन करने का और साथ ही साथ एसेट रिकस्ट्रक्चरिंग कंपनीज के डॉरिक्टर्स को बदलने का अधिकार, चेयरपर्सन को बदलने का अधिकार भी आरबीआई के पास निहित किया गया है। इन प्रस्तावों के माध्यम से एआरसी कंपनीज बॉरोअर्स के अधिकारों का हनन न कर पाएँ और निरंकुश होकर मनमानी न करें, इस तरह का प्रावधान प्रस्तावित है।

प्रस्तावित बिल में सिविलीटी क्रेडिटर्स की परिभाषा में भी परिवर्तन किया गया है और सेबी में पंजीकृत डिबेंचर और ट्रस्टीज, उनको भी सिविलीटी क्रेडिटर्स के रूप में माना गया है। इससे कोई भी

सिवयोर्ड ट्रस्टी जो सेबी के पास पंजीकृत है तथा किसी कंपनी के डिबेटर को सिवयोर किया है, वह सर्वोसी एक्ट के प्रावधानों के तहत अपने ऋण की वसूली के लिए कार्यवाही कर सकता है।

वर्तमान बिल में सिवयोरिटी इंस्ट्रुमेंट की परिभाषा को परिवर्तित करते हुए जो प्रूपर्टी शब्द था, क्योंकि सिवयोरिटी में एसेट्स के रूप में केवल प्रूपर्टी को परिभाषित किया गया था, इसकी परिभाषा का सुस्पष्ट करते हुए डेबिबल और इनडेबिबल साइड एसेट्स को इसमें शामिल किया है, जिन भी डेबिबल और इनडेबिबल एसेट्स को ऋण प्राप्ति के लिए, डायर-परवेज के लिए यदि प्रतिभूतित किया गया है तो उनको इस परिभाषा के अंतर्गत रखते हुए इनके विरुद्ध इस तरह की कार्यवाही की जा सकेगी।

इनसॉल्वेंसी और बैंकरोपी कोड के साथ सामंजस्य स्थापित करते हुए ऐसे प्रकरणों में, आईबीसी कोड के तहत यदि किसी वाद के निस्तारण के लिए प्रक्रिया प्रारम्भ हो चुकी है और इस कोर्ट के द्वारा जो मानेरेरियम पीरियड प्रदान किया गया है, उस पीरियड तक सर्वोसी एक्ट के अंतर्गत कोई भी कार्यवाही आरम्भ न हो, इसको भी इस प्रस्ताव के द्वारा निश्चित किया गया है। दोनों एक्ट्स का अंतिम उद्देश्य एक ही है कि एक साथ मिलकर प्रभावी कार्यवाही कर सकें।

जो डीआरटी एक्ट, 1993 था, उसमें अपीलवीय अधिकरणों का कार्यक्षेत्र निर्धारित नहीं था, उसे भी निर्धारित किया गया है। इसके साथ ही अनुभवी लोग इन डीआरटी न्यायालयों, अभिकरणों में रहें तो इनके चेयरपर्सन और इनके सदस्यों की आयु सीमा को बढ़ाकर 62 से 65 वर्ष और 65 से 67 वर्ष करने की प्रस्तावना इस कानून में की गई है। साथ ही उनके क्षेत्राधिकार को भी सुनिश्चित किया गया है। प्रस्तावित संशोधन बिल और आईबीसी कोड, 2016 इस देश के बैंकिंग क्षेत्र में सुधार करते हुए न केवल देश में आर्थिक सुधारों का एक नया अध्याय प्रारंभ करेंगे, न केवल एनपीए के बोझ से भारत के बैंकों को मुक्ति मिलेगी अपितु अंतर्राष्ट्रीय बैंक के नियमों के आधार पर समान धरातल पर बैंक कार्य कर सकेंगे। इसके माध्यम से देश की अर्थव्यवस्था का आमूलतः परिवर्तन करने का जो संकल्प है, बैंकिंग के सुधार के आधार पर देश की अर्थव्यवस्था को विकसित करने का जो संकल्प इस सरकार का है, ईज़ ऑफ़ डुइंग बिजनेस की जो प्रस्तावना, कल्पना हमारे माननीय प्रधान मंत्री जी और वित्त मंत्री जी ने देश की जनता के सामने रखी है, उसे निश्चित रूप से पुष्टि मिलेगी।

में इसी क्रम में माननीय वित्त मंत्री जी को धन्यवाद देना चाहता हूँ कि उन्होंने 2016-2017 के बजट में 25 हजार करोड़ रुपये का अनुदान भारत के बैंकों को दिया है। साथ ही बैंकों के मैनेजमेंट को अपने कमर्शियल डिजीजन लेने और अपने यहां मैनेजमेंट को इनडवट करने में और अधिक स्वायत्तता प्रदान की है।

में ऐसा विश्वास करता हूँ कि आईबीसी कोड, 2016 जो संसद ने पारित किया है और जो प्रस्तावित बिल है, इसके पास होने से निश्चित रूप से देश के आर्थिक जगत में जिस तरह के परिणामों की अपेक्षा है, वे सामने आएंगे। बहुत-बहुत धन्यवाद।

DR. P. VENUGOPAL (TIRUVALLUR): Hon. Deputy-Speaker, Sir, at the outset, I would like to thank you for giving me this opportunity to speak on this important Bill, the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016.

Sir, in order to reduce the huge level of Non-Performing Assets in the banks, especially the public sector banks, which have become a perennial source of embarrassment for the Government of the day, the Government has proposed certain amendments in the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act and the Recovery of Debts due to Banks and Financial Institutions Act, 1993 to make the process of debt recovery effective. The amendment Bill also gives more powers to the Reserve Bank of India to regulate Asset Reconstruction Companies (ARCs).

Sir, being a Member of the Joint Committee which examined the Bill, I would like to draw the attention of the Government to some issues in the Bill which escaped the attention of the Joint Committee due to paucity of time but which merit the attention of the House and warrant action from the Government.

Non-Banking Financial Companies have been, for long, requesting the extension of the benefits of SARFAESI Act, 2002. I would like to bring to your notice that as per the Budget announcement of 2015, NBFCs registered with RBI and having asset size of Rs. 500 crore were to be notified as 'financial institution' under SARFAESI Act. For some strange reasons known best to the Government, it has not yet issued such a notification.

The RBI, on its part, has been extending various guidelines to NBFCs which were initially meant only for banks and financial institutions such as SDR guidelines, prudential norms on asset classification, sustainable structuring of stressed assets, etc.

The current regulatory environment discourages Non Banking Financial Companies to accept mortgages of immovable property because of the enforcement of security interests, the only recourse available to Non Banking Financial Companies is to approach the civil courts or the arbitration which is a time consuming exercise, whereas banks have the privilege of using the SARFAESI Act which is a powerful weapon with regard to recovery of loans.

The Amendment Bill has also done nothing to provide coverage of SARFAESI Act and Recovery of Debts due to Banks and Financial Institutions Act to deposit taking NBFCs and non-deposit taking systematically important NBFCs.

Tamil Nadu is one among the foremost manufacturing States. Ancillary industrial units and small scale industrial units are found in good number only in States like Tamil Nadu. The amendments proposed by the Government will greatly affect the small entrepreneurs in a big way. Many of the MSME Associations are seeking total exemption from the SARFAESI Act, but the proposed Bill does not address the issues of the MSME sector. The MSMEs must get patronage similar to corporate debt restructuring packages from the banks.

The interest rate for the MSMEs should be less and they must also get purchase preference from the public sector undertakings. The MSMEs must get special care as provided by the developed and industrialised countries like the USA and China.

Clause 4 (v) of the revised Bill, which defines 'debt securities', proposes to keep unlisted debt securities away from the purview of the SARFAESI Act. I see no reason in keeping unlisted debt securities, which is a legitimate source of debt financing and even permitted under the Companies Act, 2013 outside the definition of 'debt securities'. If unlisted debt securities are included under the definition of 'debt securities', it will also enhance the bond market as was envisioned by the Government while passing the Insolvency and Bankruptcy Code.

Clause 32 (i) of the revised Bill amends Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act by widening the basis of jurisdiction of the DRTs. The amendments proposes a new jurisdiction in favour of banks and financial institutions by providing that recovery claims can be filed where branch or 'any other office' of the banks is functioning and maintaining an account in which debt claimed is outstanding. The term 'any other office' should be deleted from the Clause as it promotes cherry picking of forums by banks to settle their debt recovery cases. Further, it runs counter to the principle of law pertaining to cause of action as upheld by the Supreme Court in various cases.

The Bill, through Clause 35, has further amended Section 21 of the Recovery of Debts Act by providing pre-deposit of 50 per cent of the amount due from the applicant who prefers an appeal before the Appellate Tribunal. This can be reduced to 25 per cent by the Tribunal. However, in view of the recent cases of wilful default by certain individuals as reported in the media, my suggestion to the Government is that pre-deposit requirement should be increased to 75 per cent in cases where debtor has been categorised as 'wilful defaulter'. This would ensure that assets are not siphoned off by such persons before the recovery process is complete.

I would like to point out that in the existing system Asset Reconstruction Companies, the ARCs, purchase Non Performing Assets of the banks and issue Security Receipts, SRs. The ARC pays only 15 per cent of the net value of assets upfront and issues SRs for the remaining 85 per cent. In fact, the same bank subscribes to the SR of its NPA portfolio.

Thus, there is no actual transfer of risk but only window dressing of books of accounts. Bad assets are now categorised as investments in the books of banks. There is nothing in this Bill to address this abuse of the system.

The performance of the ARCs in restructuring stressed assets in India has been less than satisfactory. The Amendment Bill does not provide for any measures which incentivise the ARCs to expedite the restructuring efforts. The ARCs are slow towards resolving the issues as they are getting their management fees year after year.

-

### **15.00 hours**

Though not directly related, I must also point out the death of an engineering graduate in Tamil Nadu on account of harassment by a private collection agent retained by a nationalised bank. Banks should follow the due process of law while recovering their dues and unwarranted muscle power should not be used.

With these suggestions, I support the Bill. Thank you, Sir.

PROF. SAUGATA ROY (DUM DUM): Sir, I rise to speak on the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016. It was immediately referred to a Select Committee. The Select Committee had submitted its Report in July, 2016. Fortunately, there was no Dissent Notes in the Select Committee Report. So, you can say that the Select Committee was unanimous in its recommendations. Hence, we should not, since the Select Committee is an all-Party Committee, oppose the Bill too much.

Having said that, let me point out some other matters to the Finance Minister, who must be a little tense because tomorrow, the GST Bill is to be introduced in Rajya Sabha. It has not yet been circulated. I am reading in the newspaper about it. The Finance Minister must be tense because of that reason. He must have been holding the last moment parleys. Our Party has supported the GST Bill from the beginning. Only I hope that in the last moment small contradictions that are there will be ironed out.

Before I speak on the Bill, let me point out this. We are talking about banks. Regulator of the banks is the Reserve Bank of India. I must put on record that the controversy by a BJP MP on the RBI Governor was absolutely unwarranted. It has lowered our prestige in the international market, and ultimately, the RBI Governor decided to leave. He will leave in September. It should not have happened.

Also, I want to point out that the other day we were discussing prices. Now, the RBI is caught in a peculiar situation. It cannot lower interest rates till food inflation comes down. Unless RBI lowers the interest rates, there cannot be big investment coming. So, the problem of prices which is linked to the Finance Ministry is also related to the problem of industrial development. This I wanted to bring to your notice.

The Finance Minister being a lawyer believes in bringing laws. There is nothing wrong. Lok Sabha is for passing laws. But as I will point out a little later, merely passage of laws does not change a situation. Where administrative and management actions are called for, just by having a law does not help anybody. Political will is necessary as Shri Premachandran was pointing out from the back and that seems to be missing. Why is it so? We have passed the Bankruptcy and

Insolvency Code, which takes care of insolvency problem. He has two targets – one is the black money and the other is the NPAs of banks. But so far we have not seen, in spite of passage of laws, much progress on these two fronts.

Before coming to the Bill, let me paint a picture of the banking industry. The banking industry is at the worst situation that you can consider. Stressed assets amount to Rs.8 lakh crore, that is, 5.6 per cent of the GDP. The RBI Governor in a meeting in February had advised deep surgery. Since then, public sector banks have started making hefty write off of stressed assets. What is this leading to? By December, 2015, the value of all stressed assets was Rs. 7.4 lakh crore which has now gone up to Rs. 8 lakh crore. The Reserve Bank of India has said that one-tenth of all loans are stressed. In the quarter ended on 31<sup>st</sup> December, 2015, the State Bank of India, the biggest bank, has posted 67 per cent decline in consolidated profit to Rs. 1,259 crore for the third quarter due to higher provisioning for bad loans. The total provisioning for NPAs jumped to Rs. 7,644 crore. The Government has kept that separately.

Similarly, other smaller banks have bled even more. Banks are in a bad shape and are in dire need of capital infusion from the Government. The banks say that RBI ordered an Asset Quality Review and that is why they have been forced to increase the provision for stressed assets. But this is not enough. You will be surprised to know that depositors' money is with the banks. The public sector banks have written off Rs. 1.14 lakh crore of bad loans from 2012 to 2015. That will never be recovered. That is the condition of banks. Can this be made up by loss alone? That is my question. In 2014-15, the State Bank of India wrote off Rs. 1,313 crore and the Punjab National Bank wrote off Rs. 6,587 crore. All is not right in the State of Denmark. Things are very wrong with the banks. I hope the Government realises that.

Now I come to the laws that are there for recovery of bad debts. The Recovery of Debts Due to Banks and Financial Institutions Act was passed in 1993 and through this Act, Debt Recovery Tribunals were set up for recovery of loans. But you must be aware that 70,000 cases are pending in Debt

Recovery Tribunals. Though the law originally stipulated that all DRT applications should be disposed of in six months, for years together these cases are pending in DRTs due to adjournments and other reasons. The DRTs are not functioning properly.

The other law that was enacted was the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. This gave rise to a new type of companies called the Asset Reconstruction Companies and this law is known as SARFAESI Act. Now, recovery of debts is available to both secured and unsecured creditors. But they must be banks or notified financial institutions. Cases of over Rs. 10 lakh would be automatically transferred to Debt Recovery Tribunals.

Now, what changes have been brought? In this whole Bill, there are four Acts which are to be amended. The SARFAESI Act has to be amended, the Recovery of Debts Due to Banks and Financial Institutions Act has to be amended, the Indian Stamp Act has to be amended and the Depositories Act also has to be amended. What are the amendments that have been brought now? One is expeditious disposal of all applications.

Second, it is an important change, is that there can be electronic filing of applications. Three, the priority of secured creditors is enforced through this DRT Amendment. Four, debenture trustees will be treated as financial institution. Five, empowering Central Government to provide for uniform rules for conduct of proceedings of the DRTs. So, these were the five changes made in the DRT Act.

Now, in SARFAESI, Section 13 went in for serious changes. First is to enforce security interest for NPAs without intervention of Tribunals. If an asset was declared as a Non-Performing Asset, he could directly go for SARFAESI to the Asset Reconstruction Company. Second, in the new Amendment, any appeal against action taken under SARFAESI, will lie with Debt Recovery Tribunal. Now, what will this Asset Reconstruction Companies do? The Asset Reconstruction Companies take-over Non-Performing Assets of banks at discounted rates and manage and dispose of such assets. This is a funny thing. If there is Rs. 1,000 crore loan from a bank to a company, then the ARC will purchase that loan for Rs. 600 crore. Then, it will take-over the properties of the company and sell them off and try to recover these Rs. 600 crore and make a profit in this manner. So, this is a way we have thought of.

HON. DEPUTY-SPEAKER: Please try to conclude.

PROF. SAUGATA ROY : Sir, am I speaking out of the point or I am speaking in point?

HON. DEPUTY-SPEAKER: You are not out of the point, but you are going beyond the time allotted.

PROF. SAUGATA ROY: Sir, I would not take much time.

Then, RBI is the regulator according to the Amendment. What happened earlier is that a lender used to take loan from different banks showing the same property. That is why, a Central Registry has been created; and now, to prevent multiple loaning from different banks on the same immovable property, the Central Electronic Registry has been set up. It is operational since 2011. Now, in the new Amendment, there will be a registration of creation, modification and satisfaction of Security Act by all secured creditors and provision of integration of the security system. That means, if a person has cars under the Motor Vehicles Act, if a person has immovable property, everything will be registered together in one registry so that bank, at the push of a button, will know that what are the properties which have been given to the bank as a security. It is like AADHAAR, yes. The idea is to create a central database of security interest in property right.

Secondly, in the Amendment, it empowers the Reserve Bank of India, which has been a little disempowered due to controversy of Raghuram Rajan, to regulate the ARCs, to carry out audit and inspection of the ARCs and to impose penalty on the ARCs.

Thirdly, there is a big change that there will be an exemption of Stamp Duty on loans assigned by banks and financial institutions to Asset Reconstruction Companies.

Fourthly, the Amendment will enable the Non-Institutional Investors to invest in security receipts by the Asset Reconstruction Companies.

Fifthly, about those who are issuing debentures – even the Government issues debentures – the debenture trustees will have same rights as secured creditors.

Sixthly, there would be specific timelines for taking possession of secured assets.

Seventhly, the priority will be given to the secured creditors in the repayment of debts.

Amendment of the Indian Stamp Act and amendment of the Depositories Act, 1996 will help banks and financial institutions to recover bank loans faster.

We are members of the Standing Committee on Finance. The Committee went deep into the problem of Non-Performing Assets. We made certain recommendations – it was an all-party Committee – some of which has been followed by the Government but some have not been. For instance, our Committee pointed out that total credit take off in December, 2014, was Rs. 60.60 lakh crore. That was the total credit given by all the banks.

Now, the gross NPAs will touch Rs. 4 lakh crore in 2015-16. Our Committee was not happy with the management of the problem both by the Reserve Bank of India and banks. Banks have failed to notice early signs of stress on the loans disbursed by them. Our Committee had suggested that they should have intervened at the right time as early and timely measures are necessary too. It is an important recommendation. Secondly, forensic audit should be made compulsory for specific class of borrowers so that diversion of funds by promoters to unrelated business do not take place. Thirdly, developing a vibrant bond market is necessary because most of these big defaulters are actually infrastructure companies and for that, it is necessary to develop a vibrant bond market to finance infrastructure projects. It is our suggestion that has not been accepted by the Government. The biggest loans are all in infrastructure sector.

Sir, you will be surprised to know that the wilful defaulters like Vijay Malya owe the PSU banks a total of Rs. 64,335 crore which is 21 per cent of the total NPAs. The suggestion was that every bank must focus on 30 stressed accounts so that Vijay Malya incidents do not take place any more. Our

Committee also suggested that the RBI has not succeeded as a regulator in implementation and enforcement of its own guidelines. RBI must monitor and follow it up with banks.

We further said that corporate debt restructuring (CDR) has failed as a method to achieve desired objectives. Steps should be taken to take charge of failed CDR companies. The Committee also recommended that more DRTs to be taken up.

The recovery of NPAs through DRTs and SARFAESI Act has shown a decline trend from 2010-11 to 2013-14. So, just because you have an Act, it does not mean that NPA will go down. Many members of the Select Committee suggested that agricultural loans, if they are taken as collateral, should be omitted from the scope of recovery. That was not listened too.

Lastly, I say we have supported the law but the banking system is in its worst crisis. If one bank fails, there will be cascading effects. What the Finance Minister should be concerned more than GST is the state of the banking system.

I also want to mention one thing that the Reserve Bank Governor came to our Standing Committee on Finance. He showed us a graph which was showing that the credit from public sector banks has less than the credit from private sector banks. Actually, credit is not flowing into the market. Industrial development and recovery are in a stagnant process. So, with that I say, let the Minister have all the Acts and powers but just as the Benami Transactions Act should not lead to tax terrorism, the SARFAESI Act should not lead to bank official terrorism where they will even drag the small lender to the court.

Thank you very much.

SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, *namaskar, pranam*. This is a complex, financial, corporate issue that took me quite some time to understand. So, I tried to do an 'ELIS'. What is the intention of this Bill? As we all know, there is something called, out of sight, out of mind. We have had very learned senior, junior colleagues speaking earlier. All of them, as I noticed, have been in this privileged Committee except Saugata *babu*. I have not been unfortunate enough to be included in that Committee. So, I can speak what, I think, should concern the future of this country, the youth of this country.

**15.21 hours** (Dr. Ratna De (Nag) *in the Chair*)

Out of sight, out of mind means, Madam, you would have noticed, you would have seen children, suppose a glass falls down and breaks, the child's intention is to kick the glass under the bed so that the parents do not see it. The effort of the child is not to clean the floor so that somebody does not get hurt like an elderly person, like a grown up would do, but to hide the broken glass. Similarly, here, this piece of legislation wants that the bad loans of banks that have been because of errant banks, because of bad management, because of bad managers, because of political interference, but more so because of bureaucratic pressure, the loans that these banks have been giving out to bad companies, many of which are known to be defaulters, they are trying to clean them out, completely remove them from the books of the banks, from the books of the errant banks so that it is out of Parliamentary scrutiny and also public vision.

The name of this Bill is the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016. Let us break it down and let us simplify it. It could be renamed thus: HFHWHM. The long title could be: 'Helping Friends who Had Helped Me by Removing their Loan Details from Records at the Cost of Nation'. If it is not there in the books, it does not exist. What is your problem? Of course, with brute majority in a democracy or in a House, we know this Bill will pass. Of course, there are also people from time immemorial who think that reasoning is their prerogative only. You cannot reason; I cannot reason. Either you agree with them or you are wrong; my way or the highway.

As I understand, the matter at the core of the issue is bailout of banks. This is not just one Bill. There have been a whole chain, whole plethora of Bills from Bankruptcy Act to this and many more to come, up to your, so called, Black Money Bill. It is all to cover up fiscal deficit which is increasing at a fast pace. Banks have, up till now, declared some 7.6 per cent of total borrowings as NPAs. RBI, till the other day, as long as it remained as an independent institution – now it will change its colour – has predicted that this may go up to 8.5 per cent by March, 2017. Not even a year is left for that. So, in this clever method of sweeping the bad loans under the carpet, we are also trying not to acknowledge that a similar situation had arisen in the US when their subprime crisis had overtaken them, and 25 per cent of that nation's savings were wiped out at one go.

So, we also hear many important people keep repeating about prudent fiscal policy. In Parliament, we keep hearing that. But here, we stand in an age of fiscal irresponsibility. Year after year, we spend the tax payers' money to bail out financial institutions, PSUs and various enterprises due to their irresponsible activities.

However, what tickled me most is the information that the Bill is going to create these Asset Reconstruction Companies. When a bad loan from a bank is handed over to an Asset Reconstruction Company(ARC), the onerous task of getting back the assets, which are pledged as collateral with the banks will have to depend on the ARCs but the interesting part is that when ARC takes over these dead assets from a defaulting company it does not have to pay anything to the bank. It does not have to pay even stamp duty when a deed is registered.

So, what you are doing is you are not only cleaning the books but you are also closing your eyes on how ARCs will function. So, the Stamp Act is also being reviewed in this whole deed. This is kind of making a future contract. The payment then will be made by the ARC as and when it gets hold of the assets of the defaulting company. And yet, we are being told there will be FDI in this sector. I wonder and I cannot understand why we would want FDI when actually there is no investment being made?

Madam, you could start an ARC tomorrow and a bank can give you all the properties of the defaulter. Say, for example, wherever Adani has defaulted, it can be given over to you. Imagine Madam, how lucky you will be. ...(*Interruptions*) That is TMC. It will not go to CPM.

The collaterals, thus, handed over to ARCs will enable the bank to clean its books just like that. And, the interesting part is, once again the banks can restart on their process of misadventure, and this time because there is a new bunch of people and new bunch of bosses to please these bosses, the banks can restart again on their misadventures. But my whole worry is that okay, we have been hearing about the technicalities of the Bill. But who is discussing? What are the legacies we are creating today for the youth of tomorrow? The nation is watching us. I am not talking like



some TV anchor. I am talking about the reality.

Now, the people are actually bothered about what the Parliamentarians are doing. Are these people all corrupt? Are these people all filled with money from companies, from corporates that they are willing to swallow lock, stock and barrel whatever is dished out to them, who is dishing out and who is cooking the dishes that we are swallowing whatever is given to us.

I would like to give you one example Madam about the UDAY scheme. All the State power discoms put together have about Rs. 4.3 lakh crore which they owe to the banks. Now, they are being told that upto September, 2015, the State Governments will create bonds which will be sold in the market to repay these debts. That means, this debt is now being split into two parts and sold back to the customers disguised as secured Government bonds. So, the Government is on a task and on a path of trying to fool the people. You are involving the State Governments. You are compelling them under these plethora of laws that you are bringing that you start cheating the people. Is it okay to take the money from the people without informing the people that the Government will not be able to repay these debts or bonds. This Government has earmarked Rs.70,000 crore from the tax payers' money to something they are calling recapitalised banks. It would be much better if they came out with an open admission that this is a bail out. There is nothing called recapitalising the banks. This is a complete bail out. The banks have failed. You are again taking the tax payers' money. The bank, as it is, took away our money. Now again you are giving the tax payers' money to make the banks survive, and then you are passing these laws without giving the nation an assurance that these laws will not fail in the future, and that we will not be victimised again. 'We' means the citizens of India will not be victimised again for your follies, for the Government's follies, for the bureaucrats' follies and for the follies of our corporate sector which is known and is clearly standing exposed today as one of the worst corporate sectors in the world.

I would suggest that there is a need to revamp the whole system by which you give loans. You have to differentiate and take the grain out of the chaff. I am not saying, dump everybody into one basket and tell all of them are bad. But you have to differentiate and you have to see genuine loanees who want to do things, who are enterprising and then the others who are scoundrels, who need to be taken care of under the legal system.

Coming back to Bill, I have a few questions. The Minister is here. This Bill allows the RBI to appoint or remove members from the Board of a company under the guise of public interest. On this, I feel, you are thrusting the might of the Central Bank on the companies. Is this advisable? Do you not think that too much Government supervision might dissuade enterprise? No other country has this kind of an arrangement where the Central Bank is also a quasi-judicial body. So, there the question arises, who will guard the guards? Would this act of Parliament result in hounding genuine enterprises? What is the safeguard?

Land is a State subject. When ARC is going to take over the land under the guise that these are assets of a defaulting company, to whom will the land go to? It is because that land might have been given by the State Government or the State authorities or the State Industrial Development Corporations on a long-term basis. So, will that go to the ARC, then to the bank and then to the Central Government? Or, will you return it to the State?

The Debt Recovery Tribunals, as we see here, have a terrible shortage or terrible dearth of manpower. You are increasing the retirement age. What is your long-term policy to build a proper cadre to handle DRT operations? Finally, Madam, before you ring the bell, what if the ARCs fail in their responsibilities? Does the Government think of this? Has it got any contingent plan suppose the ARCs fail? It is because you are letting wolves out amongst the sheep. ARCs are going to have a field day. They have no burden; they have no monetary involvement; and they are a free-for-all company. You will choose and give licence to who can start an ARC and who cannot. So, this is a kind of wolf amongst the sheep. Who is going to or what is going to check that if ARCs fail? What is the contingent plan you have? Or, is it that we will say as a Government that let the river come, then we will think of how to cross it. I do not have my swimming trunks now. Is that the attitude that the Government is having?

So, these are serious issues, and I think that this is a Bill which is part of a chain, which should not be taken as an individual Bill and we should not get into the nitty-gritty. If we get into the nitty-gritty, that is what the Government, that is what the bureaucracy wants us to do. Are we willing to shift from there and look at it as people who are formulating the future so that the youth of this country has a better life? Thank you, Madam.

SHRI ANANDRAO ADSUL (AMRAVATI): Madam Chairperson, I rise to support the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016. This Amendment Bill has been brought by the Finance Minister at a proper time. In the circumstances which exist in banking sector today, which everybody knows, there is a higher rate of NPA in each and every public sector bank, private bank and cooperative bank. The reason for this situation is that there are two types of borrowers. One type of borrowers are those who could not repay their loan because of some unavoidable circumstances, for natural reasons. The second type of borrowers is of those who are the willful defaulters. They are having the capacity to repay but are not prepared to pay. That is why, I say that in these proper circumstances, this Bill has been brought.

Meanwhile, in the Question Hour, I have raised one issue. The money of the common persons is in the banks. None of them is a big shot who has put a deposit of Rs. 1,000 crore, Rs. 2,000 crore or Rs. 3,000 crore. The depositors are the small persons, the middle class persons. Out of that deposit, loan is given to the borrowers. Who are the defaulters? The big shots are the defaulters. On the one side, those defaulters are enjoying the money of the common persons and bank is getting into the trouble and on the other side is the Government. Last year, in March, 2015, the total amount of NPAs was Rs. 1,40,000 crore and we have made a budgetary provision of Rs. 1,25,000 crore. The money which goes out of the Budget for this provision is the money which was to be utilized for the common persons of this country and it is being used for those defaulters. Anyway, it is there, but as I told, this Bill has been brought at a proper time.

This Bill seeks to amend four Acts. This is an important legislation which seeks to amend the Recovery of Debts due to Banks and Financial Institutions Act, 1993, the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and to make consequential amendments in the Indian Stamp Act, 1899, and the Depositories Act, 1996.

The object of the amendments proposed in the Bill is to improve the ease of doing business and facilitate investment, leading to higher economic growth and development. Hon. Finance Minister is not here, but fortunately, my colleague, Minister of State for Finance is here. I would request him to note down one point which is very much important that from 2002 when the Recovery of Debts due to Banks and Financial Institutions Act, 1993 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 had already been in force, initially, as per the definition, they were for banks and financial institutions.

What has happened? From that date, whenever any cooperative bank issued a notice to the defaulters/borrowers, they approach the courts and obtain stay by arguing that the cooperating banking industry is registered under the State Cooperative Societies Act and, therefore, it is a 'society' and not a 'bank'. But on the other side, the total cooperative banking sector is working under the Banking Regulation Act. Also, the Reserve Bank of India is making an inspection every year; in some cases, in alternate years. It means it is totally controlled by the Reserve Bank of India. Then, how can it not be a bank? Each and every transaction done by a cooperative bank is being done on the lines of a public sector bank. Also, there is a regulator, which is the Reserve Bank of India. Then, why should this Securitisation Act be not amended to include the cooperative banking industry as well?

In the meanwhile, I had raised the same issue with the then Finance Minister, Shri P. Chidambaram who said that multi-State cooperative banks would be added. I told him that unless it is a cooperative bank, it cannot be a multi-State scheduled bank. That is why, if we simply mention 'cooperative banking industry' here, it will serve the purpose. There are wilful defaulters and the rate of NPAs is high. If it is to be recovered, then this Act should be applied by them. There are so many cases pending with the High Courts just because this is not a banking industry and that this is only a society.

I am raising this issue right from 2002 in front of the hon. Finance Minister. Fortunately, both the Minister of Finance and also the Minister of State for Finance know about the cooperative banking industry very well. That is why you should consider this immediately under this Act.

Secondly, very intelligently, these suitably amended four Acts aim at fast recovery, to improve the ease of doing business, and to facilitate investment leading to higher economic growth and development. There is a very good purpose behind it. I think it will serve that purpose.

As good as the above amendments, the SARFAESI Act allows the secured creditors to take possession over the collateral against which loan had been provided, upon a default in repayment. As my friend, Shri Satpathy mentioned, the assets which are in default are handed over to the ARC. There is a proper agreement between the ARC and that particular bank. The liability or responsibility of a bank remains the same until that is recovered because special machinery is being used by the ARC on behalf of that particular bank. That is why, when recoveries are made, the bank's balance-sheet will be clean. That is the main purpose behind it.

Thirdly, the process is undertaken with the assistance of the District Magistrate. Now-a-days, our experience is not good. The machinery of the District Magistrate is not taking much care of it. But now it is compulsory that within three months, he has to take over whatever asset is there and hand it over to the ARC. Afterwards, it will be handed over to the particular bank. This is a good provision in this Bill. Not only that, whatever collateral security is there, it will be taken over by the ARC and handed over to the bank. If there is no money coming out of it, then it will be treated as an equity share up to 51 per cent, which will be held by the bank. That is also a good amendment here.

Really, in very appropriate time, this Bill is being amended including the four Acts. This will help the banking industry, the financial institutions and also the cooperative banking industry, if you are going to add it. Thank you very much.

SHRI JAYADEV GALLA (GUNTUR): Madam, I thank you for permitting me to speak on this Bill, that has passed through the Joint Committee of which I was also a part of. It is connected to the Insolvency and Bankruptcy Code. Both the Bills are inter-twined -- the first Bill aims to address the issues relating to insolvency and bankruptcy of individuals and companies and this Bill's objective is to fast track in disposal of debt recovery applications pending before tribunals. It also proposes to arm the RBI with powers to regulate asset reconstruction companies and helps to work in tandem with the Government initiative to reduce the NPAs of banks by providing a framework that would quickly bring wilful defaulters to book and enable creditors to recover their dues.

When I talk about NPAs, I should mention about rapidly rising NPAs of banks, as many of my colleagues have already done. The gross NPAs have gone from Rs.2.67 lakh crore, which is 5.45 per cent at the end of last financial year to Rs.3.6 lakh crore which is 7.3 per cent as of December, 2015. This is a very serious situation. I am sure and confident that this Bill will help in reducing these NPAs and 70,000 cases that are pending involving more than Rs.5 lakh crore in debt recovery tribunals in India today. So, I welcome this Bill and congratulate the hon. Finance Minister for bringing this legislation.

The Bill is proposing to amend four Acts -- the SARFAESI Act of 2002; the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; the Indian Stamp Act, 1899; and the Depositories Act, 1996. Out of these four, the major amendments are proposed to the first two Acts. So, I would focus more on the first two Acts.

First, I would talk about the SARFAESI Act. The Committee has brought out some valuable modifications with regard to the definition 'asset reconstruction company' and brought it in tune with the Companies Act. But, if one looks at the provisions of the SARFAESI Act, it did not specifically mention cooperative banks. The Government of India in 2003 brought cooperative banks under the SARFAESI Act through an executive order. But if you look at the present amendment, it does not include cooperative banks. This issue is *sub judice* since banks are registered under the State Acts. Here, the objective is not under which legislation they are included. But the objective is to bring down NPAs of each and every bank. Even the RBI was in favour of bringing State, district and urban cooperative banks under the SARFAESI Act. So, my point is, solution to a problem is more important than legislative competence. The hon. Finance Minister himself is a legal luminary. So, I am sure, he can find some way to include cooperative banks under this Act as well.

The Bill also does not have a definition for 'borrower'. It should specifically include a person who has taken loan or advance from an institution other than the bank. Say, for example, if a person takes loan from an NBFC and subsequently, such loan has been acquired by the bank, in such a case, when banks try to recover dues under the SARFAESI Act, people are going to court by simply arguing that the original lender, the NBFC in this case, is not a secured lender under the SARFAESI Act and the acquired bank has no jurisdiction. So, I would suggest for consideration of the hon. Minister to also include definition for 'borrower' to make this clearer.

This Bill also helps in ease of doing business. For example, reforms proposed in the registration system will improve access to credit because lenders will be able to ascertain whether there are any encumbrances on property offered as security and speed up loan application. And, with easy accessibility to credit, more entrepreneurs will be encouraged to start new business ventures which will, ultimately improve the ease of doing business.

Amendments to the SARFAESI Act are also important because if you look at the implementation of this Act, it is quite pathetic. It is because of the hurdles that DRTs put in. I will give an example. When action for recovery of nonperforming loans by banks or financial institutions is initiated under Section 13(4) of SARFAESI Act, the borrower immediately files an application under Section 17 before the DRT. And, DRTs are routinely granting *ex parte* stay of such action and thereafter the matters will hang fire for years together. So, I suggest for consideration of the hon. Minister that stay under Section 13(2), 13(4) and 14 of the SARFAESI Act up to 10 lakhs should be given to District Magistrate or Civil Court instead of giving elbowroom to borrower to maneuver and sneak away under Section 17 from DRT.

A positive aspect of the Bill is that it proposes to integrate registration records of other registration systems operated by States and other Central laws such as Registration Act, Companies Act, Motor Vehicle Act, etc., with the Central Registry for recording rights over any property or creation, modification or satisfaction of any security interest on such property under Section 20(A). Secondly, it also enables extension of registration system to all secured and unsecured creditors and taxation authorities issuing attachment orders with the object of creating a Central database of encumbrances on property rights under Chapter IV A. It is also a welcome measure.

I have a small suggestion to make with regard to Clause 10 of the Bill which proposes to amend Section 12 which deals with penalties for non-compliance of directions of the RBI. Rs. 1 crore is proposed, Madam. It is good enough. But no time-frame has been fixed within which it has to be paid. Since the amount is quite a bit, I submit that the penalty should be paid within a period of 30 days from the date of issue of notice under 12(C)(2).

I now come to amendments relating to the second Act, in other words the RDDB & FI Act, 1993. Clause 26 of the Bill proposes to amend Section 6 of the Act. The proposed amendment increases the age of the Presiding Officer of a Tribunal from 62 to 65 and Chairperson from 65 to 67. But, there is a proviso which says, 'Provided that any Presiding Officer of a Tribunal who has completed his term, shall also be eligible for reappointment as a Presiding Officer and similar provision for Chairperson. It means, the PO can be appointed again and again. How many terms can he be appointed, the amendment is silent. I suggest for the consideration of the hon. Minister that only one additional term may be permitted, because by that time he will already be 70 and that will be the right time to leave such a crucial office.

The second point I wish to make is relating to Clause 29 of the Bill which proposes to substitute sub-section 5 with a new sub-section. But in this clause no period has been specified within which defendant has to submit the documents. So, I suggest that it should be specified that the defendant will not have any right to file written statement after expiry of 45 days. Otherwise, the defendant may take undue advantage by not filing written statement by taking excuse of non-availability of original documents, which will prolong litigation and defeat the very objective of the Bill.

I will, now, talk about the vacancies in DRTs and DRATs. Out of five Chairpersons of DRATs in the country, only two are in position today and three are lying vacant. Out of 39 Presiding Officers of DRTs, 30 are in place and nine are vacant. There are three DRTs – two in Hyderabad and one in Visakhapatnam. All these three posts of Presiding Officers are lying vacant in the States of Andhra Pradesh and Telangana. I wanted to know from the hon. Minister what steps he is taking to fill the vacancies and by when they are likely to be filled.

Also, I welcome that Clause 30 of the Bill permits electronic filing of recovery applications, documents and written statements. This is a good move. It should be followed in all judicial matters. This will not only save time but also money.

With these observations, I once again support the Bill and request the hon. Finance Minister to ponder over the suggestions made by me which, I am confident, will help in better implementation of the Bill.

Thank you.

SHRI KONDA VISHWESHWAR REDDY (CHEVELLA): Madam Chairperson, the Enforcement of Security Interest and Recovery of Debt Law and Miscellaneous Provisions Bill also amends four other laws as explained in the Bill.

Madam, first this Act ascertains the question of collateral by the creditors in the situation of default in payment, with the help of the District Magistrate. The DM can assist the banks in taking over the management of the company itself in case the company is defaulting. All the provisions in this Bill are very much needed for the country at this time. Hopefully, the banks are on their way to recovery since the debacle of CDRs, bad debts and NPAs over the last decade. So, the Bill is indeed welcome. But does it meet the objectives? Does it meet the required goals?

I have a few limited points that I would like to point out. The Bill proposes a Central Registry that integrates the records of transactions related to secured assets of various registration systems in the Companies Act, Registration of motor vehicles and so on and so forth. The intent is very well, but can it ever be implemented? Can it ever be used? It is because assets have to be identified; assets have to be uniquely and immutably identified. If the collateral given is a car, then it can be uniquely and immutably identified because a car has a number. If it is a share, then once again the share has a number. An equity share has a number and it can be uniquely and immutably identified. But the more valuable thing is land.

Unfortunately, in our country, land and real estate assets cannot be uniquely and immutably identified. I will give you an example. Nowadays, land is very expensive. Because of this flaw, I can give the same land to one bank as collateral and also give it to another bank as collateral. Lands do not have a registration number or share number. They have a survey number and location. A land can have a building and the building may have a municipal number. So, in one application, I will say this building number and in another registry, I will show it as the survey number.

The other day, during the discussion on IITs, I think there was confusion in the House whether Dharwad should be pronounced as Dharwad or Dharwar. It is both. Once again, it is ambiguous. It is because there are not thousands but lakhs of assets and you need identification systems. This can be identified and caught manually. You need databases and computers. The survey number 56 in Dharwad to a computer is totally different from survey number 56 in Dharwar. India is one country where we do not have what is called as location codes. We have codes which are unique, but we don't have location codes. So, these are some of the flaws in implementation. The intent of the Central Registry is very good, but implementation will become a problem.

In the original Bill, the farm land belonging to farmers did not come under the purview the Bill. I am very glad that here also the farm land belonging to farmers does not come under the purview. But today, farm lands around metro cities are worth tens of crores of rupees. This is a huge asset which most of the corporates use for parking investments. What about the farm land owned by corporates? I think, it should be treated as corporate asset, not a farm land meant for agriculture for the poor farmer. I think they should differentiate it. Farm lands around Delhi, Mumbai, Kolkata etc. have a value of tens of crores of rupees. You go past Gurgaon and corporates have assets worth hundreds of crores of rupees. The book value is only Rs five lakh or ten lakh per acre. I think, these have to be examined properly.

Lastly, I have a few more points to make. There are a lot of solar companies which are in distress and they have taken huge loans. They have hundreds and thousands of acres of farm lands. They are still shown as farm lands; they are not converted lands. These also have to be treated as corporate assets.

Shri Tathagat Satpathy called this Bill with the name HFWHM Bill, 'Helping Friends Who Had Helped Me' and things like that. Probably, I would not go so far, but in many countries we hear of successful entrepreneurs. Among the successful entrepreneurs, we hear the stories of small guy from rags to riches through hard work and entrepreneurship. They have come out and built success upon success. They have a small success, and then they move on and have a big success.

#### **16.00 hours**

Probably, India is the only country where we have huge successful business built upon failures upon failures. First, they take a small loan of Rs. 1 crore and they fail; then they convince the banker that they need to start a bigger business of Rs. 10 crore, take a Rs. 10 crore loan and fail; then they take a Rs. 100 crore loan; and then a Rs. 1,000 crore loan; and so on. So, India is one country where failures upon failures have built successful empires. But how has this happened? Again Shri Satpathy mentioned the example of a child breaking a glass and pushing it under the bed so that the parents do not see it. The child is fooling the parents. That is bad enough but what if the parent is fooling himself and the nation? What if the bankers are themselves fooling, Madam? They are looking the other way because they knew he took a bad loan. But he is giving a larger loan so that the larger business can pay the loan of the smaller business. There are multiple examples like that, many in our combined Andhra Pradesh State where I think Vijay Mallya actually pales! In his case, it is only Rs. 6,000 crore; but here it is much, much more.

It is not the business acumen that is required in our country to succeed but it is the loan taking acumen. I think, there are multiple ways around. We have the group companies. More so, we have seen this in infrastructure companies. I start an ABC Infrastructure Company and I have huge unpaid loans; then I start another ABC Power Company. Most of our loans are to do with PSU banks and our contracts are all government contracts. The mechanism is, when I start a new

company, I take the technical credentials of the first company but not the credit history of the first company. Since ABC Infra has taken the credentials of ABC Roadworks, I am technically qualified to bid for the tender but I hide that ABC Roadworks has a bad credit history. I think, we also need to look at the CDR policy if we really need to look at it in its totality.

Thank you.

SHRI MD. BADARUDDOZA KHAN (MURSHIDABAD): Hon. Chairperson Madam, I am thankful to you giving me a chance to speak on this Bill.

I am here to speak on behalf of my Party regarding the Enforcement of Security Interest and Recovery of Debts Laws (Miscellaneous Provisions) Amendment Bill, 2016. I heard from here the speeches of four Members who are also Members of the Joint Parliamentary Committee. I also heard some other eminent Members speak about the Bill. I am not so experienced in financial transactions. So, I would just speak about some points regarding this Bill.

Our Finance Minister has told several times in this House that our country has the world's fastest growing economy in spite of bad financial condition throughout the world. But we have to remind him that this growing economy is not generating enough jobs for the unemployed youths of our country.

A few months ago, we passed the Insolvency and Bankruptcy Code, 2016 in this House, especially to recover huge amount of NPAs in the banking sector. In the last two to three years, NPA has been increasing faster than ever before. There are many laws and Acts to deal with these cases. I can give some examples of these like the Indian Stamp Act, 1899, the Motor Vehicles Act, 1988, the RDDB Act, 1993, the Depositories Act, 1996, the SARFAESI Act, 2002, the Companies Act, 2013, and the Insolvency and Bankruptcy Code, 2016.

**16.04 hours** (Shri Hukum Singh *in the Chair*)

In spite of all these Acts, there is no way of speedy recovery of bad debts due to some loopholes and some inefficiency of the present system. The RDDB Act provided for the establishment of debt recovery tribunals and DRAT, that is Debt Recovery Appellate Tribunals for speedy recovery of dues to help banks and financial institutions. But what is the position of DRT now? There are 33 DRTs and five DRATs in India. Most of these tribunals are sick due to lack of experts and staffing. Can we imagine that the pendency of cases before the DRT has increased from 42,819 as on 31<sup>st</sup> March, 2013 to 69,659 as on 31<sup>st</sup> December, 2015 and pendency of cases in five DRATs is 2,938. It is increasing every day.

The debt recovery process in our country is very much lengthy and complicated. In India it takes 4.3 years on an average, due to various reasons, whereas in UK it takes one year, in USA 1.5 years and in South Africa it takes 2 years to wind up the recovery process. In this context, the Enforcement of Security Interest and Recovery (Amendment) Bill, 2016 has been introduced in this House.

Sir, the Bill has been examined by a Joint Parliamentary Committee which has submitted its recommendations. The Bill seeks to amend four Acts. There are some positive steps recommended which will help to remove some loopholes in the law. The Bill creates a Central Electronic Registry which will create a data base to prevent fraud in loan cases involving multiple lending from different banks on the same immovable property. It is a good positive step.

At Page No.7, Sl. No.12 of the Amendment Bill some powers have been given to the District Magistrate, with a time limit of 30 days, to pass an order to complete the process but the Joint Committee observed that this time limit should be extended to 60 days. In my view, DM is a person who is already over-burdened with so many responsibilities. They head hundreds of Committees at the district level. When there is some natural calamity or during the time of election they are the sole authority and they have no time to look into other matters. So, how is it possible for a DM to look into this matter? My suggestion is that this responsibility should be given to some other district level officer other than DM.

At Page No.16, Sl. No.28, there is a provision which says: "Provided that no person shall hold office as the presiding officer of the Tribunal after he has attained the age of 65 years". At Sl. No.29 the same age limit for the Chairman of an Appellate Tribunal is 70 years. Why the presiding officer of a Tribunal is not fit for service up to 70 years of age? My suggestion is that in both these cases the age limit should not exceed 67 years.

Sir, I am not an expert in financial matters. Recently, we have passed the Insolvency and Bankruptcy Code, 2016. I wish to say that both this Code and this

Bill are similar in nature. There is a chance of interruption also. Though in section 26 (e) (Page 11), section 31(b) and section 20 (a) (b) (page 20) there are some explanations given about stopping such interruptions, I would like to know whether it is possible to attach the Insolvency and Bankruptcy Code with this Amendment Bill.

At Page No.22, Sl. No.40, section 30(a), it says and I quote: "Where an appeal is preferred such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal 50 per cent of the total debt due as determined by the Tribunal". Sir, I am not against any such recovery but where there is a chance of appeal how can we charge 50 per cent of the total due before the appeal? You can instead charge processing fee along with the interest for the delayed payment. In this case, punishment is started before the appeal.

Lastly, it is true that in this Bill some positive steps are there for recovery of debt. But if something happens like liquor baron Kingfisher Airlines owner case, who will recover? In what way the loan will be recovered? Interestingly, the Government has given him a safe passage to go to a safe country. Now the Government is taking some action just to eyewash the public.

What happened in case of an auction done by the Service Tax Department which was published in the newspapers? The Service Tax Department tried to auction the luxury jet of Mr. Vijay Mallya. They announced a reserve price of Rs.152 crore but the highest auction bid was for Rs.1.09 crore and finally the auction was cancelled. How will the loan be recovered?

The same thing is going to happen in the case of Reliance India Limited in the K G Basin oil. Some experts are now apprehending that after a certain period, oil lifting will be closed. Once oil lifting is closed, the same thing will happen. Then who will recover Rs.20,000 crore of bank loans from them? If you want to sell the infrastructure, who will purchase that infrastructure? So is this Bill sufficient to recover such loans? I hope our Finance Minister who is present here will comply with his words.

With these words, I conclude.

SHRI MEKAPATI RAJA MOHAN REDDY (NELLORE): Sir, I thank you for the opportunity given to me to speak on this subject – Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016.

This is a very important Bill providing for quick resolution to management of assets funded by banks and financial institutions and which have, for whatever reasons, become sick or underperforming. This will help improve the 'ease of doing business' by faster resolution of bad loans.

As per the latest available data, as on September 2015, 6.2 per cent of the total loans of public sector banks have been categorised as bad loans or non-performing assets.

Another 7.9 per cent were restructured loans after previous bad loans were negotiated, with part of them written off and the timeline for payment extended.

Yet another 2.9 per cent loans were straightaway written off. In all, 17 per cent of state-run banks' portfolios were either written off or dodgy.

This Bill seeks to amend four laws: (i) Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, (ii) Recovery of Debts due to Banks and Financial Institutions Act, 1993 (iii) Indian Stamp Act, 1899 and (iv) Depositories Act, 1996.

To keep a check on Asset Reconstruction Companies, it is proposed empowering the RBI to carry out their audit and inspect them from time to time. RBI has been empowered to penalize erring institutions.

The changes will empower district magistrates to help banks take over the management of a company if the entity is unable to repay loans. Banks can then convert a company's debt into equity shares, taking up a majority stake of 51 per cent or more in the company. It will be a fast-track mechanism where the banks can take steps unilaterally within 30 days.

The bill also seeks to create a central database to integrate the records of property registered with the promoters anywhere in the country.

While we need such bills in the larger interest of quicker resolution of bad debts, what is more important is what we will do with these acquired assets. During the last Budget session, the Parliament passed many legislations calculated to improve Ease of Doing business aiming to make India a hassle free destination for investments.

Passing of this Bill has become necessary for removal of the inherent friction between the laws for insolvency and the laws for security enforcement for providing clarification about the uncertainty over the rights of secured creditors during an insolvency process.

This particular legislation has also been brought as part of the part of the effort to improve ease of doing business. So, we whole-heartedly support this Bill.

Sir, having said that, I want to raise a fundamental question here in this House. What is the use of legislation and promises which we are making here, if we do not adhere to it? Take for example the legislation of the Andhra Pradesh State Reorganisation Act. The then Prime Minister of India, in the Rajya Sabha, had promised to give a special status to the State of Andhra Pradesh with so many other concessions. The then Prime Ministerial candidate of the Bhartiya Janata Party, Shri Narendra Modi had visited Andhra Pradesh and campaigned in the same way stating that the State of Andhra Pradesh will get special status for a period of 10 years and that a capital like Delhi for the State would be constructed. Many such promises were made but now after 26 months, all those promises are being forgotten. So, what is the use of all these legislation if promises made on the floor of the House are not kept?

Sir, after hearing the speech of the hon. Finance Minister in the Rajya Sabha the other day there is a lot of resentment amongst people in the State of Andhra Pradesh. Around five crore people in Andhra Pradesh is very much worried. They were expecting special status so that they can come on par with their neighbouring States. But now all hopes seems to have been dashed. Even now I would like to request and make an appeal to the hon. Prime Minister and the hon. Finance Minister to adhere to the promises that were made. If there are any political reasons, then they can cite the reasons. The State of Andhra Pradesh is a special case. When the State was bifurcated, the Government made a number of promises and if those are now not kept, then it is not good for the spirit of democracy.

Sir, the same is the case with the Tenth Schedule of the Constitution which relates to the Anti-Defection Act. Powers have been given to the hon. Speakers which they never act upon and this is high time that power should be given to the Chief Election Commissioner and a time limit of three months should be fixed for it. Until and unless we rectify ourselves, the future of democracy would be at stake. It will become a laughing stock. India is the largest democracy in the world. We are proud of our democracy and we should keep it up and we should all try to keep the values of democracy intact.

Thank you.

**श्री जगदम्बिका पाल (दुमरियागंज):** अधिष्ठाता महोदय, मैं आपका अत्यंत आभारी हूँ कि आपने मुझे सदन में बोलने का मौका दिया है। आज सदन के सम्मानित साथियों ने यह माना है कि भारत को भविष्य में अपने ग्रेथेट को बढ़ाने के लिए, दुनिया के विकास की रफ़्तार में भारत को भी उस प्रतियोगिता में न केवल खड़ा कर सके, बल्कि आने वाले दिनों में जिस तरह से भारत के प्रधानमंत्री श्री नरेन्द्र मोदी जी इस बात की कल्पना को साकार करना चाहते हैं। विकास दर के मामले में चाइना हम से आगे है, आने वाले दिनों में हम चाइना के विकास दर से भी ज्यादा विकास दर हासिल कर सके, इस बात की परिकल्पना को हमें साकार करना है। निश्चित तौर पर, जे.पी.सी. के द्वारा प्रस्तुत इस बिल को हमने सर्वसम्मति से जे.पी.सी. में भी समर्थन किया, जैसा कि सुश्री सुष्मिता देव ने कहा और मुझे विश्वास है कि यह सदन भी सर्वसम्मति से इसको पारित करेगा। The Enforcement of security interest and recovery of debts laws and miscellaneous provisions (Amendment), Bill 2016 यह आर.डी.बी.बी.एफ.आई एक्ट 1993 है, आज जो हमारी सरकार बिल लाई है, The Enforcement of security interest and recovery of debts laws and miscellaneous provisions (Amendment), Bill 2016 यह 1993 में संशोधन करना है।

इस बिल की आवश्यकता क्यों पड़ी? मैं जब सदन में आया तो सतपथी जी बोल रहे थे, मैं उनके लास्ट सन्टेंस सुन पाया कि यह बिल तो है, लेकिन ऐसा न हो कि हम ब्यूरोक्रेसी या नौकरशाहों के सुझाव को लाने के लिए बिल ला रहे हैं, यह बिल ब्यूरोक्रेसी के द्वारा नहीं आया है। यह बिल ज्वान्ट पार्लियामेन्टी द्वारा आया है, सम्मानित सदस्यों के द्वारा आया है, वर्लॉज बाई वर्लॉज, एक संशोधन पर विचार किया गया है, मैं तो सबसे पहले इस कमेटी को बधाई देना चाहूँगा जो श्री भूपेन्द्र यादव जी की अध्यक्षता में लोक सभा और राज्य सभा की ज्वान्ट पार्लियामेन्टी कमेटी बनी है। जितने कम समय में इस बिल को लेकर आई है, यह बिल निश्चित तौर पर आने वाले समय में देश के आर्थिक सुधारों में, बैंकिंग के एन.पी.एज. को घटाने में, रिक्वरी आफ डेब्ट्स करने में मील का पत्थर साबित होगा, ऐसी मेरी मान्यता है।

SHRI TATHAGATA SATPATHY: Sir, I did not mean to disrespect the Committee. I gave my opinion as a Member of this House.

HON. CHAIRPERSON: You have got your own right to do so.

SHRI TATHAGATA SATPATHY : The convention of the House which has been followed for many years says – there is no written law – that normally those who are in the Committees are not allowed to participate in the discussions because other members should be given an opportunity to air their views. Thank you, Sir.

**श्री जगदम्बिका पाल :** महोदय, आज भी अगर हम सितम्बर, 1990 को देखें तो उस समय इस तरह के लोन के 15 लाख से ज्यादा केसिस थे, जो देश के विभिन्न कोर्सेस में थे, जिनकी धनराशि

उस समय 6013 करोड़ रूपए की थी। मैं कहता हूँ कि वर्ष 1993 से पहले अगर किसी ने बैंक से तौन लिया और अगर वह वित्तफुल भी डिफाल्टर हो गया, तो बैंक के पास कोई अधिकार नहीं था कि पैसा रिकवर किया जाए। उस समय न तो डी.आर.टी. थी, न कोई आर.सी. थी, उस समय बैंक सिर्फ सिविल कोर्ट में जा सकता था और दीवानी दाखिल कर सकता था। वहाँ तक कोर्ट में मामला चलता रहेगा और पैसे की कमी रिकवरी नहीं होती थी। वर्ष 1993 में इसी परिस्थिति के कारण एक्ट आर.डी.डी.बी.एफ.आई. एक्ट आया। इस एक्ट के आने के बाद निश्चित तौर पर डी.आर.टी. के गठन हुए। आज भी जैसा माननीय सदस्यों ने कहा है कि 70 से 72 हजार केसिज आज भी पेंडिंग हैं। यह बात ठीक है कि नम्बर ऑफ केसिज कम हुए, लेकिन उन केसिज के कम होने के बाद एन.पी.एन. पांच लाख करोड़ से ऊपर हैं। डी.आर.टी.ए. में जो भी प्रोविजन था कि छह महीने में केस जरूर डिस्पोज होगा, लेकिन जिस तरीके से एडजर्नमेंट के कारण, लम्बी डिस्पोज के कारण वहाँ फैंसला नहीं हो पाता था। पिछले दिनों चाहे वह इंडियन बैंक्स एसोसिएशन हो या बैंकर्स हो या स्टेट होल्डर्स हो, सभी ने इस बारे में सुझाव दिया और जिन्हें हमने बिल में समाहित किया।

जैसा माननीय मंत्री जी ने भी अपने बिल को प्रस्तुत करते हुए कहा कि हम इस बिल के माध्यम से चार एक्ट में हम अमेंडमेंट करने जा रहे हैं और जिसमें आर.डी.डी.बी.एफ.आई. एक्ट को अमेंड कर रहे हैं, उसमें कुछ डिस्ट्रिब्यूशन लगाया है। बैंक में अगर एन.पी.ए. बढ़ता जाएगा तो भविष्य में चाहे सोशल स्कीम्स हो, इन्फ्रास्ट्रक्चर की स्कीम्स हो या लोगों को क्रेडिट देने की बात हो, निश्चित तौर पर बैंक को पैसे की रिकवरी नहीं होती है, तो बैंक के सामने आज एक चुनौती आ गई है कि आगे से तौन कैसे देंगे।

आज हम इस बिल को लाकर भविष्य में चाहे डी.आर.टी.ए. को या आर.बी.ई. को एम्पॉवर कर रहे हैं कि जिन कठिनाइयों का सामना करते थे, उन कठिनाइयों को आगे वाले दिनों में समाधान किया जा सके। इससे पहले तौन के लिए जो सिविल कोर्ट वस्तु रखते थे, उसे तौन लेने वाले व्यक्ति बेच देते थे इस अमेंडमेंट के बाद इस पर रोक लगनेगी और अगर डी.आर.टी. का फैंसला हो जाएगा तो उस पर वह आर.सी. जारी कर सकता है। सबसे बड़ी बात यह है कि कहीं कोई फैंसला होता है तो सबसे पहले प्राथमिकता होती है कि सरकार के रेवेन्यू दिए जाएं, एरियर्स दिए जाएं, लेबर के दिए जाएं, लेकिन फाइनेंशियल इंस्टीट्यूशंस को, इन सारी संस्थाओं को बचाने के लिए जो सिविल कोर्ट क्रेडिटर्स हैं, हमने जो अमेंडमेंट किया है, वह इसलिए किया है कि उनकी प्रायोरिटी गवर्नमेंट से भी ऊपर हो, जिससे उनका पैसा उनको मिल सके। डीआरटी के वेयपर्सन्स के टर्मस ऑफ सर्विस को मोडिफाई किया गया है। डीआरटी में केसिज पेंडिंग पड़े हैं, क्योंकि वहाँ वेकेंसीज खाली हैं। यह चिंता की बात है, इसमें जो अमेंडमेंट करने की बात की गयी है, उसमें भी डीआरटी के फैंसले के खिलाफ अपील की अवधि को भी घटाने का काम किया गया है, अपीलेंट ट्रिब्यूनल में जाने से पहले बाँडर 50 पैसेट ड्यू जमा कराएगा क्योंकि यह प्रतिबंध नहीं लगाते, तो वह अपीलेंट कोर्ट में चला जाता और इससे उसे समय मिल जाता और जो रिकवरी ऑफ डेट्स की बात है, वह शायद नहीं हो पाता।

इसी प्रकार से, सरफेसी एक्ट, 2002 में भी जो वेंजेज किये गये हैं, उनमें भी कुछ महत्वपूर्ण फैंसले किये गये हैं। उसमें डिबेंचर ट्रस्टीज को पावर दिया जा रहा है कि वे कम से कम पब्लिक डिबेंचर्स होल्डर्स के हित में सिविल कोर्ट को इनफॉर्म कर सके।

इसी प्रकार से, सरफेसी के अंतर्गत जो एआरसीज (एसेट रिकंस्ट्रक्शन कंपनीज) होंगे, उनके इन्वेस्टमेंट को रिलीव किया जा रहा है और एआरसी को बनाने में जो लिमिट थी कि एक बड़े पूँजी के तौन ही उसमें शामिल हो सकते थे। अब एआरसी के गठन की प्रक्रिया को रिलीव किया गया है। सबसे बड़ी बात है कि इस एआरसी को रेगुलेट करने के लिए आरबीआई को इम्पावर किया जा रहा है, आरबीआई इम्पावर होगी और एआरसी को रेगुलेट करेगी। इससे एआरसी की कार्यक्षमता भी ट्रांसपैरेंट होगी।

हमारे साथियों ने कहा कि आखिर कोई भी फैंसला हो, यह सुप्रीम कोर्ट का फैंसला था कि कोई बात होती थी, तो उनको फैंसला करना था। लेकिन इसके बावजूद भी चाहे चीफ मेट्रोपोलिटन मैजिस्ट्रेट हो या डिस्ट्रिक्ट मैजिस्ट्रेट हो, अगर बैंक्स की कोलैटेरल सिविल कोर्ट होती थी, उसका फैंसला वहाँ तक नहीं हो पाता था। अगर किसी कोलैटेरल सिविल कोर्ट को टेक-ओवर करना है, तो अब डीएम या चीफ मेट्रोपोलिटन मैजिस्ट्रेट को 30 दिन के अंदर फैंसला करना होगा, उसके एप्लीकेशन पर, जिससे वह बैंक हो या फाइनेंशियल इंस्टीट्यूशन हो, कम से कम उसको इस बात की सुरक्षा मिल सके कि वह अपने कोलैटेरल सिविल कोर्ट को टेक-ओवर कर सके।

इसी तरह से, जो सिविल कोर्ट एसेट्स होती थी, पता चलता था कि सिविल कोर्ट एसेट्स को कहीं भी कोलैटेरल एसेट्स के रूप में दिखा दिया गया, लेकिन उस पर एक थर्ड पार्टी भी होती थी, कोई टिर्नैट होता था, कोई किरायेदार होता था, तो उसका ऑब्जेक्शन होता था, तो उस टिर्नैसी राइट को भी फैंसला करने का अधिकार सुप्रीम कोर्ट के फैंसले से था कि वह फैंसला डिस्ट्रिक्ट मैजिस्ट्रेट करेगा या कोर्ट करेगा और उन दोनों के फैंसले पर जो थर्ड पार्टी का ऑब्जेक्शन होता था, उस पर भी पेंडेंसी आ जाती थी और फैंसला नहीं हो पाता था। इस रिकवरी ऑफ डेट्स की बात कर रहे हैं या एनपीएज को रोकने की बात कह रहे हैं, हम समझते हैं कि जो महत्वपूर्ण बात है कि अभी तक पिछले कई वर्षों से जो चुनौतियाँ बनी थीं, चाहे बैंकर्स के सामने बनी हो या फाइनेंशियल इंस्टीट्यूशंस के सामने बनी हो या किसी दूसरी संस्था के सामने बनी हो। यदि किसी ने मशीनरी पर भी किसी ने तौन लिया है, जहाँ तक टैनजिबल और इन-टैनजिबल तौन की बात है, उसको भी इसके दायरे में लाया गया है। अब इसमें संशोधन करके डीआरटी को अधिकार दे रहे हैं कि यदि थर्ड पार्टी का ऑब्जेक्शन है या कोई टिर्नैसी राइट है, तो उस टिर्नैसी राइट का फैंसला डिस्ट्रिक्ट मैजिस्ट्रेट नहीं करेगा, उसका फैंसला चीफ मेट्रोपोलिटन मैजिस्ट्रेट नहीं करेगा, उस थर्ड पार्टी टिर्नैसी राइट का फैंसला अब डीआरटी करेगा।

यह स्वाभाविक है कि जब इस अधिकार क्षेत्र को डीआरटी के सेक्शन-7 से जोड़ रहे हैं, तो निश्चित रूप से वह प्रक्रिया जो बाधित होती थी और लम्बी होती थी, उससे आराम मिलेगा और उससे बहुत जल्दी इसका निस्तारण होगा।

इसी प्रकार से जो बैंक्स थे या फाइनेंशियल इंस्टीट्यूशंस थे, उनकी जो एआरसीज थी, उस एसेट रिकंस्ट्रक्शन कंपनी को एसेट्स ट्रांसफर करने के दौरान थी, तो जो आज मंत्री जी ने कहा है कि इसके चार एक्ट पर विचार करने जा रहे हैं और उनमें जो इंडियन स्टाम्प ड्यूटी एक्ट है, उसको इसलिए कर रहे हैं। ... (व्यवधान) सभापति जी, मैं अभी दो-चार मिनट और लूँगा। मैं समझता हूँ कि मैं अपनी पार्टी की ओर से दूसरा वक्त हूँ।

**माननीय सभापति :** आप बहुत अच्छे वक्ता हैं, लेकिन आप बहुत विस्तार में जा रहे हैं।

**श्री जगदम्बिका पाल :** मैं इलेक्ट्रेट नहीं कर रहा हूँ, जो अमेंडमेंट्स हुए हैं, केवल उन्हीं का उल्लेख कर रहा हूँ।

इसलिए स्टाम्प ड्यूटी से छूट का प्रावधान किया जा रहा है। इसी प्रकार से, एक डिपॉजिटरी एक्ट है, उसमें भी संशोधन किया जा रहा है ताकि उसमें शेरर्स के जो प्लेज हैं, उनको ट्रांसफर किया जा सके। उसका लाभ निश्चित तौर से मिलेगा।

महोदय, इसमें दो-तीन महत्वपूर्ण बातें हैं। इस बिल में वचन ऑफ ज्युरिस्ट्रिक्चर की जहां तक बात है तो अभी तक बायोअर या वित्तफुल डिफाल्टर को जहां वह रह रहा होता था, वहाँ की डीआरटी में उसको अप्लीकेशन डालनी होती थी, लेकिन अब क्रेडिटर कहीं भी जहां उसका अकाउंट है या बैंक की ब्रांच है, वहां की डीआरटी में फाइल कर सकता है। इसके अतिरिक्त सभी डॉक्यूमेंट्स और स्टेटमेंट्स इलेक्ट्रॉनिक फॉर्म में फाइल होंगे और डिजिटल सिग्नेचर होगा। मुझे लगता है कि हमने इस बारे में जो महत्वपूर्ण फैंसले किए हैं, चाहे वह सर्वेसाई एक्ट की धारा-14 के अंतर्गत चीफ मेट्रोपोलिटन मैजिस्ट्रेट की बात की है, चाहे वह सिविल कोर्ट क्रेडिटर्स की बात है... (व्यवधान)

**माननीय सभापति :** मान्यवर, आपको बोलते हुए 15 मिनट हो चुके हैं।

**श्री जगदम्बिका पाल :** अधिष्ठाता महोदय, मैं केवल प्वाइंट्स का उल्लेख कर रहा हूँ।

इसी तरीके से रिकवरी के प्रोसेस को हम फास्ट और कम्प्लेक्स बनाना चाहते हैं। इसके लिए हमने डेट की परिभाषा को वाइड किया है। अभी तक डेट की परिभाषा में केवल बैंक और फाइनेंशियल इंस्टीट्यूशंस के लोन ही आते थे। लेकिन अब हमने टैनजिबल और इन-टैनजिबल असेट्स को भी शामिल किया है कि अगर उनको भी क्रेडिट पर लिया गया है तो उसकी लायबिलिटी को इस लिस्ट में शामिल किया गया है। इस लायबिलिटी को इंटरमिडिएटरी और स्कूटनी के द्वारा रिकवरी प्रोसेस में लाया जा सकता है। देश और दुनिया में अब एक ही तरह के डेब्ट्स नहीं होते हैं, अब तौन कई तरह के हैं, जिनकी वसूली के लिए यह सब प्रावधान किए गए हैं।

**माननीय सभापति :** आप अब अपनी बात समाप्त कीजिए। आपको बोलते हुए 15 मिनट से ज्यादा हो गए हैं।

**श्री जगदम्बिका पाल :** पूंर्ण रजिस्ट्रेशन स्टेट सबजेक्ट है। आप भी राज्य में मंत्री रहे हैं, राज्य में रेवेन्यू मिनिस्टर थे और बहुत समय तक विधायक रहे हैं। इसका रिकार्ड स्टेट के पास होता है। एक ही पूंर्ण को कई जगह मॉनिज किया जाता है, इस तरह की बातें सरकार और कमेटी के सामने आयी हैं। हमने रिकवरी प्रोसेस की समस्या को दूर करने के लिए हमने पूंर्ण... (व्यवधान)

**माननीय सभापति :** आपकी बात हो गयी है। आप समाप्त कीजिए।

**श्री जगदम्बिका पाल :** महोदय, मैं एक-दो मिनट और लूंगा।

**माननीय सभापति :** आप अपनी बात समाप्त कीजिए, आपको बोलते हुए 16 मिनट से ज्यादा हो गए हैं।

**श्री जगदम्बिका पाल :** धारा-20 में इंटीग्रेशन ऑफ़ प्रॉपर्टी रजिस्ट्रेशन किया गया है। इसमें सभी अर्थोसिटी के रिकार्ड्स को शामिल किया जाएगा। जिसमें लैंडर्स को यह सुविधा होगी कि जिस प्रॉपर्टी को मॉर्गेज किया जा रहा है, उसके टाइटिल को चैक कर सकें।

**माननीय सभापति :** अब मेरी विवशता है। आप थोड़ा विराम अवधि के लिए भी छोड़ दीजिए।

**श्री जगदम्बिका पाल :** मैं आखिरी बात कहकर समाप्त कर रहा हूँ।

एआरसी में जो ववालीफाइड इंस्टिट्यूशनल बायर्स होते थे, उन्हें को ऑफर किया जा सकता था, लेकिन अब इस बिल में यह प्रावधान किया जा रहा है कि नॉन इंस्टिट्यूशनल इंवेस्टर्स भी ऑफर कर

सकते हैं। इससे असेट्स को लिक्विडेट करना आसान हो जाएगा और ऑफर भी अधिक मिलेगा। मुझे लगता है कि यह सब जो प्रावधान किए जा रहे हैं, चाहे धारा-7 हो, 14 हो या 26 हो, इनसे लाभ होगा, इससे

हमारा एनपीए 14 परसेंट से घटकर 3 परसेंट पर आएगा और देश की प्रगति का पहिया बहुत तेजी से चलेगा।

**श्री शैलेश कुमार (भागलपुर) :** सभापति महोदय, आज प्रतिभूति का प्रवर्तन एवं ऋण वसूली विधि तथा प्रकीर्ण उपबंध (संशोधन) विधेयक, 2016 पर जो चर्चा हो रही है, उसके संदर्भ में मैं बोलने के लिए खड़ा हुआ हूँ। निश्चय ही यह एक अच्छा संशोधन विधेयक आज सदन में लाया गया है। लगातार इसकी चर्चा हो रही है कि विश्व के बाज़ार में किस तरह से आर्थिक सुधार इस देश में भी आए, इसके लिए इस बिल का लाना बहुत ही जरूरी था। आज इस संदर्भ में बहुत सारे माननीय सदस्यों के द्वारा विस्तृत रूप चर्चा की गई है कि निश्चय ही इस बिल के लाने से कर्ज ले जो लोग विदेश भाग जाया करते थे, उसकी वसूली में कई दिक्कतें होती थीं।

चाहे बड़े उद्योगपति हों, चाहे और बड़े-बड़े लोग हों, जो बड़े लोन लेकर भाग जाया करते थे, ऋण वसूली में दिवालियापन या उस तरह की समस्याओं को दिखा कर और लगातार इसमें संशोधन हुआ, उसके बावजूद भी ऋण वसूली में जो समस्याएं आती रहीं, उस संदर्भ में संयुक्त समिति ने जो रिपोर्ट पेश की है, निश्चय ही वह बहुत ही सराहनीय है। मैं उनका समर्थन करता हूँ कि उन्होंने एक बहुत ही अच्छा संशोधन अधिनियम ला कर उसमें और कमी लाने का प्रयास करने का काम किया गया है, चाहे वह इलेक्ट्रॉनिक रजिस्ट्रेशन के माध्यम से हो, जो एक ही संपत्ति को विभिन्न बैंकों से लोन दिखा कर लोन लेने का काम करते थे, इलेक्ट्रॉनिक रजिस्ट्रेशन का जो प्रावधान किया गया है, निश्चय ही उस पर चैक लगने का काम होगा।

बड़े उद्योगपतियों या बड़े लोगों के लिए जो यह संशोधन बिल लाया गया है, निश्चय ही इसमें और कड़ा प्रावधान कर के पास कराने की जरूरत है। लेकिन उस संदर्भ में मैं कहना चाहूंगा कि जो हमारे समाज में, चूंकि हमारा देश गरीबों का देश है, देहाती क्षेत्र में जो गरीब रहते हैं, मैंने देखा है, बिहार के भागपुर क्षेत्र से मैं आता हूँ। बिहार एक गरीब राज्य है। वहां जिस तरह से गरीब लोग लोन लेने का काम करते हैं और उस पर भी जो ज्यादाती होती है, मैं उस संदर्भ में थोड़ा पॉइंट आउट करना चाहूंगा। हमारे सभी साथी बैठे हुए हैं, मैं कहना चाहूंगा कि जिस तरह से गरीब आदमी समाज में लोन लेने का काम करते हैं, किस तरह से वह गरीब जो लोन नहीं चुका पाते हैं, आखिर उसकी क्या परिस्थिति है कि वह लोन नहीं चुका पाता है, निश्चित रूप से कहीं न कहीं इसमें उसकी परिस्थिति भी जुड़ी रहती है और जो लोन लेते हैं, वह यह सोच कर लेते हैं कि यह हमें अनुदान दिया जा रहा है। उसमें जो बैंक के पदाधिकारी हों या गांव के बिचौलिए हों, निश्चित रूप से उस ऋण में भी उससे डिस्टांटे कर उसको ऋण दिया जाता है। उदाहरण के लिए जिसको एक लाख रुपये लोन मिला और उसमें से अगर 20 या 25 हजार रुपये बिचौलिए खा जाएं, बैंक के अधिकारी खा जाएं तो वह कहां से उस ऋण की वसूली कर सकते हैं? मैं कहना चाहूंगा कि गरीबों के लिए ऋण वसूली का जो नियम कानून है उसमें संशोधन लाया जाए, निश्चित रूप से उसको हल्के तरीके से गरीबों के लिए भी मदेनज़र रखते हुए ऋण वसूली का प्रावधान किया जाए। बड़े उद्योगपतियों के लिए, बड़े लोगों के लिए जो नियम-कानून बनाया गया है, निश्चित रूप से मैं उसका पूरी तरह से समर्थन करता हूँ और मैं चाहता हूँ कि उसका पूरी तरह से पालन हो।

मैं तो गांव में देखता हूँ, समाज में देखा करता हूँ कि जमीन भी नहीं है, उस जमीन के फर्जी कागज़ बना कर बैंक के पदाधिकारियों से मिल कर और उस आदमी का भी अता-पता नहीं रहता है जो लोन ले रहा है, उसके भी फॉर्जरी रेसिडेंशियल प्रूफ बना कर उस पर फर्जी लोन भी लिया जाता है। निश्चित रूप से, मैं यह कहना चाहूंगा कि गरीबों के लिए ऋण वसूली के नियम-कानून में संशोधन लाया जाए। गरीबों को भी इसके मदेनज़र रखते हुए ऋण वसूली का प्रावधान किया जाए। बड़े उद्योगपतियों के लिए, बड़े लोगों के लिए जो नियम-कानून बनाए गए हैं, मैं उसका समर्थन करता हूँ। मैं यह चाहता हूँ कि उसका पालन अच्छी तरह से हो।

मैं गांव, समाज में देखा करता हूँ कि जहां जमीन भी नहीं है, उसका फर्जी कागज़ बनाकर बैंकों के पदाधिकारियों के साथ मिलकर, जो लोन ले रहा है उसका भी अता-पता नहीं होता है और उसका भी फर्जी रेसिडेंशियल प्रूफ इत्यादि बनाकर, लोन ले लिया जाता है। मैं सरकार का ध्यान उस ओर भी आकृष्ट करना चाहूंगा। ऐसे बहुत सारे केसेज आए हैं। उसमें बहुत सारे बिचौलिए भी पकड़ में इस पर सरकार पूरी तरह से ध्यान देकर उन लोगों पर शिकंजा कसने का काम करे।

यह जो चार कानूनों में संशोधन करने का प्रस्ताव लाया गया है, तो सरकार ने और संयुक्त संसदीय समिति ने निश्चय ही एक बहुत बड़ा कदम उठाने का काम किया है, मैं गरीब लोगों के प्रति निश्चय ही सरकार से चाहूंगा कि उसकी जो ऋण वसूली की प्रक्रिया हो, उसमें थोड़ी बहुत सरलता बरतते हुए, इसमें सुगमता बरतते हुए इसे लागू करें। यह एक अच्छा बिल है, क्योंकि विश्व बाज़ार में हमारा देश भी उस स्तर पर जाए, इसके लिए जो यह कानून लाया गया है, उसके लिए मैं अपनी तरफ से सरकार को बहुत-बहुत शुभकामना देता हूँ। इस पर ईमानदारी से पूरी तरह से कार्रवाई करें।

बहुत-बहुत धन्यवाद।

**श्री कौशलेन्द्र कुमार (नांददा) :** सभापति महोदय, आपने मुझे प्रतिभूति हितों का प्रवर्तन और ऋणवसूली विधि तथा प्रकीर्ण उपबंध (संशोधन) विधेयक, 2016 पर बोलने का मौका दिया, इसके लिए आपको बहुत-बहुत धन्यवाद। माननीय वित्त मंत्री जी इस बिल को दिनांक 11 मई, 2016 को सदन में प्रस्तुत किए थे और यह विराम अवधि संयुक्त संसदीय समिति के पास विचारार्थ भेजा गया था। अब पुनः वित्त मंत्री जी वित्तीय अस्तित्वों का प्रतिभूतिकरण और पुनर्गठन तथा प्रतिभूति हितों का प्रवर्तन अधिनियम (सर्पेसी एक्ट), 2002; बैंकों और वित्तीय संस्थाओं को शोध्य ऋणवसूली अधिनियम, 1993; भारतीय स्टाम्प अधिनियम, 1899 और डिपॉजिटरीज़ एक्ट, 1996 में संशोधन तथा उसे और सशक्त एवं प्रशासनिक रूप से कारगर बनाने के लिए सदन में यह जो प्रस्ताव लाए हैं, इसका मैं स्वागत करता हूँ।

**16.42 hours (Hon. Deputy Speaker in the Chair. )**

उपाध्यक्ष महोदय, सर्पेसी एक्ट, 2002 को जब लागू किया गया था, उस समय भी एक माहौल बनाया गया था कि अब बैंक इतने सक्षम होंगे कि वे किसी भी प्रकार के ऋण देनदारी को अविलम्ब वसूल कर सकेंगे। किन्तु, आज क्या हुआ? दिनोंदिन बैंक का एन.पी.ए. बढ़ता गया। बड़े-बड़े पूंजीपतियों ने बैंकों को सरकार के साथ मिल कर लूटने का भी काम किया। आम जनता की ग़ाढ़ी



कमाई मुझी भर लोगों ने लूट ली। आज बैंक कंगाली के द्वार पर खड़े हैं। वे दिवालिया होने वाले हैं। लगभग चार लाख करोड़ रूपए के एन.पी.ए. के बारे में तो सरकार कह रही है। वित्तीय जानकारों का कहना है कि ये रूपए इस वर्ष के अन्त तक लगभग आठ लाख करोड़ रूपए हो जाएंगे। कुछ बैंक अधिकारियों ने मुझे बताया कि एन.पी.ए. 20 लाख करोड़ रूपए तक चला जाएगा। अब सरकार बताए कि चारों ओर लूट मची है और आम नागरिकों की मेहनत की कमाई कुछ चन्द लोगों के हाथों में चली गयी है। सरकार मददगार नहीं है तो फिर माल्टा जी जैसे लोग देश छोड़ कर कैसे चले गए? सरकार का डेटा है कि लगभग चार लाख करोड़ के एन.पी.ए. में 90 अरब सिर्फ सात हजार लोगों के पास बकाया है, जो एक करोड़ से अधिक के ऋण डिफॉल्टर्स हैं और ये सभी वित्तफुल डिफॉल्टर्स हैं। अभी-अभी इन लोगों का नाम बैंकों के ऑफिसर्स एसोसिएशन के द्वारा उजागर किया गया है।

उपाध्यक्ष महोदय, मैं एक-दो बिन्दुओं की ओर सरकार का ध्यान दिलाना चाहता हूँ। आप कह रहे हैं कि व्यापार को सुगम और अर्थव्यवस्था में तीव्र रफ्तार लाने के लिए यह संशोधन अनिवार्य है। क्या आप बताएंगे कि अभी डी.आर.टी. और डी.आर.ए.टी. के पास कितने मामले पड़े हैं? फिर न्यायालयों में कितने मामले लटके हैं? अगर इनकी संख्या देखी जाए तो सरकार अगले बीस वर्षों में भी इन मामलों को निपटा नहीं पाएगी। आपने तो 180 दिनों का समय कानून में पहले से निर्धारित कर रखा है। फिर केवल डी.आर.टी. में ही 70,000 मामले पेंडिंग क्यों हो गए? क्या आप यह भी सदन को बताएंगे कि अब तक सरफेसी एक्ट, 2002 के तहत बैंकों ने कितने ऋण वसूली किए? अगर किए तो यह चार लाख करोड़ रूपए का एन.पी.ए. कैसे हो गया? जब तक सरकार अपनी स्वामियों को सुधारने का कार्य नहीं करेगी, तब तक कठोर से कठोर कानून बनते रहेंगे और इस पर सही मायने में अमल किए बिना सफलता पाना मुश्किल है।

आपका यह सकारात्मक कदम है कि एक डेटाबेस बनेगा और सारी जानकारियां कम्प्यूटर पर उपलब्ध होंगी। एक बैंक, दूसरे बैंक एवं अन्य वित्तीय संस्थाओं से लिंक में रहेंगे, जिससे उनको आपस में जानकारियां मिलेंगी। इससे एक व्यक्ति अपनी आस्तियों को गिरवी रखकर कई जगहों से ऋण लेने में, घोखाघड़ी करने में सफल नहीं हो पाएगा। आपका स्टाम्प ड्यूटी हटाना भी काफी सशहनीय कदम है। इससे आरबीआई के भी हाथ मजबूत होंगे। यह अच्छी बात है। मैं आशा करता हूँ कि सरकार इस कानून को बनाने के बाद एनपीए को घटाने में सक्षम हो पाएगी।

महोदय, मैं एक उदाहरण देकर अपनी बात को समाप्त कर दूंगा। भ्रष्टाचार और घोटाले का आलम यह है कि सितम्बर, 2013 में नेशनल स्पॉट एक्सचेंज, एनएसई, मुंबई में 56 सौ करोड़ रूपए का घोटाला हुआ। बहुत से निवेशकों का पैसा कुछ ब्रोकर एक्सचेंज से सांठगांठ कर गबन कर गए। सभी सरकारी एजेंसियों को जांच में लगा दिया गया। सरकार फॉरेंसिक ऑडिट भी करवाई, एफआईआर दर्ज हुए, कुछ लोगों को दिखावे के लिए जेल भी भेजा गया और दूसरे ही दिन छोड़ भी दिया गया। आज भी आम जनता के पैसे सभी ब्रोकर डकार कर स्वतंत्र घूम रहे हैं। सरकार हाथ पर हाथ रखकर बैठी है। सरकारी एजेंसी सेबी, इंडोवल्च्यूर वित्त मंत्रालय, इनफोर्समेंट डायरेक्टरेट, ईडी, पुलिस सभी अभी तक चार्ज शीट भी फाइल नहीं कर पाई। 6,115.25 करोड़ रूपए की सम्पत्ति अभी तक जब्त की गई है। एक बड़े भ्रष्टाचार और घोटाले के उदाहरण के रूप में मैंने इसे पेश किया है। यही बात कहकर मैं अपनी बात को समाप्त करता हूँ। धन्यवाद।

SHRI M.I. SHANAVAS (WAYANAD): Thank you hon. Deputy Speaker, Sir, for giving me this opportunity to intervene in this important debate.

This is a very important legislation. I do not want to criticize the intention of the Government. But if the banks have got so many NPAs or if they are not being paid the debts due from the customers, then they cannot move ahead.

I would like to point out the main target of these amendments. Are these amendments for the upliftment of the poorer sections of the country? Many hon. Members, who have participated in this debate, have also explained as to how the banks are functioning. Even without any amendment in the SARFAESI Act, banks could have taken back the money from poor farmers or students.

Now, I would like to point out two or three very important points because I do not want to take much time of this august House. Here, the statistics give us a very clear picture as to how banks are being used by the corporate sector. The public sector banks, at present, have almost given Rs. 4,87,522 crore to the corporate sector. That is more than one-third for the farmers etc. Therefore, how the agricultural sector is being financed by the banks? The outstanding loans of PSBs to the agriculture and corporate sectors is Rs 6.83 lakh crore and Rs 27.71 lakh crore, respectively. The banks are being used by the corporate sector. So many issues are coming in the newspapers.

Mr. Deputy Speaker, Sir, you may remember that according to a news item, in your own State, Tamil Nadu, so many bad things have come. Now, there is an Asset Reconstruction Company in Kerala which is being managed by the Reliance Group. So many cases have been filed in the High Court of Kerala. The hon. Minister of State for Finance may see as to why you are engaging such companies to extract money from the people. This ARC goes to the poor people's houses. They attach their properties. They threaten them. But the High Court of Kerala has said that this is a wrong practice; banks shall not use such coercive means to extract money. Let me ask the hon. Government, will this Government take action against the corporate houses who have NPAs? Many corporate sectors have lakhs of crores of rupees of NPAs in various banks. They are getting the money. They are getting deposits in the banks. But the poor people, who take a simple loan, are being harassed.

I will cite one report from *The Indian Express*. A lady took a loan of about Rs. 70,000 and her outstanding amount was Rs. 58,000. Her photograph was given in the advertisement showing her as a defaulter by the Asset Reconstruction Company. Has the Asset Reconstruction Company given the photograph of a corporate MD, of a corporate man, or a rich man? But, the list of these poor people is being published by the Asset Reconstruction Companies.

I come from a very poor area of my State, that is Wayanad. There are tribal people who have taken loans. There are farmers who have taken loans. For small farmers, if a loan of Rs. 50,000 or Rs. 1 lakh is outstanding, their houses are going to be attached under the SARFAESI Act.

I would like to conclude. Before concluding, I want to say that the intention of the Government is good. But, this Act is against the poor people and against the education loans. Thousands and lakhs of students have taken the education loans. SBT and SBI are engaging the Reliance company to extract money. They are going to the poor people. They are not going to get money from the rich people. Since the hon. Minister of State for Finance is here, I would like to point out that amalgamation of SBT and SBI is going to happen in my State.

The SBT is the treasury of Kerala for the past so many years and even now also, it is working as the treasury. It is the common man's bank. Now, when the SBT is amalgamated with the SBI, the problem comes is that the SBI has got the greatest number of defaulters of the corporate sector. The entire amount of SBT will go to corporate. When the poor people of Kerala go to the SBT, they see the SBT as their own bank. The Kerala Assembly discussed it and almost

unanimously said that the amalgamation of the SBT and the SBI should not happen. The SBT has got Rs. 1,80,000 crore. So, please desist from amalgamating the SBT with the SBI. I would finally appeal to the Government to desist from taking these steps in the name of the SARFAESI

**श्री दुष्यंत चौटाला (हिंसार) :** उपाध्यक्ष महोदय, आपने इन्फोर्समेंट ऑफ सिविलिटी इंडस्ट्री, रिक्वरी ऑफ डेब्ट लॉ एंड मिसलेनियस प्रोविजन अमेंडमेंट बिल 2016 पर बोलने का मौका दिया। आज यह बिल एक नहीं बल्कि चार सरोफेसी बिल, रिक्वरी ऑफ डेब्ट ड्यूटी एंड फाइनेंशियल इंस्टीट्यूशन अमेंडमेंट बिल, इंडियन स्टैम्प एक्ट, डिपोजिटरी एक्ट 1996 पर जो वेंजेज लेकर आए हैं, चर्चा के लिए बहुत ही महत्वपूर्ण बिल आया है। मेरे से पूर्व बहुत सारे सदस्यों ने इस बिल पर अपने विचार रखे हैं, अभी हमारे केबल के साथी अपनी बात रख रहे थे वह भी बहुत गंभीर हैं। भारतीय जनता पार्टी के श्री जगदम्बिका पाल ने चर्चा शुरू करते हुए बताया था कि 1990 के दशक में छह हजार करोड़ रुपये एनपीए था। आज 2016 में सवा चार और साढ़े लाख करोड़ रुपये एनपीए हो गया। मेघालय के साथी सवा आठ लाख करोड़ रुपये बता रहे हैं। अगर एनपीए में इतना ज्यादा इन्फ्लेज आया तो इसका क्या कारण है? पिछली सरकारों की भी इसमें कमियां रही हैं मगर जब हम आउटस्टैंडिंग बिल की बात करते हैं तो जो गरीब व्यक्ति है चाहे वह किसान हो, मजदूर हो, स्टूडेंट्स हो अगर इनके अनुपात को देखें तो शायद प्वाइंट्स में आ जाएगा, लेकिन अगर कोई बड़ा डिफाल्टर है तो वह बड़े-बड़े पूंजीपति हैं। आज तक जब भी हम रिक्वरी के लिए डीईआरटी के माध्यम से बड़े-बड़े पूंजीपतियों को लेकर जाते हैं तो कभी भी उनकी रिक्वरी इस देश में उनकी जायदाद को जब्त करके नहीं देखी। अगर किसान की बात आ जाए, एक स्टूडेंट की बात आ जाए, मजदूर की बात आ जाए, अगर वह छोटा लोन लेता है तो पहली वार्निंग, दूसरी वार्निंग के बाद उसकी अखबार में फोटो छाप दी जाती है। उसकी जमीन पर डिप्टी कमिश्नर और डिप्टी मजिस्ट्रेट के आदेश पर सिलिंग कर दी जाती है।

उपाध्यक्ष महोदय, सरकार इस पर गंभीर दिख रही है, इस बिल के अनुसार डिप्टी मजिस्ट्रेट को तीस दिन का समय दिया गया है। क्या हम डिप्टी मजिस्ट्रेट को पाँच देने के माध्यम से हम दोबारा इंस्पेक्टर राज स्थापित करने का काम तो नहीं कर रहे हैं? बहुत बड़ी ऐंथारिटी एक डिप्टी कमिश्नर के हाथ में देने का काम कर रहे हैं। अगर सरकार इतनी ज्यादा गंभीर है तो क्यों नहीं डीईआरटी जैसे इंस्टीट्यूट को डिस्ट्रीब्यूट लेवल पर लाया जाए। जो डेट रिटेंड छोटे-छोटे मामले हैं उन्हें गांव में जाकर तहसील या सब-डिवीजन में जाकर शार्ट आउट कराने का काम किया जाए। हमने निरंतर देखते हैं कि इसके अंदर सेन्ट्रल रजिस्ट्री की बात की गई है जो सेन्ट्रलाइज्ड रिकार्ड मेंटेन करेगी। सबसे बड़ा सवाल है कि सेंट्रल रजिस्ट्री की स्थापना कब तक इस देश को मिलेगी क्योंकि अगर सेंट्रल रजिस्ट्री की स्थापना नहीं होगी तो इस बिल को आज हम पास कर दें, कल राज्य सभा पास कर दें और परसों राष्ट्रपति महोदय इस पर हस्ताक्षर कर दें।

## 17.00 hours

उपाध्यक्ष महोदय, जब तक इस देश में सेंट्रल रजिस्ट्री नहीं बनेगी, तब तक हम इस लॉ को पूरी तौर से इम्प्लीमेंट होता हुआ नहीं देखा पाएंगे। इसके अंदर लिखा हुआ है कि यदि आज कोई लोन लेता है और वह किसी सिविलिटी के डिप्टी को इस बिल के अनुसार बैंक के पास जमा कराता है, तो यह बहुत अच्छा निर्णय है कि उसके माध्यम से भी रिक्वरी होनी चाहिए। यह अच्छी बात है, मैं यदि अपने भरोसे पर किसी को पांच रुपए का लोन दिलाता हूँ और यदि वह डिफॉल्टर होता है, तो वह मेरा भरोसा था। उस गलती के अंदर मैं भी हिस्सेदार हूँ। मगर क्या उस सिविलिटी के डिप्टी को भी समय दिया जाएगा या एक की गलती के कारण मुझे पांच दिन की भी मोहलत नहीं मिलेगी और मेरे पांच रुपयों को जब्त करने का काम सरकार करेगी? इस पर भी सरकार को पूर्ण विचार करना चाहिए।

उपाध्यक्ष महोदय, मुझे एक चीज बहुत दुःख लगी। ... (व्यवधान) मैं एक मिनट में कन्वल्ड कर रहा हूँ। जहां हम ट्रिब्यूनल के मैम्बरान की उम्र की बात करते हैं कि 62 से 65 वर्ष कर दी और 65 से 67 वर्ष कर दी और उसके बाद भी It can be increased. हमारा युवा देश है। आज हमें रिटायर्ड लोगों की उम्र बढ़ाने से ज्यादा जरूरी नए टैलेंट को, नई सोच को सिस्टम में लाने की जरूरत है। चूंकि यहां माननीय वित्त मंत्री जी मौजूद हैं, इसलिए मैं आपके माध्यम से उनसे आग्रह करूंगा कि इस प्रॉब्लम को आप अमेंड करिए। आपके पास टेलेटेड लॉयर्स हैं। आप जैसे लॉयर आकर इस सिस्टम के अंदर नई सोच दे सकते हैं। कृपा कर के नई सोच को इस सिस्टम में आने का मौका दीजिए। स्वयं प्रधान मंत्री जी कहते हैं कि हमें युवाओं को आगे लाना है। जो लोग इस सिस्टम में अमेंडमेंट्स लाते रहे हैं, बिल बनाते रहे, यदि उन्हें लोगों को हम जगह देते रहेंगे, तो फिर हम इस सिस्टम के अंदर कितने ही बिल लाएं, हमेशा उन बिलों में हमें कमियां देखने को मिलेंगी।

महोदय, लास्ट में, मैं यही आग्रह करता हूँ कि सरकार द्वारा जो स्मॉल और मार्जिनल फॉर्मर्स और स्टूडेंट्स हैं, उनके लिए इस पर दुबारा पूर्ण विचार कर कोई कदम उठाया जाए।

मुझे बोलने के लिए समय देने के लिए मैं आपको बहुत-बहुत धन्यवाद देता हूँ।

**श्री हुकुम सिंह (कैराना) :** माननीय उपाध्यक्ष महोदय, जो विधेयक माननीय वित्त मंत्री जी लाए हैं, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ।

मैंने इस विधेयक का अध्ययन किया है और मैं कह सकता हूँ कि निश्चित रूप से यह बहुत प्रभावी विधेयक होने जा रहा है। यदि हमारे 5 लाख करोड़ या 8 लाख रुपए फंस जाएं, तो हमारे देश की अर्थव्यवस्था पर उसका कितना फर्क पड़ेगा, यह समझने की बात है। यदि बैंकों का वह पैसा आज बैंकों के पास रहा होता, तो देश में उद्योग लगाने और विकास के काम करने के लिए वह सारे देश को उपलब्ध रहता। मैं समझता हूँ कि अब उस पैसे को कैसे लाया जाए और उसकी पुनरावृत्ति न हो, उसे रोकने के लिए ही यह विधेयक लगाया गया है; हालांकि प्रयास पहले भी किया गया था और वर्ष 1994 में आप इस संबंध में विधेयक लाए थे।

महोदय, पहले इस संबंध में बहुत साधारण और सामान्य प्रक्रिया थी कि यदि किसी के ऊपर बैंकों का पैसा ड्यू है, तो आप सीधे सिविल कोर्ट में जाइए और मुकदमा कीजिए। जब यह कारगर सिद्ध नहीं हुआ, तो फिर व्यवस्था बदली और यह बदली कि 10 लाख से ऊपर के जितने मुकदमे बैंकों के कोर्ट्स में पेंडिंग थे, वे सारे के सारे स्वतः ही ट्रिब्यूनल में ट्रांसफर भी हो गए और कोशिश यह की गई कि 180 दिन में केस का निस्तारण हो जाए, परन्तु जो न्यायिक प्रक्रिया है, वह इतनी जटिल है कि कितने ही कानून हम बना लें, उस जटिलता को हम तोड़ नहीं पा रहे हैं। स्पष्ट था कि 180 दिन में आप निर्णय दें, लेकिन कभी एडजर्नमेंट लेकर, कभी कुछ और कारण से मुकदमों की पेंडेंसी अब तक 70 हजार हो गई है। जहां 70 हजार वाद पेंडिंग हों और इतनी बड़ी धनराशि 8 या 9 करोड़ रुपए की फंस जाए, तो निश्चित रूप से हमारी अर्थव्यवस्था पर उसका प्रतिकूल प्रभाव पड़ेगा।

महोदय, अब पूछ यह है कि इस समस्या का निस्तारण क्या हो, समाधान क्या हो? एक समाधान तो माननीय वित्त मंत्री जी ने इस विधेयक को लाकर किया कि हम व्यवस्था को प्रभावी बनाएं, उसका सरलीकरण करेंगे और सरकार ने कानून बनाने के साथ-साथ नियम बनाने का भी अधिकार अपने हाथ में लिया है। इसके माध्यम से कहा गया है कि अदालत का जो प्रोसीजर होगा, उसे भी नियमित करने का अधिकार हमारे पास होगा, तो बात आगे बढ़ेगी। लेकिन इसमें एक समस्या है, इसलिए मैं चाहता हूँ कि जब माननीय वित्त मंत्री जी इस बहस का जवाब दें, तब इसका समाधान कर दें कि अगर केवल कानून बनाने मात्र से समस्या का समाधान हो जाए, तो फिर कोई बात नहीं। समस्या का समाधान हो जाएगा। ट्रिब्यूनल का फैसला फाइनल हो जाएगा, आगे दूसरी अदालतों भी हैं, हाई कोर्ट भी हैं। वहां जाने से किसी को कोई नहीं रोक सकता है।

मान्यवर, मैं एक उदाहरण देकर अपनी बात की पुष्टि करना चाहता हूँ। मेरे पास एक उद्योगपति आया। एक अपकमिंग यंगमैन था, जिसने बैंक द्वारा ऑक्शन की गयी एक इंडस्ट्री को खरीदा। उसने इस इंडस्ट्री को खरीदने के बाद उसमें सारा पैसा लगा दिया। जब वह उस इंडस्ट्री को चलाने लगा, तो उसे पूंजी की और आवश्यकता पड़ी, लेकिन वह पूंजी नहीं जुटा पाया। इतने में बैंक ने उसे नोटिस दे दिया। वह उद्योगपति यह चाहता था कि किसी तरह ओटीएस हो जाये, यानी वन टाइम सेटलमेंट हो जाये और वह आदिस्ता-आदिस्ता उस पैसे को दे दे। सारे प्रयास करने के बावजूद भी वह कोई व्यवस्था नहीं कर पाया। वह मुम्बई में भी सबसे मिला, लेकिन बात नहीं बन पायी। किसी ने भी उसकी बात नहीं मानी।

मान्यवर, अंत में वह हाई कोर्ट से स्टे ले आया। हमारी सारी बैंकिंग व्यवस्था एक तरफ रह गयी। अगर हमारी सोच थोड़ी सकायात्मक हो जाये और हम समस्या को समझकर उसका समाधान वहीं निकालें, तो बहुत कुछ मुकदमेबाजी दूर हो सकती है। यह एक सोच की बात है, क्योंकि बैंक केवल सामान्य संस्था नहीं है, वह हमारा ट्रस्ट है। हमें बैंक के ऊपर विश्वास है कि वह एक अलग संस्था है

और वह एक व्यावहारिक दृष्टिकोण अपनायेगी। मैं चाहता हूँ कि इस बारे में भी विचार किया जाये कि हमें उनकी सोच में, चिंतन में रिफॉर्म करने की आवश्यकता है या नहीं?

मान्यवर, मैं कल नोएडा गया था। वहां 20-20, 25-25 मंजिल की बिल्डिंग्स हैं, लेकिन उनमें कोई नहीं रहता। वे सारी बिल्डिंग्स खाली पड़ी हैं, गाजियाबाद में भी बिल्डिंग्स खाली पड़ी हैं, फरीदाबाद में भी बिल्डिंग्स खाली पड़ी हैं, इसी तरह गुडगांव में भी यही हालत है। कम से कम लाखों-करोड़ों रुपये इन बिल्डिंग्स में लगे हैं। अब यह पैसा कहां से लगा है? उन बिल्डर्स ने यह पैसा बैंक से ऋण लेकर लगाया है या फिर उनका काला धन था। उन्होंने उन दोनों पैसों को मिलाकर वहां लगा दिया। आज कानून बनाने के बाद हमें यह अधिकार मिल गया कि हम उस भवन को, बिल्डिंग को ले सकते हैं, तो उसका क्या होगा? हमसे उसकी गेनटेनेंस के साथ-साथ रक्षा भी नहीं हो पायेगी। हमें सोचना चाहिए कि कैसे यह समस्या सुलझे? यह समस्या तब सुलझेगी जब, सुलझाने का मन होगा। हम मुकदमे, लिटीगेशन में जाने के बजाय एक व्यवस्था बैंक में पैदा करें, बैंक के अधिकारियों की पैदा करें, जो केवल इसी काम को करें। बैंक के जो वरिष्ठ अधिकारी हैं, वे दोनों पक्षों को सुनकर साथ-साथ उसका हल निकालते रहें। इससे समस्या बहुत कुछ हल हो सकती है।

मान्यवर, आपको ध्यान में होगा कि कुछ वर्ष पहले अमेरिका में पूरी क्राइसिस आ गयी, जिससे सारा बैंकिंग सिस्टम फेल हो गया। अमेरिका का जो सबसे बड़ा बैंक था, वह भी फेल हो गया। मैंने इसका थोड़ा अध्ययन किया कि वह क्यों फेल हुआ, अमेरिका की इतनी बड़ी अर्थव्यवस्था है, वहां पर यह नौबत क्यों आयी? मुझे यह जानकारी मिली कि विश्व में ऐसे लोग, जिन्होंने सत्ता पर कब्जा किया हुआ है, जिनका कोई जनाधार नहीं है, लेकिन मिलिट्री के बल पर या किसी और बल पर कब्जा कर लिया, खास तौर से अफ्रीकन कंट्रीज में, कुछ एशियन कंट्रीज में भी डिक्टेटर बनकर बैठे हुए हैं, उन्होंने रिक्टजरलैंड की बजाय अमेरिका की इकोनॉमी को ज्यादा सुरक्षित माना और अपने देश के गरीबों का पैसा वहां के बैंकों में जमा कर दिया। अमेरिका में ऐसी कोई व्यवस्था नहीं थी कि वे पूछें कि यह पैसा कहां से आया। वह अनएकाउंटेड मनी थी। उनके बैंकों की अर्थव्यवस्था एकदम सुधरी, क्योंकि वहां बहुत पैसा आ गया। उस पैसे को कहीं जनरेट करने के बजाय बैंक कर्मचारियों, मैनेजर, चेयरमैन आदि ने अपने वेतन, सुविधाएं काफी बढ़ा लीं। किसी सरकारी अधिकारी के पास भी इतनी सुविधाएँ नहीं थीं, जितनी उनके पास थीं। अंततोगत्वा ओवर डिपॉजिट होने से भी, बैंक में ज्यादा पैसा होने के बावजूद भी बैंक फेल हो गये। आज अमेरिका को मजबूर होकर इस बात के लिए कानून बनाना पड़ा कि अगर पैसा आयेगा, तो यह दिखाना पड़ेगा कि यह पैसा कहां से आया है।

मान्यवर, हमारे देश में अच्छी सरकार, अच्छे वित्त मंत्री, अच्छी सोच है, तो उसके साथ-साथ हम क्यों नहीं इस व्यवस्था में सुधार करने की कोशिश करें, ताकि लोग इस पैसे को ब्लॉक न कर दें, जैसे आज किया हुआ है। यह सोचने की बात है। हालांकि बहुत से वक्ताओं ने कहा और अखबार में भी बहुत निकला कि एक व्यक्ति इतना शक्तिशाली कैसे हो गया। हमारी क्या व्यवस्था थी कि वह 9 हजार करोड़ रुपये चोरी करके वहां से बाहर ले जाने में सफल हो गया। इसमें कहीं न कहीं कमी है। हम अब उसके ऊपर मुकदमा करते रहेंगे। क्या मुकदमा करने से पैसा वापस आ पायेगा? वह पैसा नहीं आ पायेगा। वह पैसा जाने की स्थिति नहीं आनी चाहिए थी। अगर हमारे वे कर्मचारी और अधिकारी सजग और सचेत रहे होते, तो यह स्थिति न आती। आज आवश्यकता है कि इस सारी व्यवस्था पर विचार किया जाये।

मान्यवर, आपका बिल स्वागत योग्य है, क्योंकि आपने इसे सरल और व्यावहारिक बना दिया है, जो लोग चोरी करके भागना चाहते थे, उन पर अंकुश लगाने का भी काम किया गया है। मेरी राय यही है कि केवल कानून बनाने से काम चलने वाला नहीं है, हमें अपनी सोच में आमूल-मूल परिवर्तन करना होगा, बैंक्स की सोच में परिवर्तन करना होगा, ताकि आगे लोग सोचें कि हमें इनवेस्टमेंट कहां करनी है, वहां से पैसा वापस आ पाएगा या नहीं। जो पैसा उन लोगों को दिया गया, जिन्होंने भवन बनाकर खाड़े कर दिए, उनमें कोई नहीं रहता है, रियल एस्टेट में पैसा लगा दिया, अगर बैंक्स इस बात को सोच लेते तो शायद यह नौबत न आती।

निश्चित रूप से मैं यह अपेक्षा करता हूँ कि हम इस विषय पर गंभीरता के साथ पुनः विचार करेंगे और विचार करने के बाद एक सिस्टम भी सजा करेंगे। कानून बदलने के साथ-साथ सिस्टम को भी डेवलप करने की जरूरत है।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

**श्री प्रेम सिंह चन्दमजरा (आनंदपुर साहिब) :** डिप्टी स्पीकर साहब, मैं एनफोर्समेंट ऑफ सिविलिटी इंस्ट्रूट्स एंड रिकवरी डेट्स लॉज एंड मिसलेनियस प्रॉविजनस बिल, 2016 पर बोलने के लिए खड़ा हुआ हूँ।

जहां तक इस बिल को लाने के लिए सरकार की इंटेंशन का सवाल है, इस बिल की जरूरत का सवाल है, मैं समझता हूँ कि वह बिल्कुल ठीक है, क्योंकि यह सच है कि देश की इकोनॉमी को आगे दौड़ाने के लिए, इकोनॉमी की गाड़ी दौड़ाने के लिए यह जरूरी है कि जो फाइनेंशियल इंस्टीट्यूशंस डेड हुई पड़ी हैं, जिन पर ब्रेक्स लगनी हुई हैं, उनको ठीक किया जाए। जिस देश के बैंक्स और फाइनेंशियल इंस्टीट्यूशंस का एनपीए आठ लाख करोड़ रुपये से ज्यादा हो गया है, वहां की इकोनॉमी को ब्रेक्स लगनी ही हैं, इसलिए मैं समझता हूँ कि माननीय वित्त मंत्री जी ये ब्रेक्स हटाने के लिए, इकोनॉमी को आगे बढ़ाने के लिए और डेट रिकवरी के लिए ये नए अमेंडमेंट्स लाए हैं, इनसे काम आने लगेगा। मैं केवल दो-तीन वतरीफिकेशन एवं सुझाव देने के लिए खड़ा हुआ हूँ।

**17.12 hours (Hon. Speaker in the Chair.)**

मैंडम स्पीकर, पहली बात यह है कि पहले भी बहुत बार डेट रिकवरी के लिए कोशिशें होती रहीं, कानून बनते रहे, मगर वे इफेक्टिव नहीं हुए। मैं समझता हूँ कि सबसे ज्यादा जरूरी है कि जो एनपीए है, इसकी भी वलासीफिकेशन होनी चाहिए कि कौन-कौन लोग हैं, जो एनपीए के लिए जिम्मेदार हैं। इसके लिए किसी हद तक फाइनेंशियल इंस्टीट्यूशंस भी जिम्मेदार हैं। जो लोग लोन लेते हैं, जो बड़ी-बड़ी कंपनियां हैं, वे भी इसमें जिम्मेदार हैं। यदि इसकी स्टडी कराई जाए तो बड़े-बड़े लोग इसमें दिखाई देते हैं और जो छोटे लोग हैं, उनको मजबूर करके, कोर्ट के जरिए, कानून के जरिए उनसे रिकवरी की जाती है। इसलिए मैं समझता हूँ कि यह वलासीफिकेशन जरूर होनी चाहिए, क्योंकि कई बार चोर बच जाता है और सही आदमी फंस जाता है।

मैं एक एजाम्पल देना चाहता हूँ, यूपीए सरकार ने किसानों का कर्ज माफ किया और कहा दिया कि जो डिफाल्टर्स हैं, उनका कर्ज माफ होगा और दूसरों का नहीं होगा। पंजाब के लोग कर्ज उतारने के लिए कर्ज ले लेते हैं, उनकी ऐसी हैबिट है कि वे कर्ज नहीं बढ़ाना चाहते हैं, इसलिए पंजाब का कर्ज बिल्कुल माफ नहीं हुआ। सच यह है कि पर-एकड़, पर-फैमिली और पर-मैन सबसे ज्यादा पंजाब का कर्ज था। इसलिए जो लोग मिसजूस करते हैं, जो लोग नोइंगली फाइनेंशियल इंस्टीट्यूशंस को जूस करते हैं और पैसे को इधर-उधर ले जाते हैं, उनकी पहचान होनी चाहिए।

डेट रिकवरी के बारे में मैं माननीय वित्त मंत्री जी से जानना चाहता हूँ कि फाइनेंशियल इंस्टीट्यूशंस को आप बिल्ड करने के लिए, उनको आगे दौड़ाने के लिए यह कोशिश कर रहे हैं, अच्छी बात है, इससे इकोनॉमी ग्रे करेगी, किन्तु यह सच है कि बैंकबोन ऑफ इकोनॉमी एग्जीक्यूटिव सेक्टर है और यह भी सच है कि आज किसानों सबसे ज्यादा कर्जदार हुई हैं। आज देश में किसी अन्य सेक्टर में खुदकुशी नहीं होती है, केवल किसान खुदकुशी के रास्ते पर चल रहा है। किसान को कर्ज मुक्त करने के लिए, किसानों के कर्ज का वन टाइम सेटलमेंट करने के लिए, क्या सरकार कोई उपाय कर रही है? जहां फाइनेंशियल इंस्टीट्यूशंस की चिन्ता है, वहीं किसानों को भी कर्ज मुक्त करने के लिए वन टाइम सेटलमेंट का कोई उपाय करना चाहिए। प्रधानमंत्री जी कई बार बोल चुके हैं कि जब तक किसान आगे नहीं बढ़ेगा, एग्जीक्यूटिव सेक्टर प्रॉफिट में नहीं आएगा और एग्जीक्यूटिव सेक्टर की इकोनॉमी नहीं बढ़ेगी, तब तक देश की जीडीपी नहीं बढ़ पाएगी। इसलिए जब यह माना जाता है कि एग्जीक्यूटिव देश की इकोनॉमी की बैंकबोन है तो इसके वन टाइम सेटलमेंट के लिए माननीय वित्त मंत्री जी ने क्या सोचा है और इसके लिए क्या उपाय हो रहे हैं? यह वतरीफिकेशन मैं लेना चाहता हूँ।

मैं इस बात के लिए माननीय मंत्री जी को धन्यवाद देता हूँ कि वे फाइनेंशियल इंस्टीट्यूशंस को वर्किंग में लाने के लिए यह बिल लाए हैं। साथ ही मैं यह भी जरूर चाहूंगा कि एग्जीक्यूटिव में कर्ज के बारे में वन टाइम सेटलमेंट की कोई स्कीम लाई जाए। धन्यवाद।

SHRI N.K. PREMACHANDRAN (KOLLAM): Madam Speaker, I thank you very much. The proposed Amendment Bill is mainly intended to amend two

Acts, that is, the SARFAESI Act of 2002 and the DRT Act 1993 along with two other Acts – the Stamp Act as well as the Depositories Act of 1996.

The main objective of the proposed Bill is to improve the ease of doing business so as to facilitate investment leading to higher economic growth and development in our country. I fully support the Government as far as the intention of the Bill is concerned, that is, NPA which is accumulating like anything in the country has to be checked in a strict manner. That is the need of the hour. I fully agree with that position. The intention of the Bill is to address the issue of the stressed assets. Most of the hon. Members have already pointed out about the present situation in our country regarding the stressed assets. The present situation is that we have Rs. 8 lakh crore of stressed assets. That means, 5.6 per cent of the Indian GDP is the stressed asset. It is an alarming fiscal situation in our country. The latest forecast shows that the stressed assets of Indian banks would grow 11 per cent to 12 per cent in the financial year 2016-17. According to the Reserve Bank of India, 10.9 per cent of all loans are stressed. It would cross Rs.8 lakh crore by March. The public sector banks have already written off Rs.1.14 lakh crore as bad debts or debts which are not recoverable.

The question which I would like to pose before the hon. Finance Minister is as to who are the real defaulters contributing to these huge non-performing assets in our country. Kindly see that bad loans in the banks are increasing day by day. The statistics which we have taken from the Library shows that as on 31<sup>st</sup> March, 2002, the gross NPA in terms of rupees in public sector banks alone is Rs.54,673 crore. When we come to 2016, it has come to Rs.5,39,995 crore as NPA of the public sector banks alone. That means, there has been a ten times increase within a span of 14 years. It means, we are not able to check NPA. This is in respect of the public sector banks alone. If we calculate this in terms of private banks, it will approximately cross Rs. 10 lakh crore. So, where is the country going with this non-performing asset? Why is this? Who is to answer for this?

The hon. Finance Minister recently stated that there are 7,000 wilful defaulters. That will come around Rs.76,000 crore as the amount of wilful defaulters. Wilful defaulters and other defaulters are entirely different. Out of the 7000 wilful defaulters, 5,601 wilful defaulters are from the public sector banks. That will come around Rs.58,000 crore. Here lies the main question. My question to the hon. Minister is that wilful defaulters should be treated as criminal offenders. It is because they are cheating the country. They are having the money but they are not paying it. 'Wilful default' means defrauding the bank, misusing the money, abusing the loan and diverting the money. These kinds of transactions are called as 'wilful default'. My point is that instead of considering it as a civil liability or a civil dispute, wilful defaulter should be treated as criminal offenders and it should be treated as a criminal offence. That is the first point which I would like to make regarding this Bill.

Coming to the Act, most of the points that have been made is that there are two Acts, that is, the SARFAESI Act as well as the DRT Act of 1993. Both these Acts have already been discussed. The point is that even after the legislation of these two Acts we are not able to check the increase in nonperforming assets and we are not able to recover bad loans so far.

I now come to the statistics of the performance of Debt Recovery Tribunals and Debt Recovery Appellate Tribunals. You may kindly see the percentage of realisation of amounts through DRT. In the year 2010-11 the money which was recovered compared to the number of cases referred and the amount of rupees in bad debts was 27 per cent; in 2011-12 it was 17 per cent; in 2012-13 it was 14 per cent; in 2013-14 it was 10 per cent; and in 2014-15 it was 14 per cent. That means, recovery of bad loans through the Debt Recovery Tribunals is declining. Statistics of realisation of loans through DRTs is not satisfactory. The functioning of DRTs and DRATs have to be reviewed. That is the request I would like to make before the hon. Minister.

Madam, by virtue of the 1993 Act, the banks and financial institutions are having the easiest remedy to recover their loans. However, cases in which amount of recovery is more than 10 lakh have already been transferred to DRTs. What was the provision? Actually the time for disposal of cases before the DRT should be a maximum of 180 days. However, now years are being taken to dispose of the cases. The amendment seeks expeditious disposal of recovery applications and electronic filing of applications. All these things are there.

The point which I would like to highlight is that legislations are not sufficient to meet the situation. The hon. Finance Minister with his legal background is pushing through many legislations so as to have fiscal reforms in our country. But unfortunately the results as far as recovery of loans and checking of NPAs are not up to the mark. Mere legislations and new mechanisms enunciated out of legislations are not sufficient. The Government should have the will power, especially political will, to control and check NPAs, especially those created by the rich and the corporate entities.

It is the poor students who are being punished. The SARFAESI Act is being implemented not against the rich people. We know the example of *â€* \* .

HON. SPEAKER: No names.

SHRI N.K. PREMACHANDRAN: It is being applied against farmers, students, MSME loans, housing loans etc. The SARFAESI Act as well as the DRT Act have to be implemented in a stringent manner. They should be applied against the rich and the corporate entities. I would like to know from the hon. Minister whether a list of wilful defaulters will be published and whether he will have the will power to control and check corruption as also contain NPAs by addressing them.

With these points, I conclude.

SHRI C.N. JAYDEVAN (THRISSUR): Respected Chair, the Enforcement of Security Interest and Recovery of Debt Laws and Miscellaneous Provisions (Amendment) Bill 2016 seeks to amend four Acts including the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and Recovery of Debts to Banks and Financial Institutions Act 1993.

This amendment Bill is very important considering the grim situation of the banking sector in the country today. The gross bad loans of commercial banks increased to 8.5 per cent of total advances by March 2017 from 7.6 per cent in March 2016 according to the Reserve Bank of India's Financial Stability Report released recently. The gross bad loans of public sector banks increased to 9.6 per cent as of March 2016 from about six per cent a year earlier.

The gross Non-Performing Assets to total advances of public sector banks as on 31.03.2016 was Rs. 4,76,816 crore that is 9.32 per cent. The All India Bank Employees Association has announced the names of 5,600 wilful defaulters who collectively owe public and private sector banks over Rs. 58,790 crore as on March 2016. The State Bank of India was defrauded by more than 1,030 borrowers totalling Rs. 12,091 crore.

The higher rate of NPAs has weakened the profitability and liquidity position of the banks, necessitating the recent recapitalisation of public sector banks to the tune of Rs 22,915 crore. It is the public funds or the taxpayers' money being provided year after year to the ailing banks without any commendable changes in the governance of these banks. The Reserve Bank of India has taken some measures since January 2014 after Shri Raghuram Rajan became the Governor of RBI for recovery of bad loans, like restructuring bad debts, boosting the Asset Reconstruction Companies etc. But these measures have not served their intended purposes.

In such a situation, I hope the present Bill will help in expeditious recovery of bad loans and strengthen the ailing public sector banks and financial institutions in the country. With this, I support the Bill. Thank you.

**श्री गोपाल श्रेष्ठ (मुम्बई उत्तर) :** माननीय अध्यक्ष महोदया, The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016 का समर्थन करने के लिए मैं खड़ा हुआ हूँ।

इस बिल के संबंध में श्री शेखावत जी और श्री जगदम्बिका पाल जी ने अपनी ओपनिंग स्पीच में सभी अमेंडमेंट्स पर अपनी बातें रखीं, इसलिए मैं उसकी डिटेल् में नहीं जाना चाहूँगा।

समिति के सभी साथियों ने और सभापति श्री भूपेन्द्र यादव जी ने जिस तरह से काम किया, उसके लिए मैं उनको धन्यवाद देना चाहूँगा। साथ ही, अधिकारी वर्ग ने जो काम किया, खासकर सही समय पर बिल को सदन में लाने के लिए, उन्होंने रात में भी काम करके इस बिल को यहाँ तक लाने में अपना योगदान दिया है, इसके लिए भी मैं उनको धन्यवाद देना चाहूँगा। साथ ही, जो अमेंडमेंट्स मूव किये गये, जो सही थे, उनको अधिकारी वर्ग ने अच्छे मन से स्वीकारा और जो सही नहीं थे, उन पर सभी सदस्यों को कंविन्स करने का काम किया, इसके लिए भी मैं उनको धन्यवाद देना चाहूँगा।

पिछले दस-पन्द्रह वर्षों में विलफुल डिफॉल्टर्स का एक दौर चला। देश में लूट मची है, देखने वाला कोई नहीं है, बोलने वाला कोई नहीं है, चौकीदार तो कोई था ही नहीं, इसलिए देश को लूट लो। जो विलफुल डिफॉल्टर्स थे, उन्होंने जितना लूटना था, लूट लिया। बहुत-से मेम्बर्स यह कहते हैं कि यह अमेंडमेंट बिल लाने से सब ठीक हो जाएगा क्या? मैं कहूँगा कि ऐसा नहीं होगा, लेकिन इससे बहुत से परिवर्तन आएंगे। एंफोर्समेंट इंशोल्वेंसी एंड बैंकर्स बिल के माध्यम से जो विलफुल डिफॉल्टर्स हैं, वे भाग जाएंगे और जो झमेले पड़े हैं, उनमें से बहुत सारे झमेलों को सॉल्व करने में एक बहुत बड़ी मदद आने वाले दिनों में मिलेगी। यह मेरा मानना है।

एनपीए के बारे में कहा गया कि जो राशि चार लाख करोड़ रुपये थी, वह आठ लाख करोड़ रुपये होगी, किसी एक सदस्य ने यह कहा कि यह 20 लाख करोड़ रुपये तक पहुँचेगी। क्या इस बिल के आने से यह कम होगी? आप लोग जो ऑफड़े दे रहे हैं, उससे पता चलता है कि आरबीआई ने जो गाइडलाइंस बदली हैं, उसकी वजह से आने वाले दिनों में एनपीएज बढ़ने वाले हैं। लेकिन इस बिल के माध्यम से बहुत रिलीफ और बहुत सारा फाइनेंशियल इन्वोलूज्म में बदलाव लाने की दिशा में एक बहुत बड़ी मदद होगी। मैं इसकी डिटेल्स में न जाते हुए, फाइनेंस मिनिस्टर से यही कहूँगा कि प्रेजाइडिंग ऑफिसर्स बहुत ही कम हैं और इसके वया कारण हैं, इसका पता इस चर्चा के माध्यम से चला। इसमें रिटायर्ड जज्ज की नियुक्तियाँ होती हैं, उनकी संख्या बहुत ही कम है। यदि किसी डिपार्टमेंट में काम नहीं होता है, तो यहाँ पर उनकी प्रोबिडिटी होती है। मैंने समिति में भी यह सुझाव दिया था कि जो सीनियर एडवोकेट्स हैं, यदि उनको भी यह काम दिया जाए, तो डीआरटीज़ के जो 70 हजार मामले पड़े हैं, उनको सॉल्व करने में एक बड़ा लाभ होगा, ऐसा मुझे लगता है।

इसलिए The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016 आने से बहुत बदलाव आएगा। जैसा कि हमारे देश के प्रधानमंत्री कहते हैं कि मैं चौकीदार हूँ। चौकीदार एक बहुत बड़ी कंपनी भी होती है, तो एक चौकीदार भी सारी कंपनीज़ को हँडल कर सकता है, क्योंकि जो लूटने वाले लोग हैं, उनको यह पता चलेगा कि यहाँ पर वाचमैन हैं। देश में वाचमैन और सिविलियरी पर्सन न होने की वजह से ये सारे गड़बड़-घोटाले हुए हैं। विलफुल डिफॉल्टर्स लोगों को लोन देने के लिए एक कायदा था और दूसरे लोगों को लोन देने का अलग कायदा था, अब एक ही कायदा आने की वजह से ये सारी समस्याएं दूर होंगी, ऐसा मेरा विश्वास है।

मैं फाइनेंस मिनिस्टर से भी एक ही बात की आग्रह करना चाहूँगा कि प्रेजाइडिंग ऑफिसर्स के जो नामर्स हैं, उनको अगर बदलते हैं तो इससे काफी लाभ होगा। मैं एक बार फिर से समिति के सभी सदस्यों और सभापति जी को धन्यवाद देना चाहता हूँ। धन्यवाद।

ADV. JOICE GEORGE (IDUKKI): Thank you, Madam Speaker, for giving me this opportunity.

The letting of loans and their recovery are equally important. This Amendment is mainly for enabling the system of recovery of loans, especially of bad debts. Unfortunately for letting of loans, our State-run banks are more eager to give loans to the corporate companies; and they are not much eager to recover bad debts from the corporate companies. On the other hand, the banks are not that much eager to advance loans to the poorer sections especially, educational loans, MSME loans and farm loans. At the same time, they are very much interested in recovering these loans even by foreclosing the loans advanced to students, farmers and others. This is unfortunate.

Coming to the Bill, the Amendment to the SARFAESI Act, 2002 and the DRT Act, 1993, in the SARFAESI Act, more thrust is given to asset reconstruction companies. The practice is in place but the system is being misused. In educational loans, as we are aware, the State Bank of India has sold its loans to Reliance which is an asset reconstruction company and Reliance is taking steps to recover loans from poor students who are not in a position to find employment after their education. This is happening in my constituency too. The people are coming to us and complaining about atrocities meted out by these asset reconstruction companies.

Again coming to the Bill, earlier there was a provision to exempt all farm properties from the provisions of the SARFAESI Act. Even though offered as security, they were exempted from the purview of the SARFAESI Act. But in this Act, there is a grey area. I would like to know from the Minister whether the agricultural properties are exempted from the purview of this Bill and the

SARFAESI Act or not. There are a number of cases pending before the High Courts and the Supreme Court as regards particular aspect; further the

rubber plantations are not treated as agricultural property but commercial property. So, I want a clarification on that point also.

With these words, I conclude.

Thank you.

SHRI GAJANAN KIRTIKAR (MUMBAI NORTH WEST): Thank you, Madam Speaker.

I rise to support the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016. In fact, this Bill ought to have been brought much earlier, owing to the mounting bad loans of the banks.

Listed Indian banks were burdened by Rs. 4.37 trillion of bad loans in the quarter ended December, up from Rs. 2.92 trillion a year ago which is a matter of great concern. Almost 70,000 cases are pending in DRTs as per the data available with the Government. This is despite the fact that there is a timeline of 180 days for disposal of recovery applications.

It is the need of the hour to introduce a number of changes in existing laws to speed up the bad loan recovery process, including a limit on the number of adjournments in cases being heard at the DRTs and time limits being set for quick disposal of loan recovery cases at DRTs. As part of the overhaul of the Debt Recovery Tribunals, the Bill proposes to speed up the process of recovery. Application can be filed online with DRTs. This will speed up the process of recovery applications getting filed online with the DRTs. This will save time and energy of the banks. Nowadays, there is a tendency on the part of the defaulting borrowers to file appeals in DRATs.

Now they will have to deposit 50 per cent of the amount of the debt due before filing an appeal in front of DRT. It also confers more powers to the Reserve Bank of India to regulate Asset Reconstruction Companies. The Bill allows banks to file cases in tribunals having jurisdiction over the area of the bank branch where the debt is pending. This will facilitate banks early filing and strong monitoring of DRT cases.

It is proposed to give RBI powers to audit and inspect ARCs and freedom to remove the Chairman or any Director and appoint Central bank officials to the Board. RBI will be empowered to impose a penalty for non-compliance with its directives, besides regulating the fees charged by these companies to banks at the time of acquiring such assets. It also increases the penalty amount that can be levied by RBI to Rs.1 crore from Rs.5 lakh.

The Bill proposes to widen the scope of the central registry that will house the central data base of all loans against properties given by all lenders. The aim is to create a data base which will disclose all encumbrances on property across all lenders. A central registry exists but it is restricted to banks and financial institutions. Now, all equitable mortgages as well as registered mortgages can be entered on the Central Registry site. The Bill provides that secured creditors will not be able to take possession over the collateral unless it is registered with the Central Registry. Further, these creditors after registration of security interest will have priority over others in repayment of dues.

With these words, I welcome this Bill. Thank you for giving me an opportunity to speak at the very fag end.

**श्री राजेश रंजन (मधेपुरा) :** अध्यक्ष महोदया, बिल भी अच्छा है, सरकार भी अच्छी है और वित्त मंत्री जी भी अच्छे हैं, लेकिन नीयत भी अच्छी होनी चाहिए न? कथनी और करनी में यदि फर्क होगा तो काम कैसे होगा? वह कहावत है कि चोर के लिए ताला क्या और वकील के लिए कवाला क्या। हम बहुत ही विनम्रता के साथ कहेंगे कि पूरी दुनिया की संपदा पर जब पांच-दस प्रतिशत लोगों का कब्जा होगा और वे पांच-दस प्रतिशत व्यक्ति जब पूरी दुनिया की आत्मा को, मन को, शरीर को खरीद लेगा, उस पर राज करेगा, ऐसी कॉर्पोरेट और पूंजीपति व्यवस्था होगी, चाहे वह रियल स्टेट हो, चाहे दुनिया का कोई ट्रस्ट हो, चाहे स्वयंभू भगवान हो, चाहे वह किसी व्यक्ति के द्वारा बनाया गया धर्म और मज़हब हो, जब यह वोट और राजनीति की सारी व्यवस्था हमारे मन और आत्मा पर कब्जा कर लेगी तो हम कितना भी अच्छा कानून ले आएंगे, कानून को चलाएंगे कौन? कानून बहुत बेहतरीन है, मैं इस बिल के पक्ष में हूँ, लेकिन मैं वित्त मंत्री जी से पूछना चाहूंगा कि इस कानून को कौन चलाएगा?

अध्यक्ष महोदया, मेरा आग्रह यह है कि आपने कृषि पर सीलिंग लगायी है, सारे कानूनों से अच्छा कानून है कि वैल्थ पर आप सीलिंग क्यों नहीं लगाते हैं? जब आप वैल्थ पर सीलिंग लगा देंगे और मनी का डीसेंट्रलाइज़ेशन हो जाएगा। जब मनी किसी एक व्यक्ति के हाथ में होगी, तो वह दुनिया की सारी व्यवस्था को खरीदेगा। अभी हम यहां पर पढ़ रहे थे कि 71औं काला धन अर्थव्यवस्था के समानांतर चलता है।

महोदया, कयीब 5 लाख करोड़ रुपये और 70 हज़ार मामले डीआरटी में तंबित हैं। भारत में सिर्फ़ स्टील के सैक्टर में कुल दो लाख करोड़ रुपये के लगभग कॉर्पोरेट लोन हैं, जिसमें टाटा स्टील का 8701 करोड़ रुपये, ज़िंदल स्टील 4468 करोड़, एस्सार स्टील 43 हज़ार करोड़, भूषण स्टील का 39 हज़ार करोड़ रुपये हैं।

मैडम, मेरा इस मामले में यह कहना है कि इस देश में अघोषित संपत्ति एक टाइम बम बन चुका है और हमारी जो वर्तमान सरकार या वित्त मंत्री जी उस टाइम बम को डिफ्यूज़ करने में लगे हुए हैं, इसमें लिखा है कि भारतीय लोगों के विदेशों में जमा काले धन को लेकर आज सरकार ने सात नामों का खुलासा किया है। उसमें डार डंडिया के पूर्व निदेशक प्रदीप बर्मन, राजकोट के सरैया कारोबारी पंकज सिमन लाल इत्यादि हैं।

अध्यक्ष महोदया, इसमें मेरा वित्त मंत्री जी से आग्रह है कि आप कानून लाकर लगातार सुधार करने की प्रक्रिया करने का प्रयास कर रहे हैं, इसके लिए हम बिल के समर्थन में हैं। लेकिन, इस बिल के माध्यम से आप दुनिया को सुन्दर बना देने की जो बात सोच रहे हैं, मुझे नहीं लगता कि यह हो पाएगा। मेरा आपसे आग्रह है कि इस बिल को लाने के पहले हमारे विचारों में, नीयत में, कथनी-करनी में फर्क न हो और वैल्थ पर सीलिंग लगे, यह मैं आपसे चाहता हूँ।

बहुत-बहुत धन्यवाद। इससे ज्यादा अभी मैं कुछ कह भी नहीं सकता।

**श्री अरुण जेटली :** माननीय अध्यक्ष जी, सर्वप्रथम, जितने माननीय सदस्य इस विषय पर बोले हैं, उन सबका मैं आभार व्यक्त करता हूँ।

एक विषय, जिसे सबसे पहले सुझाया जा चुका है, मुझे लगता है कि हमारे पार्लियामेंट के इतिहास में भी यह पहला उदाहरण है कि यह बिल मई के महीने में इंट्रोड्यूस हुआ, ज्वॉइंट कमेटी में गया और जुलाई के महीने में ज्वॉइंट कमेटी ने अपनी यूनिनिमस रिपोर्ट, एक के बाद एक सीटिंग करने के बाद, दे दी और सरकार ने सारी रिकमेंडेशंस मान लीं। आज पहली अगस्त है, जिसमें हम इस कानून को पास कर रहे हैं। शायद संसद में कमेटी सिस्टम की इफेक्टिव फंक्शनिंग का यह अपने आप में एक उदाहरण है।... (व्यवधान)

HON. SPEAKER: This is not fair.

SHRI ARUN JAITLEY: Madam, a basic question which a large number of Members have raised is with regard to NPAs and willful defaulters. Shri Premachandran said that willful defaulters should be prosecuted. If cases for prosecution under the Penal Code are made out, that is to say that there is any kind of siphoning or diversion of money and a person is declared as a willful defaulter, then certainly there are prosecutions in those cases. It is not that you can be a willful defaulter and get away with it.

NPA is slightly different. NPA is a case where people have taken loans for the purposes of some activity – commercial or otherwise – there is nothing *per se* against taking loans from banks. So we must always distinguish between loans which are pending because banks giving loans is a good thing. Banks support growth by giving loans. Therefore, if loans stop coming, growth itself will stop. So, *per se*, there is nothing wrong with loans pending but loans will have to be serviced. That is to say, you have to pay back the interest. You have to slowly pay back the principal amount and when a person is not able to pay back the interest after a certain period of time, say 90 days, the account becomes an NPA.

An asset is performing as long as it is servicing the bank. The moment it stops servicing the banks, it becomes non-performing. Now here the banks are faced with a Hobson's choice. There could be several reasons. One reason could be what Mr. Premachandran mentioned that somebody has siphoned off money or diverted the money which is a criminal offence. There may be other cases where loans have been wrongly given. There are ethical questions in that. But then there can be a third category also where loans were rightly given, they were given to good units and for some reason the business cycle has taken an adverse turn and that particular industry gets adversely affected. At that stage we are faced with a question. Do we paralyse the entire sector itself and result in losing thousands and lakhs of jobs as far as that sector is concerned? Obviously, the State cannot do it. The banks do not want to do it. That is not in larger public interest. So, all efforts are then made in order to ensure that these units continue to function because these units if they continue to function, then workmen will get jobs, taxes will be paid, there will be economic activity in the interest of the country. So, the Reserve Bank of India keeps coming out with various circulars which empower the banks. You can have a Corporate Debt Restructuring; you can have SDR where some part of the debt can be converted into equity; you can bring in a strategic partner from outside and handover the management to somebody else. Then there is a JLF mechanism by which the lenders themselves acquire a larger role and, therefore, in each of these instruments are applied to ensure that the units keep functioning, jobs are not lost and at the same time the asset can also be preserved.

For instance, the largest loans today are really in four to five sectors. I have said this earlier in this House also. The Steel sector, over the last few years, has been facing a stress and is facing a stress in a large number of countries. The reason was low global demand because of the global slowdown and as a part of the low global demand, it is believed that the Chinese steel was flooding these markets, including the Indian market, at less than production cost. When cheaper Chinese steel was coming into India, our steel mills were not being able to work to the best of their capacity; their demand became less accompanied by global factors and, therefore, our steel companies went into red. So, a large number of steel industries, even some of the largest blue chip companies like TISCO, SAIL, also faced challenges. Now, these are core sector industries and we cannot afford to let anyone of them close down. Therefore, the best possible option has to be made in order to keep these sectors going. One of the larger solutions was that the Government of the day has a responsibility with regard to policy as to how to revive that sector. So, the Government increased some Customs Duty; tried some Duties on subsidies that the Chinese were giving. Finally what seems to have worked in the last few days was that, for a temporary period, the Government had put a Minimum Import Price, that no steel below a certain price can get into India. The United States took a more aggressive action. They imposed various forms of anti-dumping Duties and in some cases the Duties went up to 280 per cent on the Chinese steel. UK could not do it because the European Union did not do it and that is why we had the problem with the Tata Steel Plant in the United Kingdom. These are issues which cannot be settled by securitisation or by DRT. They would have to be settled by policy itself. After steel come the infrastructure projects. This was another sector where large debts were pending; Even still they are pending.

The third important sector was power. In power, the cancellation of the coal blocks coupled with low demand for power because of the global and the domestic demand being low and then another factor came in, which I have mentioned earlier, that several State Governments, through their State Electricity Boards, decided to subsidise power to certain segments of the society – some in case of farms, some in case of domestic, some in case of industrial sector. Now, under the Electricity Act of 2003, subsidy has to be paid by the State Government from its own Budget to the electricity companies, if they want it. They did not do that. Instead, they just allowed the Distribution Companies, the DISCOMs to take loans from banks. So, literally lakhs of crores, when these figures of six lakhs and eight lakhs were being mentioned, a very large part of this money is owed by the DISCOMs to the banks. The DISCOMs are neither paying back the principal amount, nor the interest.

So, again the Government has stepped in. The Ministry of Power came out with UDAY Scheme by which the State Governments must take over the debt, issue bonds, so that the debt of the power companies is reduced and then slowly, the power companies, over a period of time, increase their tariff so that they charge for the power that they supply. So, the power sector could be revised. The sectors, National Highways and sugar, and other sectors were sick and some of them have shown recently signs of revival. So, the real answer is, as far as the big loans are concerned, the economic cycle itself will have to take care of a large number of them. At the same time, people are not able to service it. The banks are today putting a lot of pressure on them. We must be reading about a group with five or six units having been compelled to sell two of them so as to repay the banks. So, they are coming out with solutions under the RBI Circulars of this kind.

The third methodology is, banks must also be empowered to take effective legal action against the defaulters. One of them was the insolvency law or the bankruptcy law where a company is turning bankrupt and is unable to discharge its debts. Rather than the debts being squandered away and getting rusted, somebody has to step in and take over the asset so that if a revival is possible, a revival will take place and if it is not possible, then the assets could be adequately distributed. From workmen downwards, everybody gets his own share as far as debts are concerned.

These two principal laws, Securitisation and DRT are also steps in that direction. As far as DRT law is concerned, we have said not more than two

adjournments. The whole system is now intended to become electronic. You file your cases electronically; the replies are electronic; you try and dispose of matters as quickly as possible; judgements cannot be reserved for more than 30 days; recovery certificates must be expeditiously issued. One of the difficulties we were also having is in finding good presiding officers of both DRTs and Appeal Tribunals. So, the age has also been relaxed a little in the present amendments.

The second part of the amendment is with regard to the SARFAESI law wherein the bank is empowered to take over the asset which is the security and once you take over the security, the debtor will start chasing the bank and come out with some sort of a settlement. So, the security can at least be protected. The security can be given to the Asset Reconstruction Company and that Asset Reconstruction Company will then transiently hold it till a new person can step in and then revive the same asset. The idea is that the unit must go on and it must economically become more liquid and the jobs are not lost in the whole process.

Several hon. Members have raised various questions. One of the questions which Shri Premachandran had again mentioned was with regard to agricultural land. The answer is, farmers' agricultural land is exempted from securitisation under Section 31(i) of the Act itself. That is a question which remains outside the Securitisation Act.

With regard to settling the small loans, Shri Chandumajra and other Members raised a question which was this. बार-बार बैंक्स, जो 20 लाख से कम उधार होते हैं, उनकी बहुत बड़े पैमाने पर लोक अदालतों करते हैं। लोक अदालत में रेडी कप्रोगाइज़ कि कितना दे पाएगा, कितनी किश्तों में दे पाएगा, इनके सैटलमेंट हो जाते हैं ताकि उसमें उनको फिर मुकदमा दायर न करना पड़े।

एक पूंन श्री चौटाला ने रेज़ किया कि सेंट्रल रजिस्ट्री कब ऐस्टैबलिश होगी। सेंट्रल रजिस्ट्री 31 मार्च, 2011 से ऐस्टैबलिश हो चुकी है। It is now functional.

Shri Venugopal raised several issues. One was with regard to the notification to extend the SARFAESI Act to systematically important NBFCs. The draft notification has already been placed. Objections are awaited and as soon as it is possible under law, the final notification will also be issued with regard to that. Unlisted debentures cannot come within the purview of the SARFAESI Act because they are not regulated by SEBI. It is only those listed debentures which are regulated by SEBI that can come within the purview of the SARFAESI Act.

Section 32 says that you can file it where the account is operated. If the account is maintained in Chennai, the bank cannot file it in Srinagar merely because it has an office in Srinagar. It will file it in any place where the account itself is operated.

ARCs make 15 per cent down payment and for 85 per cent they have to give their own security as they are transient bodies so that their asset is preserved and then it can go to the person who will eventually run it. That is the system on which the ARCs themselves function. If the performance of an ARC is not satisfactory, it is regulated by RBI itself. We can trust the RBI that they will take whatever action that it is taking in this regard.

Similarly, Shri Satpathy's point with regard to RBI having the power to remove the Chairman, etc. that is the part of the regulatory power which any regulator itself will have.

Shri Satpathy also raised the question that land is a State subject and so it is a leasehold land of the State. He asked whether it will revert to the State. The leasehold rights will remain with the person who takes it over. So, there will be a transfer of the leasehold rights itself because a leasehold right is also a valuable commercial right. So, just because it is a lease with the State, the land cannot revert back to the State.

There was a suggestion from Shri Jayadev Galla on the expansion of the definition of the word 'borrower'. It has already been extended to the NBFCs. He wanted strict action against people who do not file documents in time, etc. and that the DRT should be able to pass a decree straightaway. Well, that is a power which the DRT has. That is a judicial power and we must trust its judicial judgement because it is after all headed by a district judge.

Shri Khan wanted to know whether we could club the Insolvency and Bankruptcy Code and the SARFAESI Act together. They are part of the same umbrella, but they have different defined jurisdictions. Therefore, both of them will remain.

Shri Adsul's point with regard to the extension to the cooperative banks, the Supreme Court has taken an alternate view. Therefore, unless the law is amended at a suitable time, under the present law it would not be possible. There are some litigations which are still pending in the Supreme Court in this regard. ...(*Interruptions*) Shri Adsul, I have noted your suggestions. I will adequately deal with them.

Somebody wanted to know about the qualifications for the presiding officers of the DRT. For DRT, it is a person who qualified to be a district judge and for the Appellate Tribunal, it is a High Court judge.

Madam, these are the various questions which have been raised.

DR. M. THAMBIDURAI (KARUR): Members raised questions regarding the education loan. Students are getting education loan in the expectation that they will get good jobs after completing their education. But after completing their education, they are not able to get employment. Therefore, they are suffering a lot. So, what kind of protection you can give for the securities that they have deposited for getting the loan? That is a very important question.

SHRI BHARTRUHARI MAHTAB (CUTTACK): As the hon. Deputy-Speaker has just raised the issue of education loan. Is the Government considering to give a time period to the students because many young people after completing their education and after getting trained are not getting employed? Please give a time period of about 18 months or two years as moratorium. Is the Government considering to give a moratorium without compelling the guarantor to pay that money and putting the boys and girls into difficulty for at least five years?

## **18.00 hours**

माननीय अध्यक्ष : आप कृपया एक-एक वाक्य में बोलें।

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Moratorium is available for two years. What we feel is that there should be complete



exemption when it comes to small loans up to Rs.4 lakhs to the poor people whose income is less than Rs.5 lakh per annum.

**श्री मोहम्मद सतीम (रायगंज) :** माननीय अध्यक्ष महोदया, सरकार कह रही है कि बच्चे पढ़ने के लिए लोन ले सकते हैं, लोन भी आसानी से मिल रहा है, लेकिन नौकरी आसानी से नहीं मिल रही है, इसलिए मॉशियोरिज्म होना चाहिए, जिसे नौकरी मिल जाएगी, ठीक है, अगर नौकरी नहीं मिलती है, तो फिर आप उसे विलफुल डिफॉल्टर नहीं बोल सकते हैं, बल्कि डिफॉल्टर भी नहीं बोलेंगे, बल्कि जो लैंडर्स हैं, उससे कांटेक्ट होना चाहिए। Action should not be warranted at that point of time. उसे टाइम देना पड़ेगा।

**SHRI K.C. VENUGOPAL (ALAPPUZHA):** Regarding education loan, in Kerala, one month before a suicide took place. I am totally supporting the views of the hon. Deputy Speaker. What is happening? An unit of SBI, State Bank of Travancore has authorized Reliance company for collecting the loan arrears. They were harassing students and their families. Is the Government going to take strong action on people who are harassing students? Education loan should be widened in favour of students.

**माननीय अध्यक्ष :** सभा की कार्यवाही आप सभी की सहमति से इस बिल को पास करने तक बढ़ाई जाती है। समय बढ़ाया जाता है। धन्यवाद।

**SHRI ANTO ANTONY (PATHANAMTHITTA):** Total default loan amount of Bank of Travancore is Rs.183 crore. They give contract to Reliance for Rs.63 crore; they give a benefit of Rs.120 crore for the middle company; and they don't give any concession to the students who have taken education loan. That is the real thing happened in Kerala.

**DR. P. VENUGOPAL:** The MSMEs are seeking total exemption from the SARFAESI.

**PROF. SAUGATA ROY :** I have already spoken but the Finance Minister was not there. I just want him to comment on the state of the banking industry where the total NPAs is Rs.4 lakh crore and the total stressed assets is Rs.8 lakh crore. Banks would need capitalization for making up this situation. What according to the Finance Minister is the state of the banking industry?

**SHRI ARUN JAITLEY:** Madam, I would take note of the suggestions which have been made but let me just say this. Any section of society, when it takes loans, has to be paid back. Nobody can move on the assumption, whether it is large industry or small industry of MSMEs, that loans will not be given back. If loans are to be waived off, then, somebody has to step into waive them off. Either they can be waived off by the budget of the Centre or of the States. Let us keep in mind, we should not create this culture where somebody can just take loan and be under an assumption that now it is the headache of the bank, I will sleep well, and bank should be answerable.

Internationally, educational loans have become very successful. Most children in higher education are supporting themselves through education loans. Loans are then repaid. Even as of today in India, the percentage of NPA in educational loan is reasonably high. Therefore, some compassion will have to be shown when somebody is unemployed or does not get a job, etc. because ultimately banks would like to give some more time to recover their monies. But at the same time to say if it is to be waived off in a particular area, if you feel it, then, somebody else will have to pick up that loan. ...(*Interruptions*) Therefore, some compassion can be shown till he gets a job or if somebody is unemployed but certainly to write off loans means to push the banking system into a position that it can't give further loans.

**HON. SPEAKER:** The question is:

"That the Bill further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Recovery of Debts due to Banks and Financial Institutions Act, 1993, the Indian Stamp Act, 1899, and the Depositories Act, 1996, and for matters connected therewith or incidental thereto, as reported by the Joint Committee, be taken into consideration."

*The motion was adopted.*

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

### **Clause 2 Amendment of Long Title.**

The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

### **Clause 3 Substitution of certain expression throughout the Principal Act.**

**HON. SPEAKER:** Shri Premachandran, are you moving Amendment No. 5?

**SHRI N.K. PREMACHANDRAN :** Madam Speaker, I want to make a brief submission.

**HON. SPEAKER:** No, you please say whether you are moving it or not.

**SHRI N.K. PREMACHANDRAN :** Madam, I will not make a long speech. I have given notice for 28 amendments. I will speak at one stretch regarding all those amendments. They are not controversial and nothing material also. Except Amendment Nos. 19, 27 and 28, all others are regarding drafting of the Bill. I do appreciate the exemplary work done by the Joint Committee in submitting the Report in time. But most of my amendments are for the sake of amendment. I will just cite one example.

HON. SPEAKER: What about Amendment No. 5. Are you moving it or not?

SHRI N.K. PREMACHANDRAN : That is what I want to explain. In the principal Act, this is the original flaw. The Joint Committee wants to substitute throughout the principal Act. That is not proper form of legislation drafting and so, I am moving this amendment. This flaw may be corrected.

Madam, I beg to move:

"Page 2, line 11,â€"

*for* "Throughout"

*substitute* "in." (5)

HON. SPEAKER: I shall now put Amendment No. 5 to Clause 3 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

#### **Clause 4 Amendment of Section 2**

HON. SPEAKER: Shri Premachandran, are you moving Amendment Nos. 6 to 8.

SHRI N.K. PREMACHANDRAN : Madam, I beg to move:

"Page 2, lines 25 and 26,â€"

*omit* "for the purposes of carrying on the business of  
asset reconstruction or securitisation, or both." (6)

"Page 3, line 7,â€"

*omit* "or any other amount payable." (7)

"Page 4, line 5,â€"

*for* "any category of "  
*substitute* "or." (8)

HON. SPEAKER: I shall now put Amendment Nos. 6 to 8 to Clause 4 moved by Shri N.K. Premachandran to the vote of the House.

*The amendments were put and negatived.*

HON. SPEAKER: The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

#### **Clause 5 Amendment of Section 3**

HON. SPEAKER: Shri Premachandran, are you moving Amendment No. 9 to Clause 5?

SHRI N.K. PREMACHANDRAN: Madam, I beg to move:

"Page 5, lines 6 and 7,â€"

*for "specified in the guidelines"*

*substitute "specified in the general guidelines".*" (9)

HON. SPEAKER: I shall now put Amendment No. 9 to clause 5 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 5 stand part of the Bill."

*The motion was adopted.*

*Clause 5 was added to the Bill.*

#### **Clause 6 Amendment of Section 5**

HON. SPEAKER: Shri Premachandran, are you moving Amendment Nos. 10 and 11?

SHRI N.K. PREMACHANDRAN : Madam, I am not moving.

HON. SPEAKER: Thank you.

The question is:

"That clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clause 7 was added to the Bill.*

#### **Clause 8 Amendment of new section for Section 9**

HON. SPEAKER: Shri Premachandran, are you moving Amendment No. 12?

SHRI N.K. PREMACHANDRAN : Madam, I beg to move:

"Page 6, line 17,â€"

*for "necessary directions"*

*substitute "necessary directions and orders".*" (12)

This gives direction along with orders. The Reserve Bank of India should be given the right to issue orders.

HON. SPEAKER: I shall now put Amendment No. 12 to clause 8 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

*Clause 9 was added to the Bill.*

**Clause 10 Insertion of new Sections  
12B, 12C and 12D**

HON. SPEAKER: Shri Premachandran, are you moving Amendment No. 13?

SHRI N.K. PREMACHANDRAN: Madam, I am not moving.

HON. SPEAKER: The question is:

"That clause 10 stand part of the Bill."

*The motion was adopted.*

*Clause 10 was added to the Bill.*

*Clauses 11 to 16 were added to the Bill.*

**Clause 17 Insertion of new Chapter IV A**

HON. SPEAKER: Shri Premachandran, are you moving Amendment No. 14?

SHRI N.K. PREMACHANDRAN :Madam, I beg to move:

"Page 9, line 45,â€"

*for "require"*

*substitute "effect". (14)*

HON. SPEAKER: I shall now put Amendment No. 14 to clause 17 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 17 stand part of the Bill."

*The motion was adopted.*

*Clause 17 was added to the Bill.*

**Clause 18 Amendment of Section 27**

HON. SPEAKER: Shri Tathagata Satpathy, are you moving Amendment No. 1 to Clause 18?

SHRI TATHAGATA SATPATHY : Madam, I beg to move:

"Page 11, *after* line 9,â€"

*insert "26F. The Central Government, as far as practicable,  
shall implement regulations in an expeditious and  
timely manner for the linkage of the Central  
Registry with the Information Utilities.*

assigned to it in the Insolvency and Bankruptcy  
Code, 2016." (1)

Since you will not allow me to speak, I shall not speak.

HON. SPEAKER: Thank you.

Shri Premachandran, are you moving Amendment Nos. 15 to 18.

SHRI N.K. PREMACHANDRAN : Madam, I am not moving.

HON. SPEAKER: I shall now put Amendment No. 1 to clause 18 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 18 stand part of the Bill."

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clauses 19 and 20 were added to the Bill.*

### **Clause 21 Amendment of Section 31**

HON. SPEAKER: Shri Tathagata Satpathy, are you moving your Amendment Nos. 2 and 3 to clause 21?

SHRI TATHAGATA SATPATHY : Yes, Madam, I am moving my Amendment Nos. 2 and 3 to clause 21.

I beg to move:

"Page 11, for lines 42 to 44,-

*substitute* "(5) In the event of failure to pay penalty imposed by Reserve Bank under sub-section (1), a complaint shall be filed against the person in default in a court having jurisdiction." (2)

"Page 11, lines 45 and 46, -

*for* "no proceeding for imposition of penalty against that person shall be taken under this section"

*substitute* "the adjudicating authority shall ensure the payment of penalty within a time period of thirty working days from the date of the order passed by the Reserve Bank for imposition of the said penalty on the person in default." (3)

Just one second, Madam. All that I am saying is that you have barred filing of cases. RBI does not have punitive powers. How will it then implement and order if the defaulters disobey the instructions? All I am asking is, why should either side be barred from filing cases? What will happen to the lawyers of this country? I am only worried about that...(Interruptions)

HON. SPEAKER: I shall now put Amendment Nos. 2 and 3 to clause 21 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendments were put and negatived.*

HON. SPEAKER: Shri N.K. Premchandran, are you moving your Amendment No. 19 to 21 to clause 21?

SHRI N.K. PREMACHANDRAN : Yes, Madam.

I beg to move:

"Page 11, line 24, -

*for "any direction"*

*substitute "any direction or orders".* (19)

"Page 11, line 25, -

*omit "in default".* (20)

"Page 13, line 30, --

*for "No recovery under sub-section (10) shall be enforced, except"*

*substitute "The recovery under sub-section (10) shall be enforced".* (21)

HON. SPEAKER: I shall now put Amendment Nos. 19 to 21 to clause 21 moved by Shri N.K. Premachandran to the vote of the House.

*The amendments were put and negatived.*

HON. SPEAKER: The question is:

"That clause 21 stand part of the Bill."

*The motion was adopted.*

*Clause 21 was added to the Bill.*

*Clauses 22 to 26 were added to the Bill.*

#### **Clause 27 Amendment of Section 11**

HON. SPEAKER: Shri N.K. Premchandran, are you moving your Amendment No. 22 to clause 27?

SHRI N.K. PREMACHANDRAN : No, Madam, I am not moving it.

HON. SPEAKER: Thank you.

The question is:

"That clause 27 stand part of the Bill."

*The motion was adopted.*

*Clause 27 was added to the Bill.*

#### **Clause 28 Amendment of Section 17A**

HON. SPEAKER: Md. Badaruddoza Khan, are you moving your Amendment Nos. 29 and 30 to clause 28?

SHRI MD. BADARUDDOZA KHAN : Yes, Madam, I am moving my Amendments.

I beg to move:

"Page 16, line 7,--

*after "eligible for reappointment"*

*add "if the person is mentally*

*and physically fit".* (29)

"Page 16, line 9,--

for "sixty-five years"

substitute "sixty-seven years"." (30)

HON. SPEAKER: I shall now put Amendment Nos. 29 and 30 moved by Md. Badaruddoza Khan, to the vote of the House.

*The amendments were put and negatived.*

HON. SPEAKER: The question is:

"That clause 28 stand part of the Bill."

*The motion was adopted.*

*Clause 28 was added to the Bill.*

*Clause 29 was added to the Bill.*

### **Clause 30 Insertion of new Section 19A**

HON. SPEAKER: Md. Badaruddoza Khan, are you moving your Amendment Nos. 31 and 32 to clause 30?

SHRI MD. BADARUDDOZA KHAN: Yes, Madam, I am moving my Amendments.

I beg to move:

"Page 16, line 21,--

after "reappointment"

add "if the person is mentally

and physically fit"." (31)

"Page 16, line 23,--

for "seventy years"

substitute "sixty-seven years"." (32)

HON. SPEAKER: I shall now put Amendment Nos. 31 and 32 to clause 30 moved by Md. Badaruddoza Khan, to the vote of the House.

*The amendments were put and negatived.*

HON. SPEAKER: The question is:

"That clause 30 stand part of the Bill."

*The motion was adopted.*

*Clause 30 was added to the Bill.*

*Clause 31 was added to the Bill.*

### **Clause 32 Amendment of Section 21**

HON. SPEAKER: Shri N.K. Premchandran, are you moving your Amendment Nos. 23 to 26 to clause 32?

SHRI N.K. PREMACHANDRAN: Yes, Madam, I am moving my Amendments.

I beg to move:

"Page 18, line 14, --

for "thirty days"

substitute "sixty days"." (23)

"Page 19, lines 28 and 29, -

*for* "or otherwise is satisfied"

*substitute* "and the tribunal is satisfied"." (24)

"Page 19, lines 35 and 36, -

*omit* "as defined"." (25)

"Page 20, line 12, -

*omit* "the"." (26)

HON. SPEAKER: I shall now put Amendment Nos. 23 to 26 moved by Shri N.K. Premachandran to the vote of the House.

*The amendments were put and negatived.*

HON. SPEAKER: The question is:

"That clause 32 stand part of the Bill."

*The motion was adopted.*

*Clause 32 was added to the Bill.*

### **Clause 33 Amendment of Section 22**

HON. SPEAKER: Shri Thatagata Satpathy, are you moving your Amendment No. 4 to clause 33?

SHRI TATHAGATA SATPATHY : Yes, Madam, I am moving it. I am just requesting one thing that internet, being at a nascent stage in the country, should not be made the one and only method of communication. I am suggesting a small amendment.

I beg to move:

"Page 21, *for* lines 10 to 13,--

*substitute* "shall be deemed to be served to such party only if the order is delivered to the party by registered post to the address available on record or through printed announcement in widely circulated English and vernacular daily newspapers." (4)

HON. SPEAKER: I shall now put the Amendment No. 4 to clause 33 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 33 stand part of the Bill."

*The motion was adopted.*

*Clause 33 was added to the Bill.*

*Clauses 34 to 37 were added to the Bill.*

### **Clause 38 Insertion of new Section 31B**

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No. 27 to Clause 38?



SHRI N.K. PREMACHANDRAN: Madam, I am moving Amendment No. 27 to Clause 38.

I beg to move:

"Page 22, *omit* lines 6 to 8," (27)

HON. SPEAKER: I shall now put Amendment No. 27 to Clause 38 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

HON. SPEAKER: The question is:

"That clause 38 stand part of the Bill.

*The motion was adopted.*

*Clause 38 was added to the Bill.*

*Clauses 39 to 43 were added to the Bill.*

#### **Clause 44 Amendment of Act 22 of 1996**

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No. 28 to Clause 44?

SHRI N.K. PREMACHANDRAN :Madam, I am moving Amendment No. 28 to Clause 44.

I beg to move:

"Page 23, line 29, -

*after* "Schedule"

*add* "restricting the exemption only for the purpose of acquisition of financial assets by the asset reconstruction company for asset reconstruction or securitization"." (28)

HON. SPEAKER: I shall now put Amendment No. 28 to Clause 44 moved by Shri N.K. Premachandran to the vote of the House.

*The amendment was put and negatived.*

**माननीय अध्यक्ष :** आप भी आज नहीं बोल रहे हैं।

The question is:

"That clause 44 stand part of the Bill.

*The motion was adopted.*

*Clause 44 was added to the Bill.*

*The First Schedule and the Second Schedule were added to the Bill.*

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

SHRI ARUN JAITLEY: Madam, I beg to move:

"That the Bill be passed."

HON. SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

HON. SPEAKER: The House stands adjourned to meet again tomorrow, the 2<sup>nd</sup> August, 2016, at 11.00 a.m.

