

(Amtd.) Bill

Commission for the year 1966-67 together with the Audited Accounts under sub-section (3) of section 23 read with sub-section (4) of section 22 of the Oil and Natural Gas Commission Act, 1959.

[Placed in Library. See No. LT-1591/68.]

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT, 1955

SHRI D. ERING : On behalf of Shri Annasahib Shinde, I beg to lay on the Table :—

1. A copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities, Act, 1955 :—

(i) G.S.R. 1384 published in Gazette of India dated the 18th July, 1968 making certain amendment to G.S.R. 914 dated the 10th June, 1966.

(ii) The Indian Maize (Temporary Use in Starch Manufacture in Gujarat) Amendment Order, 1968, published in Notification No. G.S.R. 1422 in Gazette of India dated the 26th July, 1968.

2. A copy of Notification No. G.S.R. 1396 published in Gazette of India dated the 27th July, 1968 making certain amendment to G.S.R. 1842 dated the 24th December, 1964 under section 12A of the Essential Commodities Act, 1955.

[Placed in Library. See No. LT-1592/68.]

12.29 HRS.

MESSAGES FROM RAJYA SABHA

SECRETARY : Sir I have to report the following messages received from the Secretary of Rajya Sabha :—

(i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 31st July, 1968, agreed without any amendment to the Border Security Force Bill, 1968, which was passed by the Lok Sabha at its sitting held on the 24th July, 1968."

(ii) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Thursday, the 1st August, 1968, passed the enclosed motion concurring in the recommendation of the Lok Sabha that the Rajya

Sabha do join in the Joint Committee of the Houses on the Union Territories (Separation of Judicial and Executive Functions) Bill, 1968. The names of the members nominated by the Rajya Sabha to serve on the said Joint Committee are set out in the motion.

Motion

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the separation of judicial and executive functions in Union territories, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee :—

1. Shri P. Abraham
2. Shri M. Vero
3. Shri S. Krishna Mohan Singh
4. Shrimati Satyawati Dang
5. Kumari Shanta Vasisht
6. Shri I. K. Gujral
7. Shri Syed Ahmed
8. Shri Golap Barbora
9. Dr. Bhai Mahavir
10. Shri M. Ruthnaswamy
11. Shri A. P. Chatterjee."

BUSINESS ADVISORY COMMITTEE
TWENTY-FIRST REPORT

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND COMMUNICA-
TIONS (DR. RAM SUBHAG SINGH) :
I beg to move :

"That this House agrees with the Twenty-first Report of the Business Advisory Committee presented to the House on the 2nd August, 1968."

MR. SPEAKER : The question is :

"That this House agrees with the Twenty-first Report of the Business Advisory Committee presented to the House on the 2nd August, 1968."

The motion was adopted.

12.30 HRS.

BANKING LAWS (AMENDMENT)
BILL

MR. SPEAKER : The House will now take further consideration of the Banking Laws (Amendment) Bill. We have already taken 2 hours on the points of order and all that. The time allotted was 5 hours.

AN HON. MEMBER : How can that be deducted ?

Mr. SPEAKER : What I am saying is hat 2 hours time of the House has been taken. You take 5 hours. That is a different matter. I would like to know what amendments are moved.

श्री जार्ज फर्नेन्डीज (बम्बई दक्षिण) : अध्यक्ष महोदय, मैं आप से जानकारी चाहता हूँ। उस दिन मैंने नियम 305 के अन्तर्गत यहां पर प्रश्न उठाया था इसलिए कि मिनट आफ डिसेन्ट के दो पैराग्राफ जो नहीं छापे गए थे, उन को छाप जाय और बांटा जाय। नियम के अनुसार उस को गजट में भी छापना जरूरी है। तो मैं यह जानना चाहता हूँ कि उसको गजट में छाप गया या नहीं ?

Mr. SPEAKER : It has been gazetted also. Everything has been corrected now. Mr. Jha, are you moving your amendment ?

श्री जार्ज फर्नेन्डीज : अध्यक्ष महोदय, तो फिर मेरा व्यवस्था का प्रश्न है। मैं नियम 65 के आधार पर व्यवस्था का प्रश्न उठा रहा हूँ। जब कोई बिल पेश किया जाता है तो उसके साथ उसकी अलग-अलग चीजों के बारे में जानकारी देनी चाहिये, उसमें एक एक्सप्लेनटरी स्टेटेमेंट आफ आब्जेक्ट्स एण्ड रीजन्स होते हैं—

“...an explanatory Statement of Objects and Reasons which shall not contain arguments : provided that the Speaker may if he thinks fit, revise the Statement of Objects and Reasons.”

अब, अध्यक्ष महोदय, यह जो बिल यहां पर पेश किया गया है, इसमें जो स्टेटेमेंट आफ आब्जेक्ट्स एण्ड रीजन्स दिये गये हैं, उसे मैं आपके सामने रखना चाहता हूँ, यह काफ़ी लम्बा है, इसलिये इस को पूरा नहीं पढ़ूंगा...

Mr. SPEAKER : Objects and Reasons are given.

श्री जार्ज फर्नेन्डीज : आर्ग्यूमेंट्स नहीं देने चाहिये, लेकिन जो आब्जेक्ट्स एण्ड रीजन्स हैं, इस कानून का जो उद्देश्य है, वह

पूरी तरह से इसमें दिया जाना चाहिये। अगर कानून का कोई भी उद्देश्य इसमें नहीं दिया जाता है तो वे आब्जेक्ट्स एण्ड रीजन्स अधूरे रह जाते हैं। मेरी आपसे यह अर्ज है कि जब विधेयक को पेश किया जाता है...

Mr. SPEAKER : Are you not too late ? It has been introduced and it has come before the House for discussion. This should have been raised at the time of introduction.

श्री मधु सिन्घे (मुंगेर) : अध्यक्ष महोदय, वह दूसरा प्रश्न रख रहे हैं।

श्री जार्ज फर्नेन्डीज : मैं दूसरी बात रख रहा हूँ। इस में क्लॉज 36 ए तथा डी को देखिये—यह इस कानून की बहुत महत्वपूर्ण क्लॉज है...

Mr. SPEAKER : He can oppose that when it comes.

श्री जार्ज फर्नेन्डीज : नहीं, अध्यक्ष महोदय, यह बहुत अहम प्रश्न है। मैं इस मामले में खोज कर के लाया हूँ और शकघर साहब की किताब लाया हूँ...

Mr. SPEAKER : On that account it is not going to be valid.

श्री जार्ज फर्नेन्डीज : इस में मेज़ पार्लियामेन्टरी प्रेक्टिस का जिक्र है। 1960 में इस सदन में श्री हीरेन मुखर्जी ने “एक्वायर्ड टैरिटर्रीज मर्जर बिल” के सिलसिले में एक व्यवस्था का प्रश्न उठाया था—उस का जिक्र इस किताब में है। उसमें दिया गया है कि स्टेटेमेंट आफ आब्जेक्ट्स एण्ड रीजन्स क्यों पूरे होने चाहिये, किस लिये उन को अधूरा नहीं रखा जा सकता है। अध्यक्ष महोदय, क्लॉज 36ए तथा डी इस कानून का महत्वपूर्ण हिस्सा है, आप देखेंगे कि प्रदर्शन इत्यादि पर तो पाबन्दी है ही, लेकिन इस कानून के मुताबिक प्रदर्शन करने वाले लोगों को सजा भी मिल सकती है, 6 महीने के लिये उन को जेल भेजा जा सकता है और उन पर 1 हजार रुपया जुर्माना भी किया जा सकता है।

Mr. SPEAKER : What is the point of order that he wants to raise ?

श्री आर्चं करनम्बीज : मेरा व्यवस्था का प्रश्न यह है कि जब यह इतनी महत्वपूर्ण बिल है, तो एम्ब एण्ड आर्जेक्ट्स में भी इसका जिक्र किया जाना आवश्यक है। यदि ऐसा नहीं किया जाता है तो यह अघूरा है। इस सिलसिले में, अध्यक्ष महोदय, मैं 1960 के उस फैसले की ओर आपका ध्यान आकर्षित करना चाहता हूँ। 1960 में जब श्री हीरेन मुखर्जी साहब ने इस प्रश्न को उठाया था तो उस समय उनका एक ही मुद्दा था कि एम्ब एण्ड आर्जेक्ट्स में जो तारीख दी गई थी, वह गलत थी। 12 दिसम्बर, 1960 की तारीख दी गई थी, जब कि वह 15 दिसम्बर होनी चाहिए थी। पं० जवाहर लाल नेहरू उस समय प्रधान मंत्री थे, उन्होंने यहां पर खड़े हो कर अपनी गलती को कुबूल किया, मैं उनके एक वाक्य को पढ़ कर सुनाता हूँ—

"I should be glad to vary that statement to make that little point clear by a few words here and there and change the date if you will permit me."

अध्यक्ष महोदय उस समय यह फैसला हुआ था कि वह एक टेकनीकल गलती थी, जिसके दुरुस्त करने की इजाजत देते हैं और उस के बाद पं० जवाहर लाल नेहरू ने उस गलती को दुरुस्त करने का काम किया था।

मैं इन सब बातों का जिक्र इसलिये कर रहा हूँ कि यह एक अत्यन्त महत्वपूर्ण विधेयक है, यदि एम्ब एण्ड आर्जेक्ट्स में कोई अघूरा-पन रहता है, तो यह विधेयक ठीक ढंग से सदन के सामने नहीं आ सकता है, इस लिये मेरा कहना है कि उपप्रधान मंत्री द्वारा इस गलती का दुरुस्त किये बिना यह विधेयक यहां बहस के लिये नहीं आ सकता है।

SHRIMATI SHARDA MUKERJEE (Ratnagiri): On a point of order. The hon. Member, Shri Fernandes, has quoted rule 65. I draw your attention to this rule. It says: "Any member, other than a Minister...."

This is the point. It says:

"Any member, other than a Minister, desiring to move for leave to introduce a Bill....."

This Bill has been moved by a Minister and not by a private member.

MR. SPEAKER: Will the hon. Member kindly sit down? It is the time of the House that is taken away. I do not mind; if a point of order is raised, I am obliged to hear it and the rules compel me to hear it and I will hear it if necessary for another two hours also. But whose time is wasted? After all, it is the time of the House that is spent. Anyway, Government will push through this Bill; they are not going to withdraw it because of the Opposition. I know that hon. Members in the Opposition want to oppose it tooth and nail. I could see that sitting in the Chair and I see both points of view. Government will push through and the Opposition will oppose it.

SHRI S. M. BANERJEE (Kanpur): May I request you to kindly give me a minute? Our intention is not to indulge in filibustering. I hope you will not take the same attitude which the Finance Minister is taking. The point is that you have to protect the interests of the Members and the interests of the House.

MR. SPEAKER: I have to protect the interests of the House.

SHRI S. M. BANERJEE: I am a Member of the House and.....

MR. SPEAKER: But he is not the only Member.

SHRI S. M. BANERJEE: I know that the time of the House is precious. In this particular case two points of order were raised. One was by Shri Srinibas Misra. The first was overruled by the Deputy-Speaker who was in the Chair. The second was raised by Shri Srinibas Misra and the third was upheld by the Chair as a correct point of order.....

श्री मधु लिमये : श्री मिश्रा के दूसरे व्यवस्था के प्रश्न को कहीं डिस्पोज-आफ किया है ?

SHRI S. M. BANERJEE: The second part of it was not disposed of at all. A third point of order which was raised by Shri Madhu Limaye was upheld by the Chair....

Mr. SPEAKER: The hon. Member is just analysing the history of what happened in those two hours.

SHRI S. M. BANERJEE: It is not a general point of order. This particular point of order is being raised under rule 65. The hon. lady Member Shrimati Sharda Mukherjee has said that this refers to any Member other than a Minister. Our main point is this that the Statement of Objects and Reasons must embody the salient features of the Bill.....

Mr. SPEAKER: Why does he want to explain the same thing? What Shri George Fernanades has said in Hindi, the hon. Member is repeating in English.

SHRI S.M. BANERJEE: I shall only read out one small extract from *The Practice and Procedure of Parliament*.

Mr. SPEAKER: Shri George Fernanades could himself have read that out (*Interruptions*). I am glad that Shri Molahu Prasad and Shri Sheo Narain are adding some humour to a tense situation.

SHRI S. M. BANERJEE: Shri Sheo Narain is a good friend of ours, and we never consider him to be a mental case; he is sober. At page 422 of this book by Shri M.N. Kaul and Shri S. L. Shakhder this is what we find.

"It has been the uniform practice since 1862 to append to every Bill a Statement of Objects and Reasons briefly explaining the purpose of the proposed legislation. The statement is explanatory of the context and objects of a Bill and helps in understanding the necessity and the scope of the Bill but the courts cannot rely on it on constructing an Act for the reason that it refers to a Bill....."

Mr. SPEAKER: That is not relevant here.

SHRI S. M. BANERJEE: I am only saying that in the Statement of Objects and Reasons such an extraneous thing has been brought in. It should have been brought in by amending the Criminal Procedure Code or the Indian Penal Code or the Industrial Disputes Act. This has been brought forward in this Bill purposely in connivance with the bank bosses to curb the activities and the fundamental rights of the employees. When such is the case, it should have been clearly stated in the Statement of Objects

and Reasons. I would only request you to kindly go through the Statement of Objects and Reasons. If you are convinced that the Statement of Objects and Reasons contains a reference to this, then I shall feel satisfied.

श्री एम० मुहम्मद इस्माइल (मंजेरी) : अध्यक्ष महोदय, मैं एक परसनल एक्सप्लेनेशन देना चाहता हूँ। 31 अगस्त को मेरे नाम से ऐसा हुआ था कि हाउस एडजार्न किया गया, इस के बारे में मैंशन करना चाहता हूँ कि मेरी कांस्टीचूएन्सी में..... (ब्यवधान)...

Mr. SPEAKER: Order, order. For personal explanation also the hon. Member must take my permission. Now, he must sit down.

श्री एम० मुहम्मद इस्माइल : नमाम एडमिनिस्ट्रेशन फेन हुआ है। इस में कम-से-कम यह होना चाहिए था..... (ब्यवधान).....

Mr. SPEAKER: Even for personal explanation he must write to me and send me the statement in advance.

श्री एम० मुहम्मद इस्माइल : अध्यक्ष महोदय, आप मेरी बात सुनिए.....

Mr. SPEAKER: Will he kindly sit down now? I have not allowed him.

श्री एम० मुहम्मद इस्माइल : मैंने शार्ट नोटिस भी दिया था, लेकिन आपने उस को भी नहीं लिया.....

Mr. SPEAKER: For personal explanation also, he must take my permission. He cannot just get up whenever he chooses as he did on that day when he rose and started speaking. If he wants to give personal explanation, he cannot just get up and speak whenever he chooses. There are some rules of the House which have to be followed. I have to follow those rules. All that I am saying is that the hon. Member may also follow the rules. That is all.

श्री एम० मुहम्मद इस्माइल : आप मुझे सुन लीजिए...

Mr. SPEAKER: He must sit down. He is again getting up. That is also against the rules.

He may write to me, if he wants to give a personal explanation, and send me the statement. I shall go through it and then perhaps I may allow him or I may request him not to make that statement if I feel that it is not necessary to make it; I cannot guarantee anything on that now. As regards the point of order raised by Shri George Fernandes, he could have raised it earlier when it was introduced.....

SHRI S. M. JOSHI (Poona) : He was not given an opportunity.

MR. SPEAKER : I think it was raised. Whatever it is, the explanations are given here. They may not be satisfactory to the hon. Members. But they have a right to oppose the Bill at every stage and on every clause. But to say that there is no explanation given is not correct.

SHRI S. M. BANERJEE : We say that this particular clause.....

MR. SPEAKER : I am not going to hear the hon. Member for a second time, a third time and a fourth time. I can hear an hon. Member only once, not for a second, third and fourth time.

श्री एस० एम० जोशी : आपने कभी कहा कि पहले उठ सकते थे, मैं कोई गलत बात नहीं कहूंगा, ये मुझ से पूछ रहे थे लेकिन एक एक की बात चल रही थी इसलिए मैं इनको बिटाल रहा था कि पहले इनका हो जाना चाहिए फिर आपका आयोग। फिर इनके खत्म होने पर ये उठे।

श्री मधु लिमये : मेरा अभी कहा खत्म हुआ है ?

MR. SPEAKER : I accept what the hon. Member says. I know that he will not say anything which is 'galat'.

श्री एस० एम० जोशी : एक प्वाइन्ट आफ आर्डर खत्म होने पर इनका प्वाइन्ट आफ आर्डर था इसलिए उस वक्त मौका नहीं मिला और अब उठे। मैं समझता हूँ कि इसमें कोई गलती नहीं की है।

MR. SPEAKER : There is nothing wrong in that. But any way, I would only say this. That point of order could have M33LSS/68—9

been raised earlier. But due to some difficulty, other points of order were raised. Even then, I would say that the explanatory note is there. It may not be satisfactory the clause may not be satisfactory and so on. I am not giving any judgment or taking any sides. Certainly, hon. Members can oppose it, and they may vote on every clause or something else may be done. What I say is that let us proceed with this Bill, and let hon. Members oppose the clauses as they come up.

Now, there are amendments to the consideration motion. The first is by Shri Shiv Chandra Jha.....

श्री मधु लिमये : अभी मेरा एक और व्यवस्था का प्रश्न है।

MR. SPEAKER : I thought that that was accepted.

श्री मधु लिमये : अभी मेरा प्वाइंट आफ आर्डर है।

MR. SPEAKER : When did he raise it ? I think he did not raise it at all.

SHRI MADHU LIMAYE : I have been standing, but I have not been called.

मेरा कहना यह है कि नियम 389 के अन्तर्गत आपका निर्देश नम्बर 89 इस प्रकार है :—

"The minute of dissent shall be given only after the draft report has been considered and adopted by the committee and it shall not be conditional in any respect."

तो इसका मतलब यह है कि रपट तैयार होने के पश्चात् हम लोग विरोध पत्र देते हैं। मैं इसपर नहीं कहूंगा कि विचार किया है या नहीं क्योंकि यह समझने के लिए कोई रास्ता नहीं है। मैं एक बुनियादी सवाल उठा रहा हूँ। मुझे पता नहीं मजदूर मन्त्री मौजूद हैं या नहीं। मेरे और मेरे साथियों के मिनट आफ डिसेन्ट में एक महत्वपूर्ण अनुच्छेद है जो काटा नहीं गया है, और वह है :

"It has been the convention hitherto that any legislation involving labour relations and trade union rights should first be discussed by the Tripartite Labour Conference. It was on this ground that the SVD Ministry in Uttar Pradesh was advised not to proceed

[SHRI MADHU LIMAYE]

with its Bill providing for the compulsory recognition of trade unions and ballot to settle the Union's rival claims. It is, therefore, regrettable that Sections seeking to put curbs on the trade union movement should be included in this Bill without obtaining clearance from the Tripartite Labour Conference as is being done in regard to other labour legislation.

यह उस समय उपस्थित नहीं हुआ था। मैं माननीय उप-प्रधान मन्त्री तथा वित्त मन्त्री से इतना जानना चाहता हूँ कि क्या भविष्य में उन्होंने यह फैसला किया है कि यह जो परम्परा है, यह जो कन्वैन्शन है उसको खत्म करना चाहते हैं। अगर आधिकारिक ढंग से यहां पर घोषणा हो जायगी तो डांगे साहब भी यहां बैठे हैं वे भी सोचेंगे कि इंडियन लेबर कान्फ्रेंस में हम लोग जायें या न जायें।

MR. SPEAKER: I think this was raised at the time of the Select Committee.

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE: (SHRI MORARJI DESAI): It was raised by other Members.

श्री अटल बिहारी वाजपेयी (बलरामपुर): अध्यक्ष महोदय, इसमें व्यवस्था का प्रश्न नहीं है लेकिन प्रश्न उचित अवश्य है। मैं चाहता हूँ कि प्रधान मन्त्री इसके बारे में विचार करें। सामाजिक बैंकों पर सामाजिक नियन्त्रण के साथ-साथ इसके द्वारा बैंक कर्मचारियों के ऊपर भी नये नियन्त्रण थोपे जा रहे हैं जो कि उचित नहीं हैं।

MR. SPEAKER: If the hon. Deputy Prime Minister can say something, it is all right. Otherwise, there is no point of order.

श्री मधु लिमये: आप इसको प्वाइन्ट आफ प्रोप्रायटी ही कहिये।

श्री मोरारजी देसाई: मुझे कोई घोषणा नहीं करनी है।

SHRI SHIVA CHANDRA JHA (Madhubani): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th December, 1968" (131)

SHRI ABDUL GHANI DAR (Gurgaon): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 20th September, 1968." (132)

SHRI P. VISWAMBHARAN (Tiruvandrum): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November, 1968." (133)

SHRI ERASMO DE SEQUEIRA (Marmagoa): I beg to move:

"That the Bill be re-committed to the Select Committee with instructions to—

- (i) consider whether the interests of two of the main parties affected, namely the employees and the shareholders of the banking companies have been suitably and sufficiently safeguarded by the provisions of the Bill, and if not, to make suitable changes therein;
- (ii) to consider or re-consider whether the provisions of proposed section 36 AE of the Banking Regulation Act, 1949 are in accordance with the letter and spirit of the Fundamental Rights guaranteed by our Constitution and, if not, to delete it, and to report to the House by the first day of the next session." (134)

SHRI SRINIBAS MISRA (Cuttack): What about other amendments?

MR. SPEAKER: The motion as well as these amendments are now before the House.

SHRI N. DANDEKER (Jamnagar): Mr. Speaker, the Motion which the Deputy Prime Minister has moved is that the Bill was reported by the Select Committee, be taken into consideration. I will concede that the Bill has come with considerable improvement from the Select Committee which, I am glad to say, did apply its mind to it, and the Deputy Prime Minister was accommodating,—at any rate; considerate, in looking at the objections we raised and in considering the amendments we proposed. Nevertheless, there are four major aspects of the Bill, four general matters, concerning which I think at this stage a few comments from me would be appropriate.

The Bill is concerned with four major matters. In the first place, it is concerned with reorienting the banking and credit policies of commercial banks; secondly, with reconstructing the management of banks in regard to the composition of their boards of directors, the appointment of whole-time executive chairman, the appointment of auditors of banks and placing restraint upon activities prejudicial to the working of the banks, that is to say, the particular provision to which considerable objection has been voiced here just recently; thirdly, the Bill is concerned with prohibition of loans and advances to certain categories of persons and certain categories of concerns, and finally, in many respects most importantly, it is concerned with nationalisation of banks by executive order under certain circumstances.

12.48 HRS.

[MR. DEPUTY-SPEAKER *in the Chair*]

To begin with, on the question of banking and credit policies, the Deputy Prime Minister made a statement in this House last year preparatory to introducing the Bill in which he referred to certain persistent complaints against the banking system. I will venture to read one or two of the complaints to which he referred, namely:

"There have been persistent complaints that several priority sectors such as agriculture, small scale industries and exports have not been receiving their due share of banking credit and that the bulk of bank advances are diverted to industry, particularly large and medium-scale industries and big and established business houses.....The importance of sectors like agriculture, small-scale industries and exports cannot be overlooked".

Then he went on to say:

"It is important to ensure in the immediate future an equitable and purposeful distribution of some of credit, within the resources available, keeping in view the relative priorities of development needs".

Now, Sir, the point I wish to make is this: the Deputy Prime Minister was good enough in the course of discussions in the Select Committee, to say that all that he had done was merely to refer to these complaints. He had not said that those complaints

were justified. But the position remains that so far as this House is concerned, there is there an implication, if one reads that statement of last year, which remains uncontradicted as of today, in this House. When the Deputy Prime Minister was moving his Motion to take the Bill, as reported by the Select Committee, into consideration, I was hoping that he would make a statement as to these implications that the banks were, in some ways, responsible for these shortcomings of banking policy, that he would contradict these adverse implications against banks, almost amounting to what logicians would say were *suggestio falsi*. But these adverse implications were not, I regret to say, contradicted by the Deputy Prime Minister, and I am, therefore, compelled to go on record as saying that it was not the banking system that was responsible for this; it was the policies of Government during the years following 1948 that were responsible for this state of affairs.

I do not wish to make statements on this without authority, and I will, therefore, take the liberty of reading from the evidence of the Governor of the Reserve Bank of India, Mr. Jha, before the Committee. When he was asked certain very important question by my hon. friend, Shri S. Kundu, a member of the Joint Committee, this is what he said:

"I think the Reserve Bank has always had a wide range of powers."

It was not for lack of power that the banking policy over the last 20 years has been what it was,—

"The purpose for which the powers are exercised was partly derived from statute itself and partly by the judgment which the Bank exercises on the state of the economy as it develops from time to time and partly also by an over-all assessment of the economic situation and of the national policy."

Going on, he explained how the banking policy had been developing over the last few years:

"In the initial stages the Bank was really concerned to ensure the safety of the depositors' money. Most of the directives and control measures dealt with it, and that was the guiding principle. Then

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came a stage when there was the accent on industrial development. This accent was not within the bank but in the country. So, the bank began to take steps to encourage the larger allocation of credits to industries with the result that a sizeable step-up took place—from one-third of the trade going to industry, it became two-third in a matter of about seven or eight years."

Sir, the point I wish to make is this. It was not the commercial banks that made the normal total banking and credit policies of this country. The credit policy and the banking policy of this country was made by the Reserve Bank of India, guided in its turn by the Central Government, in exercise of the tremendous powers vested both in the Central Government over the policies of the Reserve Bank and in the Reserve Bank over the policies of the commercial banks, both in the interests of depositors and in the public interest. Therefore, I do wish to go on record, specifically on the authority of Mr. Jha, to say regarding these complaints to which the Deputy Prime Minister referred in his statement last year and which he admitted in the Joint Committee, or rather, admitted is the wrong word, but which he agreed in the Joint Committee were not indeed complaints which he accepted, but he has not said so here. I, therefore, wish, Sir, to reiterate that it was not the banking system as such which was responsible for this, but the circumstances in the country were such that the Government, the Reserve Bank, and under their guidance the banking system followed the policy they did.

There is another point concerning banking policy that I want specifically to refer to, because over and over again in this discussion, apart from the general allegation that banking policy was wrongly oriented, there was also the specific allegation, in particular in relation to agriculture, that the banking system did nothing at all for agriculture. The first thing I want to say about that is this, that this was a matter of established policy,—a matter of policy accepted by Government, a matter of policy accepted by the Reserve Bank, a matter of policy, therefore, accepted by the commercial banks in this country. These were the recommendations upon which these policies

were founded. The Rural Banking Enquiry Committee in 1950 recommended that the proper field for agricultural credit was in the co-operative banking system and not with the commercial banks, the Rural Credit Survey of 1954 undertaken by the Reserve Bank came to the same conclusion, that it was not the function of the commercial banks to go in for agricultural credit but that it was properly the function of the co-operative credit structure; finally, there was the report in 1960 by the Committee on Co-operation presided over by that eminent cooperator Shri Vaikunt Lal Mehta which also made precisely those recommendations. And it was in pursuance of those recommendations that the commercial banks were kept out. I deliberately use the words "kept out" and not remained out; they were deliberately kept out of the agricultural credit structure, because that credit structure was intended to be the preserve of the cooperative societies. Let the Governor of the Reserve Bank speak from his evidence.

"So far, it was the firm policy,"—this is the evidence of Mr. Jha, Governor of the Reserve Bank—"to keep the agricultural scheme for co-operatives alone. The pumping of credit to agriculture went to the co-operatives", he went on, "for which the Reserve Bank made money available through the State and apex co-operative societies". He says further: "now that agriculture is entering into a new phase and new demands are coming up, the question of bank finance coming into the field has also been taken up."

Therefore, I wish to go on record as saying that it was not the fault of the commercial banks or of the Reserve Bank or anybody. It was in fact the established policy in this country that commercial banks should not engage in the field of agricultural banking which was to be exclusively preserved or reserved for the co-operative banking system.

SHRI RANGA: It was a wrong policy.

SHRI N. DANDEKER: That it was a wrong policy is now being realised. But that is not something for which the commercial banks can be blamed, nor indeed anyone else, I suppose because it is a matter of hind sight. I would not have been prepared to say nor for that matter would anybody else,—in 1960 or 1958 or 1962, that it was a wrong policy to have pursued, that

agricultural credit of all kinds—short or medium or long term—should come primarily from the co-operative society. All of us believed then that the co-operative banking and credit system was the proper source for agricultural finance.

Now, as the Governor of the Reserve Bank says, agriculture is entering into a new phase and is having a new dimension. The technological changes that have come about have also changed the character, volume and nature of financing required. Consequently, it is right that commercial banks should start looking forward to agricultural credit also as among the fields in which they should engage. But what I am suggesting is that it is improper by implication or by express statement to blame the commercial bank for not having gone into agricultural credit because it was precisely the field into which they were not supposed to go and from which they were excluded.

Next, about the reconstruction of the managerial structure of Banks, I do not want to go into details now. I appreciate that in the formulation of policy at the director level in banks, it is desirable that a body of experts should be available with experience and knowledge other than merely industrial and commercial. That is acceptable. But the main trouble, as I see it here, is that from a situation where there was no requirement at all—only people with experience of industry, finance and commerce were on the board of director,—the Bill proposes to take a sudden leap, from nothing to 51 per cent, as the proportion of the board of directors that ought to be constituted with special kind of knowledge and experience. My specific suggestion will be explained in detail at the time of moving my amendments. But I submit this jump is too sudden and quite unnecessary. We can go in that direction but without necessarily saying at what speed we should leap over in that direction.

There is another point. The Deputy Prime Minister in the course of his speech on the motion referred to the fear which I had expressed and in regard to which he was good enough to give an assurance which is embodied in the report of the Select Committee in para 23 of that report:

“During the course of discussion on subsection (6) of the proposed section 10B of

the Banking Regulation Act, 1949, empowering the Reserve Bank of India to remove an elected chairman of the board of directors of a banking company, if, in the opinion of the Reserve Bank of India, he is not a fit and proper person to hold the office of Chairman, the Committee were assured by the Government that there would be no victimization of the chairman merely because of his being a critic of the monetary and banking policies of the Reserve Bank of India or of the fiscal and economic policies of the Central Government or the Government of any State.”

When this assurance was given, I was content; I was the one who had moved an amendment to that particular clause seeking to embody into it precisely these words.

However, the Deputy Prime Minister was good enough to give that assurance to be recorded in the Select Committee Report. I was content. But then, subsequently, I have had a terrible shock. I have heard here statements made by the Home Minister, Mr. Chavan, that the solemn assurances given twenty years ago by the then Deputy Prime Minister, Sardar Patel, assurances which had been embodied in the Constitution regarding the privileges and privy purses of rulers, are to be thrown overboard. I now regret to have to say that while assurances of even highly-placed persons like Deputy Prime Ministers are perhaps acceptable during their lifetime, I have also to say that when they are off the scene, those assurances are not worth the paper on which they are written even if they are embodied in a law or the Constitution. Consequently, I have tabled an amendment which goes back to the position I had taken before the Select Committee, namely, about those assurances having to be embodied in the particular clause in the Bill.

Then, I come to the point that has been agitating my friends,—the new section 36AD.

MR. DEPUTY-SPEAKER: You will require some more time, I hope.

SHRI N. DANDEKER: Yes, Sir.

13 HRS.

*The Lok Sabha adjourned for lunch till
Fourteen of the Clock.*

The Lok Sabha re-assembled after Lunch at five Minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*].

**BANKING LAWS (AMENDMENT)
BILL—Contd.**

MR. DEPUTY-SPEAKER : Shri Danekar may continue his speech.

SHRIN. DANDEKER: Mr. Deputy Speaker, Sir, I was on the subject of the second major aspect of this Bill concerned with re-construction of the management of banks and I have already referred to the re-constitution of boards of directors, and the appointment of wholtime executive chairman. And I was on the subject of restraining certain activities prejudicial to the working of the bank, which brings me to the clause which has aroused a good deal of feeling, namely, the new section 36AD that is proposed to be inserted into the Banking Regulation Act.

I want to make just two observations about this. The first is that this measure which amends the Banking Regulation Act is specifically concerned with the regulation of banking as a whole, and the objective is to so increase and direct social control over banks that they may fulfil the objectives which the country has before it in terms of economic development. When there is special legislation in regard to the regulation of banks in all aspects of their management, an important aspect of the management and an important aspect of the working of the banks, which impinges upon the day-to-day working of banks, is this question of activities of the employees of banks in relation to, let us admit, matters which may otherwise be legitimate. I am not questioning that for the moment. Very often the dispute which give rise to the kind of activities sought to be prohibited by this Bill may well be legitimate. At any rate, I am prepared to proceed on that basis. But the question here is whether the particular types of activities sought to be prevented or prohibited by the new provision are the kind of activities which in relation to banking ought to be allowed or whether they are such as to infringe upon fundamental rights. That is one question. The second question is whether the Banking Regulation Act is a proper place for such regulatory provisions.

As to the first one, I have no doubt whatever that the activities which are sought to be prohibited within the very narrowly circumscribed compass of the definitions given in 36AD are not activities which are either legitimate trade union activities or, at any rate, they are not activities which constitute fundamental rights.

I have here a judgment of the Bombay High Court in a matter arising in fact out of such activities by the employees in a bank known as the Syndicate Bank Ltd. in which the High Court of Bombay upheld certain injunctions against them and certain prohibitory orders, one or two of them with slight modifications, made by a lower court. I would just read one or two of these to illustrate the fact that the High Court of Bombay did not regard these prohibitions as contravening in any way the Fundamental Rights. In fact, the question of fundamental rights specially debated in this case before the High Court. These are some of the injunctions that the High Court issued. The first is that there will be an interim injunction restraining the defendants either by themselves or through their agents from holding meetings, shouting slogans, uttering abuses, holding demonstrations etc. Within the premises of the plaintiff bank; the second is that there will be an interim injunction restraining the defendants and their agents or servants from shouting abusive or defamatory slogans against the plaintiff or any of its officers or customers within a radius of such and such distance, of the premises of the bank or the entrance to the bank; the third is that there will be an interim injunction restraining the defendants from publishing, circulating and distributing circulars, pamphlets etc. commenting upon credit-worthiness or the solvency of the bank or defaming the plaintiff bank and so on.

The point that I am making is that these particularly circumscribed and very clearly defined activities which it is sought by the provision in this Bill to prohibit within the premises or at the entrance of commercial banks are not activities, the prohibition of which would constitute an infringement of fundamental rights.

The second question is whether this kind of thing is necessary in this particular Bill. I submit that it is because credit institutions by their very nature go to the very foundations

of the day-to-day working of the economy. It is not just that credit institutions are important in the totality of the economic development of the country. Credit institutions like commercial banks are concerned with honouring cheques, clearing cheques, honouring bills, clearing bills, purchasing bills, discounting bills, remitting moneys, receiving moneys, allowing people to withdraw their moneys and so on, and these are operations of a kind which are continuous day-to-day operations, and they are day-to-day operations of a kind that go to the very root of the operation of the economy. Consequently, on merits, I have no doubt whatsoever, and it is my submission to the House, that the regulatory provisions on that sort of the activities of the employees of a bank are necessary.

Thirdly, quite obviously, if you are going to have a special legislation to regulate the working of the banks as indeed is the case here, if you are going to have special legislation regarding the management of banks, the boards of directors of the banks, the policies which they will follow, the conditions to which the directors will be subject in regard to loans and so on, then I submit that this is in fact also the proper place, for regulating the activities of those persons—and not necessarily only the employees, who may obstruct the working of banks. The clause is so worded that it is not really confined only to the employees; it applies to every person doing any of these prohibited things. Supposing the depositors get so rowdy that they prevent people from coming in or going out of the bank, then this clause would apply to them also; any person obstructing the proper day-to-day working of the banks—regardless of whether he is an employee, regardless of whether he is a customer, regardless of whether he is a shareholder, regardless of whether he is a depositor,—must be prevented from obstructing the day-to-day working of the commercial banks. If that is the case, then the proper place for such legislation is in fact the Banking Regulation Act, which is concerned with controlling, guiding and directing the totality of the functioning of the banks.

That is the position in regard to this particular matter. I am not at this moment concerned with the specific sub-clauses

of the clause, but I am on the subject of the principles involved.

The third major feature of this Bill is concerned with loans and advances. On the whole there can be no doubt that not only should we restrict or indeed prohibit loans to directors who themselves participate in the policy-making of the bank, but we should also prohibit loans to concerns in which the directors have a substantial interest. In that form, I would have no objection to the proposition at all. But this Bill goes further. This is where I have very strong objections to the provisions and I have put in appropriate amendments in regard to these provisions, namely that a concern is here regarded as totally ineligible for any loans from the bank merely because the director of a bank happens to be a director of that concern, regardless of the extent of the interest that he has in that other concern. I think that that is going too far. It is to me acceptable that if a director has a substantial interest in the borrowing concern, whether as a shareholder or as a partner, or if he is indeed much more intimately connected with that concern as its managing agent or its employee or as its manager, then lending to such concern should be restricted or even prohibited. That, Sir, is an acceptable proposition. But to suggest that perfectly well-run concerns which happen to have on their board a director with no substantial stake in the concern but who is also a director of the bank should thereby become ineligible for borrowing from that particular bank is, it seems to me, going to a point at which absurdity comes in. I know that the answer would be 'why does he not resign from the bank?' Why does he not resign from the company? But these are, I submit, not relevant answers. The real question is whether the proposition is *per se* justified on merits.

Another part of this particular aspect of the Bill to which I take exception is in regard to the time-limitations involved. My exceptions are not in regard to the character of the proposals. The character of the proposals is this that where a loan or an advance to a particular concern is prohibited under the substantive provisions, then an existing loan and advance of the prohibited category must be liquidated within a given period of time. We accept that

[Shri N. Dandeker]

as a logical corollary of the first proposition. But the point is that it is not a trifling sum that is involved. In many such cases of which I am aware, the advances and loans and other facilities and accommodations runs into several lakhs of rupees. It is not meaningful to suggest that they should liquidate those loans and advances and settle the accounts within a period of twelve months; not unless one of two things is to be conceded; namely, that either you concede that it does not matter if there should result an upheaval in industry, because to you this Bill is far more important than the well being of the totality of the industry; or alternatively, that what is going to happen is a swopping of loans, that is, such loans from Bank A will move to Bank B, and loans from bank B will move to Bank C and so on, until the whole thing is apparently in conformity with the law. This kind of compulsion to do this sort of thing is a meaningless proposition.

I suggest that the period for liquidating these loans ought to be much longer. Indeed, I suggest that a more reasonable proposition would be, not that such loans should not continue, but that the amounts of such loans and advances should not increase and that any further borrowings by such concerns should be from some other banks. That kind of thing would be meaningful and acceptable.

Finally, Sir, I think the worst feature of this particular part of the Bill is the one that gives to the Reserve Bank power to extend time within which these concerns may liquidate their loans. I again appeal to the Deputy Prime Minister not to expose the Reserve Bank to this kind of situation. He is, aware, that in this House and more so in the other House, there have been allegations of close collaboration of an undesirable kind between Government and big industry. If the Reserve Bank is also to be exposed to such allegations merely because it thought on merits that time should be extended for liquidating certain loans,—if the Bank is to be exposed to light-hearted allegations of that kind, then I think it would be one of the worst things that could happen to a central banking institution,—an institution that controls money, that controls credit and that controls inflationary processes, that is an adviser to

Government, that has got to carry out the instructions of Government and so on. I would beg of the Finance Minister, regardless of whether he is going to allow one year for repayment of these loans or three years, that let him please not put the Reserve Banks into this awful position of being attacked on flimsy grounds by insinuations and allegations of favouritism and collusion.

My last word, Sir, is about nationalisation. There is a provision in this Bill which horrifies me, which enables the Government by executive orders to nationalise any bank for the most trifling breach of any directive of the Reserve Bank. If a bank commits a breach of Reserve Bank's directives "more than once", which means twice, and if it is "in the interest of banking policy," which means the same thing again although the word "and" is used, that the bank ought to be nationalised, then there are provisions in this Bill, Part II C of that particular clause 15, which enables, the nationalisation of that bank by executive orders. I cannot over-emphasize the point that in my opinion this is utterly unconstitutional—this is, of course, not a matter on which I am asking, you sir, to express an opinion; I am only stating a proposition,—I think provisions of this kind in a general Act, enabling by executive orders the nationalisation of banks is in my judgment not only improper but also unconstitutional. I am prepared to look at any specific proposition of nationalisation, whether it is of a bank or a cement company or textile mill, anything, then we can debate it on a specific legislation concerned with its nationalisation, debate it on merits whether it is desirable policy-wise, specific instance-wise in the particular facts of the case, in relation to the mode of compensation proposed, the nature of compensation proposed and so on; and then come to a decision. But this kind of blanket provision, sneaking in by the backdoor into a regulatory act for the purpose of nationalisation of banks by mere executive orders is, in my judgment both improper and unconstitutional and ought not to be there.

Subject to these observations, as I said earlier, the Bill has very considerably improved after its reference to the Joint Committee and I hope what I have said will induce the Deputy Prime Minister to make

appropriate concessions if he likes, or appropriate changes in his attitudes as a result of the arguments and suggestions that I have advanced.

MR. DEPUTY-SPEAKER: Before I call the next speaker I would like to say something regarding the distribution of time. Even if we do not take into account the time taken for points of orders and other things, we have just got five hours. Out of those five hours I would suggest three hours for general discussion and two hours for clause-by-clause consideration.

SHRI S. M. BANERJEE: Sir, as you have already seen, for the last few days this has evoked considerable controversy in this House itself. So, may I request you in all fairness to us that the time should be extended? It should be five hours for general discussion and two hours for clauses.

SHRI INDRAJIT GUPTA: A large number of amendments have been moved.

SHRI KANWAR LAL GUPTA (Delhi Sadar): It is a very important Bill.

MR. DEPUTY-SPEAKER: I fully realise the importance of this Bill. But the BAC, after considering all aspects, has allotted five hours for this. So, I will convey this to the Minister of Parliamentary Affairs that the hon. Members want extension of time in view of the importance of the Bill. I have discretion to extend it only by half an hour.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH): I only want to state that the BAC has taken a unanimous decision and allotted five hours.

SHRI MORARJI DESAI: May I say something? It is not for us to say whether you should extend it or not. But when it is said that its importance is there, did the importance suddenly arise? When the BAC considered it, the importance was there, the position in the country was there, everything was there. No new factor has come in now. If we change the report of the BAC, there will be no sanctity attached to the BAC and we will not know how to transact business. That is my worry. I am not worried about anything else. We have already spent two hours or more on this.

SHRI S. M. BANERJEE: Sir, I wish to place before you and the Deputy Prime Minister that this question was raised in the BAC. Previously, the time allotted was only three hours. We argued and argued and got it extended to five hours. Still we have said that it will not be sufficient. It will be seen from the proceedings of the BAC. This is a very important Bill. At that time we did not know that something has been omitted and it has to be restored. Nothing is going to be lost by discussing it for a little more time. This is not an ordinary Bill. Let us discuss it to our hearts content. Ultimately, you will get it passed; we know it.

MR. DEPUTY-SPEAKER: As I have said, so far as my discretion is concerned, I can exercise it just for half an hour.

SHRI S. M. BANERJEE: The House can take a decision. It is more than the Business Advisory Committee.

MR. DEPUTY-SPEAKER: That is true; the House is supreme.

SHRI S. M. BANERJEE: So, I beg to move.... (Interruption)

MR. DEPUTY-SPEAKER: All arguments were there before the Business Advisory Committee and I would also convey the feeling expressed here, namely, that time should be extended, to the Speaker and the Minister of Parliamentary Affairs and it is for them to consider it.

How much time would the hon. Minister require for his reply to the general discussion? I want to finish it today.

SHRI MORARJI DESAI: As much time as you wish to give me. If you give me half an hour, I will finish my job; if you give me 15 minutes, I will do justice to it.

SHRI S. M. BANERJEE: Shri Dandekar, fortunately, being the first speaker got about 20 or 30 minutes.

MR. DEPUTY-SPEAKER: I gave him a little latitude because he rarely speaks in the House and he speaks with some knowledge.

SHRI S. M. BANERJEE: Why I am insisting that here and now the House should take a decision on this is that if on the assumption of the total time being 5 hours you decide 3 hours for general discussion and 2 hours for clause-by-clause consideration, the time for the other speakers

will be hardly 15 minutes each and they will not be able to explain their point of view. Then, what will happen if time is extended later on? Will you give another opportunity to the same speakers?

MR. DEPUTY-SPEAKER: The matter may be referred back to the Business Advisory Committee for further extension. So far as clause-by-clause consideration is concerned, my difficulty is that under the Rules I cannot just say, "Two minutes." These are important clauses and it may take a long time. So, that is very difficult. What I would suggest, therefore, is that we close the general discussion today at 5.30. I shall call the Deputy Prime Minister at 5 O'clock.

SHRI MORARJI DESAI: Then you will have given about 4 hours for this. We started at 12.45. If I speak at 5 o'clock it means that you are giving me half an hour up to 5.30. So, 3½ hours now and 15 minutes in the morning means that you have given 3 hours and 45 minutes for this. I do not mind. You do whatever you do knowing it; but do not do it being dragged into it.

MR. DEPUTY-SPEAKER: The Deputy Prime Minister will reply at 5 o'clock.

श्री कंबर लाल गुप्त : अध्यक्ष महोदय, मेरा कहना यह है कि यह इतना इम्पॉर्टेंट बिल है, इसमें सब पार्टियों के लोग अच्छी तरह से अपनी राय रखना चाहते हैं। राय अलग-अलग भी हो सकती है। सरकार की कुछ राय हो सकती है, दूसरी पार्टियों की दूसरी राय हो सकती है। लेकिन राय रखने का मौका तो सदन के सामने पूरी तरह से आ जाना चाहिए खास तौर से इस बिल के बारे में और मुझे ताज्जुब है कि मन्त्री महोदय क्यों उस को जल्दी करना चाहते हैं.....

MR. DEPUTY-SPEAKER: It was referred to a Select Committee and all these points were pressed there. We should have some regulation.

श्री कंबर लाल गुप्त : उपाध्यक्ष जी, ऐसा तो कई बार हुआ है कि बिजनेस ऐडवाइजरी कमेटी ने कुछ पास किया और यहां आने के

बाद सदन के अगर सब सदस्य यह समझते हैं कि थोड़ा एक्सटेंड होना चाहिए.....

MR. DEPUTY-SPEAKER: I have already extended time for today to 3½ hours.

श्री कंबर लाल गुप्त : मेरा कहना यह है कि यह तो एक दूसरे की भावना को समझ कर कोआपरेशन से चलना है। जवाब मन्त्री महोदय आज न दें, कल दें तो ज्यादा अच्छा होगा।

MR. DEPUTY-SPEAKER: I think, he should reply to the debate, today. I am referring the question to the Business Advisory Committee.

SHRI S.M. BANERJEE: If you say about the Select Committee, what is happening in the Select Committee.....(Interruption).

MR. DEPUTY-SPEAKER: That we need not take into consideration.

SHRIMATI TARKESHWARI SINHA (Barh): Mr. Deputy-Speaker, Sir, While discussing the Bill as it has come from the Select Committee, I would say, as Shri Dandekar has pointed out, that though this Bill has improved in many respects, and has created an impression that the functioning of the banks will be controlled in an overall manner, the control that will be exercised by the Government and the Reserve Bank is more or less a negative control, that is, what the banks cannot do under this Bill. That is the prime spirit of this Bill. The problem of social control was not only the negative problem. The very basis of the social control was, that the bank credit which should have been diverted into various channels for meeting the social objectives was not being diverted and that is why the need for such a Bill was felt.

Confining myself to the Report of the Select Committee, our job has become very difficult because we have to speak on the provisions of the Bill and as it has come from the Select Committee. The scope is so limited to discuss this matter here that we feel we will not be able to do justice to this problem. Mr. Dandekar who has spoken before me has highlighted many of the provisions of the Bill. Some of his suggestions

have been good; some of his suggestions have been very much coloured. But some of the points which Mr. Dandekar has raised really need serious consideration on the part of the Finance Minister.

For example, when he has provided about the membership,—that 51 per cent membership of the Board will be from the persons who have got special knowledge. The special knowledge and the practical experience, sometimes, are quite contradictory in terms. A person may have the practical experience but he may not have the special knowledge. Therefore, the term 'practical experience' is quite vague. What it can consist of I think, the Finance Minister should really give out what exactly is, in his mind and what does he mean by the practical experience because my apprehension is that, under this clause it will mean that any member of the Government, any retired personnel who has dealt with the finances of the Government, in any capacity, will also be considered to be a person with practical experience. Banking is an impersonal institution. There should be no personalised relationship and, therefore, we must provide the safeguard as it has already been a vicious circle that most of the Government officers find their way out to some of the leading companies in the private sector.

The other day, the hon. Member, Mr. Lobo Prabhu, remarked :

If the Government officers were not so competent, why have they been taken in the private sector. I have a very easy answer to provide to Mr. Lobo Prabhu because I feel that the amount of patronage that they can provide during their service is such that they can immediately take advantage and everybody would be too glad to offer them jobs. The links that they leave in New Delhi Secretariat is always quite an influencing factor which every businessman considers. That is why most of the civil servants have joined public sector or private sector and all of them are enjoying very high appointments in business circles.

I am afraid, even in regard to banks, if we do not categorise it, my feeling is that later on, the very officers will try to get into the Board and that is how it will never serve the purpose for which this Bill has been brought forward.

I belong to a ruling Party. But tomorrow it may happen that some other party may come. Nobody knows. Let us make it clear. When a Bill is enacted in this Parliament, it becomes an Act and it becomes a permanent feature of our statute. My feeling is that there should not be that tendency which should be encouraged by the Government that most of the time, politicians should be co-opted in the Board of Directors. After all, we develop an attitude. We function here in certain situation. We are guided and influenced by our constituents; we are guided by various other political pressures. I do not want that any such loopholes should be left under the provisions of this Bill that, later on, the politicians should take advantage of their influence here and everywhere and should get into the Bank. I am not really doubting the *bona fides* of any person. Suppose he represents certain interests. In democracy, in society, as the society is being organised, as we are spending years in parliamentary life, groups are being formed which we represent in Parliament. Suppose, today, a Director of the Bank under the circumstances in which he is placed starts working on the basis of the group or the interest that he represents, it will be very difficult for the Chairman of any Bank not to react to that kind of influential opinion which he will be compelled to accept. Therefore, I think, the Finance Minister should clarify this position a little more.

Then I come to the second point and that is about Part IIC, section 36 AE. Though it is good that the Reserve Bank should have the power to look into the lapses of the banks and also provide an opportunity to them to give an account of themselves as to why those lapses occurred, I do not agree with Mr. Dandekar because the abuses which have taken place in the past do not create a feeling in us that delay will serve the purpose because we know how these companies and banks operate. It has been provided in the Bill that enough time will be given to them to explain their conduct why the lapses occurred. I am sorry a time limit has not been specifically mentioned in the Bill and, therefore, any unlimited time can be given to them. If a long time is given and if the procedure takes long time, I feel that lot of things will be done underhand and the lapses which have been found out by the

Reserve Bank would be changed and they would take advantage of this delay. I, therefore, think that some time limit should have been provided for this also; if a time limit is provided, then this kind of loopholes will not be there in the Bill.

I now come to the point which was very pertinently raised by Mr. Dandekar and which I would also reiterate, and that is, the kind of interlocking system that is bound to be created under the set-up. We should have a safeguard to meet that situation. This has been happening in the past. After all, there is a list of industrial Directors of some big banks of India. If we take the Punjab National Bank, the Bank of India, Bank of Baroda, the United Commercial Bank and the Central Bank of India, we find that all those people are being repeated in one bank or another. Either they are Chairman of one company or Director of another bank. If a particular person is Chairman of one company and Director of another bank, that bank, of which he is the Director may not give loan to the company of which that particular gentleman is the Chairman. But it does not prohibit the other banks from giving him loan. Therefore, this problem is going to be a very serious problem. I would beg of the Finance Minister to look into this interlocking system. There are so many ways by which banks give finances—term-lending, underwriting new issues, guaranteeing of deferred credit and so on. All these criteria are very significant criteria to which we must pay attention because inter-locking may not occur in one: suppose it does not occur in term-lending, it may occur in deferred payment or underwriting of new issues. Therefore, there can be a reciprocal arrangement about taking advantage of the situation. I do not find any safeguard in this Bill to remove that. I would like to quote from the *Economic Times* which is not supposed to be a very leftist paper—it is quite a conservative paper. *The Economic Times* has commented:

"In practice the relationship (of banks with their industrial clients) is changing fast. Much of the short term working capital finance provided to industrial clients is in effect used as long term funds through rolling over, quite apart from the substantial incursions made by banks in the field of

term financing... a time has come for a reassessment of the more intimate and intricate relations between banker and their industrial clients whose mutual dependence has been increasing in recent years."

This Bill has not taken care completely of the mutual dependence of the industries with the banks. It is nearly a year, since the Finance Minister had discussions with the bankers. Yet, I find, a system has been evolved by which, persons who could not take directly advantage of a particular bank after the social control statement was made by the Finance Minister have been taking this kind of advantage. I would like to know of even one big concern, which was getting finances from the bank and which was getting all the underwriting facilities in the past, having been denied this kind of facility now and because of the social control of banks, are they now finding it difficult to uphold the objective of encouraging their own industry? No. I do not think the purpose underlying social control of banks has been worked out in terms of the actual behaviour of the industrialists.

Coming to sec. 36 AD, I agree with many Members, in the view they have put forward. I have had a discussion with the Finance Minister and I argued with him about this provision. Many members have taken objection to this provision. I join with them. I feel that though the spirit behind that could be appreciated, because it is a fact that a lot of turmoil is taking in this country and our whole industrial fibre is breaking down, so many vested interests have developed the entire industrial complex—and, it is not fair that we should allow vested interests either of the industrialists or labour to operate, nor should we allow the vested interests of anybody else to break the fibre of industry. I have lot of sympathy with the viewpoint that there should be some line drawn whereby we can really control discipline of labour. But this was not the occasion, really for this purpose. This has created a feeling that this Bill is discriminating against the industrial workers who happen to be employees of banks while other industrial workers are going to have their right intact with them. Most of the members who have appended minutes of dissent have taken objection to this provision, and I feel the Finance Minister should do something about it.

SHRI MORARJI DESAI: Most of the members have not taken objection to it, only a minority.

SHRIMATI TARKESHWARI SINHA: Except for Shri Dandekar and Shri Kothari I think the others have objected to it.

SHRI INDRAJIT GUPTA: Most of the members are dummies.

SHRI MORARJI DESAI: Only he is the real one!

SHRIMATI TARKESHWARI SINHA: Then I would withdraw that. I do not want to enter into an argument on this. I shall say that 50 per cent have supported and 50 per cent of the members have taken objection to it. But I think there is a lot of sense in the objection which has been taken.

Now I will come to a point which this Bill has not taken care of. Though it is a fact that the board of directors will comprise agriculturists, members of co-operative societies and representatives of other dimensions and spheres of economic activity, as I said in the beginning, it is what we are going to do to ensure diversification of banking fund taking place that will really matter in this.

I would like to give certain figures I have collected from some reports. These concern the *per capita* deposits in banks. The banks say that they have done remarkably well. But taking into account their sphere of operation in the past, one is led to feel that they have not done remarkably well, because the environmental climate in which they were operating was very very encouraging to them. Take, for example, a city like Bombay. I do not think banks have much to do by way of canvassing business. People are conscious and go and make their deposits themselves. Let the banks move to the villages and then they will know what it is really to go into the gear of the financial institutions.

I would like to quote some figures. The *per capita* deposit in India is the lowest. It is only Rs. 47. In Britain it is Rs. 2,000, in Italy Rs. 1,800, in Japan Rs. 1,400, in Germany it is Rs. 2,500 and in the USA it is Rs. 6,000. Compared to these figures, our *per capita* deposit is only Rs 47. This also is confined to the cities.

Taking the figures for cities, in Bombay the amount is Rs. 442.83 crores, in Delhi Rs. 316.11 crores, in Calcutta Rs. 289.26 crores and in Madras Rs. 63.09 crores.

These are the figures of deposits available in banks. Similar calculations are made of Poona, Allahabad, Lucknow and some other cities.

But they are a handful compared to the entire area and population of this country. Therefore the credit that has gone to the banks that they have been operating with great efficiency and attracting deposits is not true. They have confined their activities to very safe areas.

Shri Dandekar said that it was not the function of the banks to give loans to agriculturists, but I would like to ask him a question. The total demand for agricultural credit according to the Reserve Bank Report is Rs. 1300-1500 crores, out of which the credit co-operatives provide only Rs. 300 crores, because they are not a very profit making institution since they have to do a pioneering type of work. Should we not do something for providing the balance credit requirement? In this Bill except for representation in the Credit Council and in Boards of Directors, there is no other guide-line which makes us feel that any positive step will be taken to provide agricultural credit and to increase agricultural finance. On the other hand, no limit has been fixed on their area of operation. Any office of the banks can be opened in Bombay, Calcutta, Madras and Delhi. They need not go to intensive areas. I suggest to the Finance Minister that if the Head Office of a bank is in Delhi, it should be asked to operate only in a limited area, say, Western U.P., Punjab and Haryana. That will make the banks go to the rural areas.

It is a mistaken idea that in rural areas finances are not available. Lots of finances are available. According to Government reports, the amount available in rural areas is Rs. 500 crores, and there is no agency there to collect that amount. I come from a village where I have got my farm. There is no railway station there and the nearest post office is two or three miles away. We do not have any facility to carry even rupees two thousand and keep it there over-night. One feels very afraid. The banks should go to such places and tap their resources.

Today, the Food and Agriculture Ministry has asked warehouses to be constructed on a large scale by private individuals. If the banks go and finance them and also mop up agricultural income, I think it will be a boon to society.

[Shrimati Tarkeshwari Sinha]

It has been provided in this Bill that foreign banks operating in India will have to take a licence. I think it applies to new banks and also old banks which are operating in this country. Out of 6363 bank offices in the country, foreign banks have 105 offices, and their number is 13. At the end of 1966 their earnings amounted to Rs. 33 crores, their expenses were Rs. 27 crores, and their profit was rupees six crores. If you compare the expenses, of Indian and foreign banks, you will find that for the foreign banks it is nearly 12 to 13 times more than the Indian banks. I would like the Finance Minister to conduct an enquiry as to why this kind of expense ratio has been allowed in the case of foreign banks. Moreover, their profit ratio is also higher than that of Indian banks. Primarily it is due to their financing exclusive concerns. They choose the blue-eyed industry, and therefore naturally their profits are high. They have never gone in for financing middle class concerns or ordinary industries. They have always chosen the best industries in this country, particularly, those which have foreign collaboration. Something should be done about this.

Before concluding, I would submit that foreign banks are being asked to bring their funds; I am glad it has been provided. But the proportion or percentage has not been indicated in the Bill. I suggest to the Finance Minister that they should be compelled to bring at least twenty per cent of their deposits, their deposit liability, to finance Indian industries and the economy of this country, and not to give premium to the foreign concerns because most of the premium which they give to the foreign firms goes to foreigners. All the profits of Bata and Jenson and Nicholson and other foreign companies go to foreign countries. These profits must be utilised in India and not sent abroad.

श्री कंवरलाल गुप्त (दिल्ली सदर) :
उपाध्यक्ष महोदय, जिस उद्देश्य से यह विधेयक सदन के सामने लाया गया है मोटे तौर से मैं उस के साथ सहमत हूँ। मैं यह मानता हूँ कि कुछ साल पहले हमारे देश में जिन लोगों के हाथ में बैंक या उन्होंने अपनी पोजीशन का कुछ नाजायज कहीं न कहीं इस्तेमाल भी किया।

यह भी ठीक है कि जो पैसा बैंक के पास है उस का जितना सदुपयोग समाज के लिए होना चाहिये उतना नहीं हो पाया। नीचे तक उस का उपयोग होना चाहिए। ऐसा भी नहीं होना चाहिए कि जो उस के डाइरेक्टर्स हैं वह अपनी ही कम्पनी के लिए, अपना ही कामकाज बढ़ाने के लिए सारा उस का उपयोग करें। खेती के लिए, किसानों के लिए वह पैसा आना चाहिये यह सारी बातें जोकि इस विधेयक में हैं मैं समझता हूँ कि कोई भी उन से समहत हुए बगैर नहीं रह सकता है। लेकिन मेरा सवाल उपमन्त्री महोदय से एक है कि जो उद्देश्य आप ने इस विधेयक में बनाए हैं या कांग्रेस पार्टी ने अपने अलग से मनीफेस्टो में रखे थे क्या, आज रिजर्व बैंक के जो अधिकार हैं उन से वह पूरे नहीं होते जिसके कि कारण से आज यह नया विधेयक आपको लाना पड़ा है? मेरा कहना यह है कि जो आज भी रिजर्व बैंक के अधिकार हैं उन के जरिए से यह सारी बातें पूरी हो सकती हैं और यह सब चीजें रैगुलेट हो सकती हैं। एक नया विधेयक लाने की कोई विशेष आवश्यकता मेरे खयाल से नहीं थी। शायद सरकार का यह मतलब हो कि ज्यादा कंट्रोल करने से ज्यादा ताकत एक जगह जाने से कुछ ज्यादा लाभ होता हो। मैं इस सिद्धान्त का मानने वाला नहीं हूँ। अगर आप यह कहें कि जो बैंक है उस को इतना दबा दिया जाय कि उन का इनी-शियेटिव खत्म हो जाए और वह काम नहीं कर सकें तो यह भी ठीक नहीं होगा। अगर यह समझा जाए कि सारे अधिकार रिजर्व बैंक को दे दो, बगैर कुछ कारण बताए आप चेअरमैन को भी हटा सकते हैं। अगर दो डाइरेक्शंस दे दिए जाएं और अगर वह न माने जाये तो वह बैंक सरकार ले लेगी इस तरह की स्वीपिंग पावर्स रिजर्व बैंक को देना, अनलिमिटेड पावर्स रिजर्व बैंक को देना मैं समझता हूँ कि रिजर्व बैंक पर जरूरत से ज्यादा विश्वास करने वाली बात होगी। इस का मतलब तो यह है कि हम यह समझते हैं कि रिजर्व बैंक के अधिकारी क्राऊन के तरीके से कोई गलती नहीं कर सकते।

जो कुछ वह करेंगे वह ठीक है तो ऐसा नहीं है। हमारे पिछड़े हुए देश में जिस तरह कर्रप्शन की हालत है हम देखते हैं कि उस में जितना ज्यादा कन्ट्रोल होगा उतनी ही ज्यादा बेईमानी, फेबरेटिज्म और निपोटिज्म हमें दिखाई देगी। मेरा मन्त्री महोदय से निवेदन है कि ज्यादा कन्ट्रोल करने से कोई एफिशिएंसी आती है तो यह बात नहीं है। आप उस को रैगुलेट कीजिए और जो गले हुए पार्ट्स हों उन को बदलिए। इतना ही होना चाहिए इस से आगे नहीं होना चाहिए। लेकिन यह जो विधेयक आया है यह पोलिटिकल बिल है क्योंकि कांग्रेस की तरफ से एक मांग उठी कि बैंकों का राष्ट्रीयकरण होना चाहिए। सरकार जो आज हुकूमत की कुर्सी पर है वह राष्ट्रीयकरण की मांग को मना भी नहीं कर सकती और हां भी नहीं कर सकती। नतीजा यह है कि उन्होंने कोई बीच की चीज लाकर खड़ी कर दी है और यह मौजूदा विधेयक एक पोलिटिकल कम्प्रोमाइज जैसी चीज है

SHRI MORARJI DESAI : Demand for nationalisation was from the Opposition also ; not only Congress.

श्री कंबरलाल गुप्त : हम ने कभी राष्ट्रीयकरण की बात नहीं कही।

श्री मोरारजी देसाई : आप ने नहीं कही हो बाकी आपके साथियों ने कही है।

श्री कंबरलाल गुप्त : वह आप के साथी हैं, हमारे साथी नहीं हैं। हम ने कभी राष्ट्रीयकरण की मांग नहीं की। यह पैसे की एक दूसरी तस्वीर है। एक तस्वीर उधर है और एक तस्वीर उधर है। मेरा कहना यह था कि आप ने यह पोलिटिकल कम्प्रोमाइज किया है और उस के कारण से यह एक अजीब सा विधेयक सदन के सामने आया है। मेरा यह विश्वास है कि आज भी जो बिल है उस के जरिए से जिस प्रकार से जो चीजें आप चाहते हैं वह रैगुलेट कर सकते हैं लेकिन यह सोशल कन्ट्रोल नहीं होगा यह पोलिटिकल कन्ट्रोल होगा। मैं माननीय वित्त मन्त्री से पूछना चाहता हूँ कि जहाँ जहाँ भी आप ने कन्ट्रोल देखा आप ने या तो प्रोवाइड कर दिया

है कि कोई डाइरैक्टर पैसे को मिस्यूज न करे और अपने कमाने के लिए पैसा न लिया जाए। बड़ी अच्छी बात है। मैं उस से सहमत हूँ लेकिन अगर आप के द्वारा इस विधेयक में रिजर्व बैंक के लिए ज्यादा अधिकार दे दिए गए तो यह जो पैसे वाले हैं यह उस कुर्सी के नजदीक जाना चाहेंगे और जो मन्त्री हैं या जो रिजर्व बैंक के चैयरमैन हैं या गवर्नर है उस को खुश करना चाहेंगे। आज मोरारजी भाई यहाँ पर हैं कल को दूसरे भी हो सकते हैं। क्या आपको यह मालूम नहीं कि कई बड़े-बड़े कुर्सी पर बैठने वाले मन्त्री जिनके कि अखबार चलते हैं, अखबार उन के घाटे में चलते हैं, उन को कोई पढ़ता नहीं है और वह अखबार उनके मुश्किल से 5000 ही छपते हैं लेकिन उन के शोयर्स लाखों रुपए में बिकते हैं। अब यह लाखों के शोयर्स कौन खरीदता है? जाहिर है कि पैसे वाले खरीदते हैं। ऐसे पैसे वाले खरीदते हैं जिनके कि बारे में सरकार रोज गालियाँ देती है। उन को लाखों रुपये का कर्जा मिलता है और वह उन्हें इंग्लैण्ड कम्पनीज से और बैंक्स से मिलता है। यह चीज भी इस बिल में कन्ट्रोल करनी चाहिए थी। किम तरीके से पोलिटिकल एलिमेंटज को, इन का नाजायज इस्तेमाल करने के लिए कन्ट्रोल किया जाय यह एक देखने की बात है। मैं समझता हूँ कि सब मे ज्यादा कर्रप्शन का अगर हमारे देश में कोई कारण है उस के लिए जिम्मेदार है तो वह पोलिटिकल कर्रप्शन है कि हम अपने स्वार्थ के लिए, हम अपने दल के स्वार्थ के लिए और कुछ सरमायेदारों का जिनका कि कुछ उल्लू सीधा होता है उन का साथ देते हैं और दूसरे सरमायेदारों को दबाते हैं। क्या यह मालूम नहीं है किमी को कि सरमायेदारों के भी दो घड़े हैं। जैसे कांग्रेस में दो घड़े हैं वैसे ही सरमायेदारों के भी दो घड़े हैं। एक घड़ा कांग्रेस के एक हिस्से का साथ देता है दूसरा घड़ा कांग्रेस के दूसरे घड़े का साथ देता है। सब से ज्यादा जरूरत अगर किसी चीज की है तो इस बात की है कि यह

[श्री कंबर गुप्त लाल :]

पोलीटिकल दबाव न पड़े। इस का इलाज इस बिल में होना चाहिए।

दूसरी चीज जो आप ने कही कि क्रेडिट फैमिलिटीज गांवों के लोगों को, किसानों को होनी चाहिए। स्मॉल स्केल इंडस्ट्रीज को ज्यादा क्रेडिट देनी चाहिए। अभी तक बैंक ने नहीं दिया है तो उस के लिए कौन जिम्मेदार है? क्या सरकार इसके लिए जिम्मेदार नहीं है? पब्लिक सेक्टर में जो बैंक्स हैं, इस के अलावा पोस्ट आफिसेज हैं, उधार देने वाली कम्पनियां हैं, इंडस्ट्रियल फाइनेंस कारपोरेशन है। यह सारा कुछ मिला करके उन के पास 50 प्रतिशत से ज्यादा रुपया उधार का है और उन का प्रभाव इम मार्केट में, फाइनेंशियल मार्केट में बहुत है

SHRI MORARJI DESAI : Does the hon. Member mean that post-offices also should lend money? They do not lend money.

15 HRS.

श्री कंबर लाल गुप्त : सेविंग तो होती है। मेरा कहना यह है कि जैसे मैं आप का उदाहरण देता हूँ कि इस के लिए एल० आई० सी० के पास 1000 करोड़ रुपया है। इस के अलावा इंडस्ट्रियल डेवेलपमेंट कारपोरेशन है, फाइनेंशियल कारपोरेशन है और इस तरीके से और भी बहुत सारे उद्योग हैं, उन सारों को मिला करके 50 प्रतिशत से ऊपर रुपया आप के पास है, सरकार के पास है। यह होने के बाद भी हालांकि आप का इन्फ्लुएंस फाइनेंशियल मीटर्स में बहुत ज्यादा है लेकिन आप ने क्या किया? क्या आप ने स्मॉल स्केल इंडस्ट्रीज को या छोटे छोटे कारखानों को मदद दी, क्या आप ने किसानों को मदद दी? मैं तो कहूंगा कि नहीं दी। यह गलती बैंक वालों की नहीं है, यह गलती आप की सरकार की है, जिस के आप प्रतिनिधि हैं। आप ने समाजवाद का नारा लगाया, समाजवाद का नारा लगा कर बनाने चले ये गणेशजी लेकिन बन गया बन्दर। मोनोपोली कमिशन

की रिपोर्ट आप के सामने है, जहां पर कहा जाता है कि 45 प्रतिशत रुपया 170 विजिनेस हाउसेज का लगा हुआ है। यह आप की फेवोर है। सरकार ने कभी गाइड नहीं किया, कभी ध्यान नहीं दिया कि किसानों को मदद देनी चाहिए और छोटी इंडस्ट्रीज को सहायता देनी चाहिए। आप ने हमेशा इंडस्ट्रियल सेक्टर में बड़े बड़े लोगों का भला किया है, आप ने बैसिक इंडस्ट्रीज की तरफ ध्यान दिया, कभी छोटी इंडस्ट्रीज की तरफ ध्यान नहीं दिया। बजाए इस के प्रधान मन्त्री दूसरों को नमीहत दें, पहले वह अपने घर को तो ढूँढ़ें। आज गवर्नमेंट को प्रायोरिटीज फिक्स करनी चाहिए। आप को देखना चाहिए कि आप की पंच-वर्षीय योजना कितनी रिअल है और कितनी हवाई बातें करती है। अब तक आप ने केवल हवाई बातें की हैं, रिअलिटी की तरफ आप का ध्यान कभी नहीं गया। यही कारण है कि देश का घुरा हान है।

जो एग्जिस्टिंग कानून है उस में रिजर्व बैंक को यह अधिकार है कि वह किसी डाइरेक्टर को हटा सकता है, बोर्ड बना सकता है और किसी क्रेडिट के लिए बतला सकता है कि कितने दिनों में पे किया जाये। यह सब अधिकार है। लेकिन आप ने जो नया अधिकार दिलाया है उस में उस को बिल्कुल स्वीपिंग पावर्स दे दी हैं। स्वीपिंग पावर्स किस तरह की? एक तो आप ने कहा है जैसा श्री डांडेकर जी ने कहा, कि अगर दो डाइरेक्शन किसी बैंक ने नहीं माने तो उस को सरकार ले लेगी और एग्जिक््यूटिव आर्डर्स से ले लेगी। मुझे दुःख होता है कि श्री मोरारजी देसाई के होते हुए इस प्रकार की बात आ रही है। अगर आप को उस को लेना है तो आप सीधे तरीके से सदन में आइए और कहिए इस ने यह गलती की है और हम उस को लेना चाहते हैं। इस तरह से हमें कोई इनकार नहीं होगा। लेकिन आप का परफार्मेंस क्या है? चाहे रिजर्व बैंक का परफार्मेंस हो या पब्लिक सेक्टर का परफार्मेंस हो, सरकार को जो कम्पल्सरी रुपया इन बैंकों को देना चाहिए

अगर वह निकाल लिया जाये तो इन बैंकों में जितना डिपॉजिट हुआ है वह प्राइवेट बैंकों का आधा भी नहीं है। इस का मतलब है कि आप का परफॉर्मन्स बहुत खराब है, और इस को आप को ठीक करना चाहिए।

में पूछना चाहता हूँ कि आखिर आप बैंकों के कर्मचारियों के प्रतिनिधियों को, समाजवाद की इतनी बात कहने के बाद भी, डाइरेक्टर्स में क्यों नहीं रखना चाहते? आप कहते हैं कि 51 फीसदी में यह होंगे, तब, अगर उन में बैंकों के कर्मचारियों का एक प्रतिनिधि हो ताकि वह उन की बात का ध्यान रख सके। तो इस में आप को क्या मुसीबत आ जायेगी? लेकिन आप ने उस को नहीं रक्खा। 51 परसेंट में जो स्पेशलिस्ट होंगे वह कौन होंगे? आज हम पब्लिक सैक्टर में देखते हैं तो के० डी० मालवीय स्पेशलिस्ट हैं, जितने हारे हुए मिनिस्टर हैं वह स्पेशलिस्ट हैं। आगे जो मिनिस्टर हारेंगे उन के लिए भी आप ने प्राविजन कर लिया। अगर और नहीं तो बैंक में हो जायेंगे। यह बहुत गलत तरीका है। मैं तो कहूँगा कि सही मानों में सोशल कंट्रोल होना चाहिए, पोलिटिकल कंट्रोल नहीं होना चाहिए और आप को रिजर्व बैंक को स्वीपिंग पावर्स नहीं देनी चाहिए।

इसी तरह से एक चेअरमैन को बगैर बतलाए हुए कि उस का क्या कुमूर है डिमिस कर देने का अधिकार रिजर्व बैंक को दे दिया। यह चीज गलत है।

अब मैं एक क्लाइम को तरफ आता हूँ जिस का जिक्र श्री दांडेकर ने किया था। 36 ए० डी० के बारे में मुझे एक अजीब चीज लगी कि लेबर के बारे में भी बात करने के लिए कोई बैंक में घुस नहीं सकता। श्री दांडेकर ने इस का समर्थन किया है, लेकिन मुझे अफसोस है कि मैं श्री दांडेकर का समर्थन नहीं कर सकता। मैं तो यह कहना चाहता हूँ कि आप आज लेबर डिस्प्यूट्स के लिए बैठ कर रिफर्सिलिएशन से बात करना चाहते हैं। लेकिन अगर आप का ऐटिट्यूड ऐसा है तो ट्रेडयूनियन राइट्स

पर कुठाराघात कर के, उन का गला दबा कर डंडे के जोर से कानून का सम्मान करवाने के लिए उन की भावनाओं को दबा नहीं सकते। यहां पर शास्त्री अवार्ड हुआ, यहां पर और कई अवार्ड हुए। तीनचार अवार्ड हुए हैं जोकि हाई कोर्ट और सुप्रीम कोर्ट के जजों की तरफ से आए हैं। लेबर के बारे में कई कानून बनाए गए हैं। लेकिन उन अवार्डों का कोई लाभ नहीं है अगर लेबर लीडर आप के सामने आ कर या आप के साथ बैठ कर बात नहीं कर सकते। अगर आप डंडे के जोर से काम करना चाहते हैं तो जो चीजें आप ने पहले की हैं उन के ऊपर पानी डालना चाहते हैं। यह बहुत गलत काम होगा। इस तरह का जो क्लाइम है मैं समझता हूँ कि ऐन्टी पीपल और ऐन्टी लेबर है। इस तरह का डिस्क्रिमिनेशन करना कि बैंक एम्प्लायोज के लिए एक अलग कानून आप ने बना दिया और दूसरी जगहों के लिए नहीं बनाया, यह निहायत गलत बात है। अगर सरकार को यह कानून बनाना ही था तो वह इंडस्ट्रियल डिस्प्यूट्स ऐक्ट में तरमीम करती और सारे लेबर लाज उस की यहां जहत में आते यहां का म्यूनिसिपल कारपोरेशन उस में आता, सरकारी कर्मचारी हों, पब्लिक सैक्टर हों, प्राइवेट सैक्टर हो, सब उस में आते। इन सब के लिए यह कानून क्यों न हो? यह चीज बहुत तकलीफदेह है कि बैंकों के बारे में सरकार ने अलग से डिस्क्रिमिनेशन किया है। यह क्यों किया गया इस का सरकार के पास कोई जवाब नहीं है। मेरी बाणी में जितना भी जोर है उससे मैं इस विधेयक की खालिफत करना चाहता हूँ। मैं समझता हूँ कि सामने बैठने वाले भी, अगर वह सही मानों में समाजवाद के पास भी जाना चाहते हैं तो, इस की मुखालिफत कर के बतला देंगे कि अगर सरकार कोई गलत बात करती है तो देश के हित में जो कुछ भी उन को करना पड़ेगा वह करेंगे।

मैं माननीय मन्त्री महोदय से कहूँगा कि वह इस बात पर विचार करें कि जो यह पालिसी है बहुत ज्यादा कंट्रोल करने की, जिस में प्रोत्साहन मिले लोगों को कि वह कर्ज की आय

[श्री कंबरलाल गुप्त]

का इस्तेमाल करें और देश में करप्शन हो तथा लोगों की आदत खराब हो, वह बहुत गलत बात है। आज तो वह पावर में हैं, हो सकता है कल दूसरे लोग पावर में आ जायें। वह उन लोगों की भी आदत डम तरह की डालें, यह गलत होगा। क्योंकि आज सरकार जो परम्परा बना लेगी वही परम्परा आगे भी चलेगी अंग्रेज भी इतना पैसा खर्च करने के बाद भी यहाँ नहीं रहे, अगर आप ने ठीक परम्परा नहीं डाली और कुछ सरमायेदारों को अपनी तरफ ले भी लिया तो भी उन के महारे आप जिन्दा नहीं रहेंगे। हो सकता है कि आप दो चार या पांच साल रह जायें, लेकिन अगर दूसरी आने वाली सरकार भी ऐसा ही करे तो वह लाभदायक नहीं होगा देश के लिए।

अन्त में मैं और अधिक समय न लेता हुआ एक प्रार्थना यह करूंगा कि आप लेबर के बारे में जो कुछ भी इस में लायें हैं उस को वापस ले लीजिए। साथ ही जो स्वीपिंग पावर्स आप ने रिजर्व बैंक को दी हैं, जैसे कि वह भगवान है, जो रिजर्व बैंक के गवर्नर हैं वह गलती कर ही नहीं सकते हैं, वह करप्ट नहीं हो सकते हैं, फाइनेन्स मिनिस्टर में कभी लालच नहीं आ सकता कर्ज के मामले में, यह गलत बात है। वह भी नाजायज इस्तेमाल कर सकते हैं अपनी पावर का। इसलिये वह अपने पास डिस्क्रिमिनेशन रखें, रिजर्व बैंक के पास भी पावर आफ डिस्क्रिमिनेशन न रहे। जितनी पावर समाज वाद के लिए जरूरी है वही रहनी चाहिए। जितना कन्ट्रोल होना चाहिए उस से ज्यादा इस बिल में है, इसलिए बिल की भावना का समर्थन करते हुए भी मैं बिल का विरोध करता हूँ।

SHRIMATI SUCHETA KRIPALANI (Gonda): Mr. Deputy-Speaker, Sir, this amending Bill is an important step in the scheme of social control of banks. In the Statement of Objects and Reasons it is said that a number of steps, both administrative and legislative, are proposed to be taken to secure this objective by extending

effective social control over banks. This amendment in the Banking Regulation Act seeks to incorporate suitable provisions to achieve this objective.

I will go a little to the background. Why did it become necessary to bring this amending Bills. For some time there was public concern expressed about the functioning of banks in the country. Then there was a demand both in Parliament and outside that to promote economic growth and Planned development as also to take a forward step towards the achievement of socialist society banks should be nationalised.

The reasons behind this demand for the nationalisation of banks were firstly that there was complaint of concentration of wealth and economic power in the hands of a few and secondly that steps should be taken for equitable distribution of available credit. Then, it was also felt that the flow of credit should be stopped for antisocial purposes such as hoarding, speculation in shares, in evading taxes and so on. Also, there was a general complaint that sufficient funds were not going to the rural sector, for small industries, to the new entrepreneurs, particularly new technical people who wanted to set up modern industries. There was also a criticism that the utilisation of our savings was not according to the plan priorities. Therefore, the plan was not working as it should. There was also a demand that there should be more active mobilisation of people's savings particularly in the rural sector, since a new change has come in the whole of the rural economy.

Now, in order to achieve these objectives was it necessary to have nationalisation? That is the important question. On the one side, we are criticised by the Leftists that we have not gone far enough. On the other side we find that the previous speaker has just now charged us by saying that the entire scheme is a political scheme. But I would now like to analyse whether nationalisation of the banks would have met the objectives that we have before us.

Fiscal and credit policy can serve only one part of the objective. By credit and fiscal policy alone we cannot serve the objectives that I have just defined. In order to achieve this objective, we need support from other areas of policy. Now, what are

the other areas of policy? First of all, there should be a proper setting down of plan priorities. The industrial licensing policy should be proper and properly implemented. There should be dynamism in extending services to the rural areas. Above all, not the least, there should be quick, efficient and proper implementation of policy. You can lay down the policy but if it is not properly implemented then it has no value.

Now, let us take the main arguments for nationalisation. The main arguments are that the industrial houses have a preponderating influence on the Boards of Banks and they are able to corner most of the credit from the banks, and, therefore, this must be checked. Let us see whether this is correct or not. An analysis of loan accounts of commercial Bank has shown that in 1967, 7.18 lakhs accounts took loans under Rs. 10,000 and this amounted to 3.6 per cent of the total credit; on the other hand, in the case of 562 accounts when the loanees got loans of Rs. 1 crore each and this totalled to Rs. 635.4 crores or so, or roughly 25 per cent of the total credit. Therefore, there is no denying that there is concentration of wealth in a particular type of hand. Is this concentration due only to the fact that the directors are so influential that they are able to take away the credit? Or are there any other causes? Of course, Shri N. Dandekar just speaking before me said that directors should not be blamed. But it is no doubt a fact that the directors do exercise a great deal of influence. But apart from that, there is also another cause, namely the policy of the banks. The policy of the banks has on the whole been very conservative. They are reluctant to adopt a liberal policy. Therefore, much of the credit has gone to people whose security can be assured. Therefore, they have mainly taken safety of security into consideration. That is why what Shri N. Dandekar has said contains a certain amount of truth; it is not the whole truth, it is only partial truth. The policy of the banks needs to be changed. The directors alone are therefore, not responsible for this, but the directors do have to accept a big share of responsibility.

Then, let us take the question of rural credit. Enough credit has not gone to the rural areas as well as to small industries. Indeed, insufficiency of funds to this sector

is also due to one of the reasons that I have just mentioned. Banks are more keen to see that the loans are properly secured. Wherever they feel a slight doubt about the security they do not release the loans. Therefore, here also the policy needs to be liberalised.

Then, there has also been a certain amount of contradiction in our thinking. On the one hand, commission after commission has said that for agricultural credit, co-operative banks should be responsible, to which point Shri N. Dandekar also has made a reference. While on the other hand we have been accusing the commercial banks that they have not been doing their bit, in this regard. Therefore, some re-thinking in the cutback of the banking people is a necessity. I would just quote a few lines from the Monopolies Inquiry Commission regarding this. They have said:

"It is sometimes suggested that big business also gets an unfair advantage in securing advances quickly and on convenient terms by reason of having their own men in the board of directors of banks. It appears to us reasonable to think that big business would ordinarily be able to get an advance from any bank easily and on convenient terms by reason of better security he can offer, even if he has none of his men on the bank.

Therefore, there is a certain amount of truth in the criticism that change in Bank policy is necessary. Therefore, to accuse the directors alone is not being quite fair.

Then, with regard to mobilising the resources of the rural sector or tapping the resources of the rural sector, sufficient work has not been done. There is a great change in the economy of the rural sector, but the banks have not gone forward to mop up the resources. In this regard, whatever little has been done by the State Bank by way of either giving resources or mobilising resources in these sectors has been due to the subsidies from the Integration and Development fund. The State Bank has now any number of branches; they have enough branches which are near the rural areas. In those branches, what positive steps have been taken in order to give credit to the rural areas or to mop up their resources? Therefore, it is necessary that a little change in the

[Shrimati Sucheta Kripalani]

outlook of the banking people is necessary and in the method of operation.

With regard to plan priorities, it is true that the banks have not taken into consideration the plan priorities. Is that due to the fault of the banks? Or is that due to the fact that this outlook was not before them? What guidelines were given to them so that banking could be linked with the priorities? Here also, re-thinking is necessary. Then, whatever directions were given by the Reserve Bank were mainly for the avoidance of speculative credit. Therefore, it is necessary for a proper directive to decide distribution of credit to different sectors. Therefore, I feel that there is need for a radical transformation in the decision-making process of the bank management to ensure firstly that no undue influence is exercised by the members of the board of directors and secondly to bring about a well thought-out phased programme of reorganisation that is, structural, operational and qualitative reorganisation in the functioning of the banking system in this country.

One positive step recently taken by our Government to bring about social control, to further the social control scheme was the creation of the National Credit Council. It is a young organisation and as yet perhaps it is not so effective. But it is a very good forum where big industry small industry, agriculturists, co-operators could all sit together and decide the course of action and discuss the policies. Here too, the relative roles of the co-operative banks and the commercial banks can be thrashed out and clarified. But these institutions are such that overnight you cannot find a change. It will take some time before we can assess whether this change is salutary, and whether this change is going to give some help in the particular sectors about which we are anxious.

Now, I come to the text of the Bill. I do not want to go into details, because the time at my disposal is short. The most important provisions are in clause 3. These are intended to prevent the industrialists from occupying a majority position on the board of directors. I think a beginning has been made in this direction, and how effective it will be will

be seen later. Already, many of the banks have changed the composition of board of directors. I feel that it is a healthy sign. It is necessary that different interests should come on the Boards and be given their due place.

As regards the provision for a full-time chairman, a great deal of discussion took place on this point in the Select Committee. In this country we have a tradition that accountants, auditors are independent, fair and courageous. They can function independently. I therefore feel that it is necessary that professional banking personnel should also be there. If we could have as heads of banks professional bankers who can be independent, who are fair and who take a decision on their own, and who cannot be pressurised, it will bring about better working of the Banks.

The other important provisions of the Bill are in regard to the prohibition of loans and advances to directors and their concerns. Much has been said by Shri N. Dandekar here. I feel a good beginning has been made because it is not proper that the directors should loan themselves out of their own concerns.

Then, I come to the provision relating to the acquisition of Banks.

A lot of discussion, mostly heated, has taken place and the government is being accused that by backdoor methods nationalisation of banks is sought to be brought in. Shri Dandekar in his speech said that for trivial reasons the banks can be taken over. I would like to point out to him that this matter was discussed further in the Joint Committee and after discussion certain changes were made. Now the section reads:

"...has, on more than one occasion, failed to comply with the directions given to it in writing under section 21 or section 35A. In so far as such directions relate to banking policy,..."

For trivial reasons the Reserve Bank cannot take over a bank; nor can it be by a verbal or telephonic order. The directives have to be issued in writing and they should relate to policy. Still, if the bank refuses to comply with them, then alone can the Reserve Bank step in. I think the positive and purposeful role that we have given to the Reserve Bank will make it unnecessary

for the Government to take this drastic step. After all, this is an emergency step. I do feel that if the scheme that we have envisaged works properly, then this provision will become very redundant and it will not be necessary for the government to take over banks, which has been objected to by some of the hon. Members here.

The Joint Committee has made certain important changes in the Bill. I would like to take this opportunity to congratulate the Deputy Prime Minister for the attitude he has adopted throughout the discussion in the Joint Committee. There were two diametrically opposed views—on the one side people who do not want any change and, on the other side, people who want drastic changes. It was a very difficult task. The Deputy Prime Minister chartered his course very carefully. He was all the time very patient, very anxious to accommodate the viewpoints to the extent possible. With goodwill the work went on and many of the changes that were incorporated were salutary and good and they satisfied a very large section of the members who were present in the Committee. One of the good things that we did was that we redefined 'banking' where emphasis has been given to the interests of the depositors. I have already referred to the prohibition that has been imposed on loans and advances to the directors of the bank.

Then I come to section 36AD which has caused so much of heart-burning. I have myself appended a note of dissent in this regard. Why did I do so? Because I have background as a labour worker and I feel it is right for the labour department to go into all the ramifications of a legislation pertaining to labour relations. But if in different Bills we bring in such sections, it may in the ultimate analysis produce conflicting and contradictory labour provisions and it may later be very difficult to enforce them. Therefore, for administrative reasons I do not want this section to be here. But, as far as the anxiety of the Deputy Prime Minister to have such a provision is concerned, I share it. Banking is a public service institution which also holds a pivotal position in the development of our country and in our economy. We cannot afford to have trouble in this sector. We are bound to give to the public a certain standard of

service. I am glad that some of the very undesirable aspects of this clause were removed and, as it is presented today, there is very little to object to. My objection is only from the point of view of the principle that no labour law should come in the text of any other law. It should come only through a labour legislation.

Here I would like to say one word to my leftist friends about labour relations.

I would like to tell the labour also that too much of trouble does not help any one. We have seen what happened very recently in Bengal when labour was given too much of a free hand through *gheraos*. Innumerable industries in Calcutta were closed as a result of which 2 lakhs people are unemployed. Therefore, particularly in banks, employees also must realise their responsibility. They must fight for their rights, no doubt, but in a proper way. They must fight for their rights through collective negotiation and by peaceful methods. They must avoid all kind of violent activities. We are seeing that by loosening of discipline labour situation in India is deteriorating. Labour in India does not function freely and impartially. Labour functions through political parties. If the labour did not function through political parties, I would have had nothing to say. But more than once it happens that a labour issue is raised to serve a particular political purpose. Very often the interests of labour is overlooked when work is done through political parties.

I would still say that it is not proper to have this clause here and it is better that it comes through an industrial relations Act, but at the same time the anxiety of the Deputy Prime Minister to give peace, security and proper service to the people should be shared by all irrespective of party lines we should all try to help him in this regard. It is very difficult to steer a middle course where there are two extreme sections. We are being accused by the two extreme sections. Just now the previous speaker accused us of political motives and, I am sure, when the leftist friends get up they will also do it. When we are accused by both sides, I am inclined to think that we are right because when you function rightly you cannot satisfy, the extreme sections.

SHRI INDRAJIT GUPTA (Alipore): Mr. Deputy-Speaker, in the name of social control the only thing which is sought to be controlled through this Bill is the trade union rights of the employees, nothing else. The Finance Minister over the last year or more in various statements which he has been making in public and also at meetings with his own party members, was trying to explain that the demand which had arisen on a very wide scale for nationalisation of banks was unfounded and misconceived and that the purpose which was sought to be achieved through nationalisation would actually be achieved much more effectively through the Bill that he was going to bring for what he described as social control over banks. Now we have this Bill before us as it has finally emerged from the Select Committee.

Some hon. Members here have argued as though the question is whether the powers which already existed with the Government or with the Reserve Bank were adequate or not to regulate the functioning of banks. By that criterion they have sought to support or oppose this Bill. But I would just like to remind you that those people who have been advocates of nationalisation, I do not think are all leftists by any means or members of leftist parties. I remember, the first Private Member's Resolution advocating nationalisation of banks was moved in this House not by any Member of the Opposition but by a Member of the hon. Deputy Prime Minister's party.

What is it that they have in mind? There are certain directives of policy laid down, directive principles in the Constitution which enjoin upon the Government and the State to take such measures as will prevent the concentration of wealth and concentration of economic power in a few hands. Apart from that, the whole history of our last 15 or 20 years of economic development has shown that unless certain things are done, it will be impossible for this country, placed as it is and with its underdeveloped economy, to advance towards the goal which the nation has set itself and which this Parliament has set itself. Those things were that the link between a few big monopoly houses and the private commercial banks should be broken. Secondly, further concentration of economic power achieved through the mechanism of private commercial banks should be curbed.

Thirdly, the price 'line should be held and speculation in the markets should be controlled and checked.

Fourthly, the domestic resources available in the country should be mobilised, as far as possible, in the interest of planned development of the economy. I do not know whether the Government or the hon. Deputy Prime Minister still adheres to these objectives. Whether he adheres to these objectives or not, I do not know. Whether he wants to hold the price-line or not, whether he wants to mobilise resources to the maximum extent possible within the country for the purpose of planned development or not, whether he wants to suppress speculation on a large-scale that is going on in the markets of this country, particularly, in the foodgrains market, whether he wants to curb further concentration of economic power effectively, that is for him, to say. It is by this touchstone that we are judging this Bill and by the application of that test, the only conclusion to which we can come is that the Bill is nothing but a gigantic hoax which has been perpetrated on the people of the country in the name of social control which is shown to be something even more effective than nationalisation. Therefore, I want to make it quite clear that we hold to our view that nothing but nationalisation of the private commercial banks can achieve the objectives which were laid down both in the Constitution as well as in the economic policy resolution accepted by this House and also agitated for by so many different sections of opinion in the country irrespective of party affiliations.

First of all, I would like to point to you that this Bill, as it has emerged, is, after all, inspired by whom. May I take the liberty of reading to you the first half a dozen lines of the memorandum which was submitted to the Select Committee of which I happened to be a member on behalf of the Indian Banks Association? These are the people whom one is trying to control. Control is to be over these people who run the Indian Banks Association, that is, the big private bankers of this country. In their memorandum to the Select Committee, they open by saying:

"We have the honour to observe that most of the provisions....."

—This is addressed to Shri Morarji Desai—

“...of the Banking Laws Amendment Bill, 1967 introduced in the Lok Sabha on the 23rd December are in conformity with the conclusions arrived at in the informal meetings of the representatives of our Association with you.”

So, the cat is out of the bag. I am quoting from the Indian Banks Association memorandum addressed to you. In the very first six lines, they are saying that you and we sat together in a series of informal meetings, we made certain suggestions and you have pleased us very much by drafting a bill, the provisions of which are in conformity with the conclusions arrived at in those meetings. This Bill is the off-spring of Shri Morarji Desai and the Indian Banks Association.....

SHRI MORARJI DESAI: May I say that it is their version? That is not true.

SHRI H. N. MUKERJEE (Calcutta—North East): How can you say? It is in the document presented to you.

SHRI MORARJI DESAI: It is their document, not mine.

SHRI H. N. MUKERJEE: You are protesting too much and in the process getting-confounded.

15.34 Hrs.

[SHRI THIRUMALA RAO *in the Chair*]

SHRI MORARJI DESAI: That applies to the hon. Member, not to me.

SHRI INDRAJIT GUPTA: If he wishes to deny the parentage of this Bill or the parentage of the Indian Banks Association memorandum, he can do so when he replies.

SHRI MORARJI DESAI: Why should I deny? That it is done in collaboration with those people, is a lie.

MR. CHAIRMAN: It is not very much germane to the arguments.

Please go on. You must have got many other points.

SHRI INDRAJIT GUPTA: I am appealing to him, through you, Sir, that he should not go on interrupting me. He should not get excited. Why is he getting

provoked? I have hardly begun. You also don't interrupt me. I have just quoted the first six lines of their memorandum.

MR. CHAIRMAN: I am only helping you.

SHRI INDRAJIT GUPTA: Anyway, this makes quite clear what has been happening. A series of meetings have been going on even after this Bill was referred to the Select Committee.

SHRI HIMATSINGKA (Godda): What is the date of the memorandum?

SHRI INDRAJIT GUPTA: 5th February, 1968. You were also a member of the Select Committee. You should read the papers given.

I only indicate one or two of the things to show why I am saying that this Bill is really a hoax. For example, there is a provision for control over loans and advances to Directors and their concerns. Of course, I have got a chart here, a statement, which has been laid on the Table only this morning in reply to a question by my friend, Mr. Nitiraj Singh Chaudhary, giving information and figures regarding the total amount of loans, including temporary advances granted, during the year to the companies or firms in which the Directors of banks are interested. I cannot quote all these because I have no time, but the figures are going up from 1963, 1964, 1965, 1966 and 1967—from Rs. 228 crores in 1963 to Rs. 378 crores in 1967. These are the amounts which are being given as loans and advances to companies or firms in which the Directors of banks are interested. These are his own figures, and there are many other interesting figures about loans given to Directors, Managers, officers and so on. What I mean to say is this. Certainly the objective of the Bill should be to put some check, some control, on this; that should be the whole object, but the way the provisions of the Bill have emerged, there are 1001 loopholes and everybody knows how easy it is to evade. One point, strangely enough, was mentioned by Mr. Dandekar himself because he is feeling it a bit inconvenient as the Director of the Punjab National Bank; he will have to come to some other bank, some brother bank, to get a loan from there for one of the firms in which he is interested; he cannot get it any more from the Punjab National Bank itself; a certain amount of inconvenience is caused now.

[Shri Inderjit Gupta]

But I want to point out this: is this an effective prohibition? All that it will lead to is that there will be more co-ordination and co-operation between different banks and different Directors on different Boards—I will loan you from my bank and you loan me from your bank. The result is going to be not less concentration but more cartelisation and more concentration among the various big banks and their Directors, each arranging to mutually accommodate the other. What kind of control is this, I do not know.

Then there is a very simple thing which you can understand; for example, one of the memoranda we received in the Select Committee has this to say:

“The controlling interest of the Punjab National Bank Ltd. is held by Set Shanti Prasad Group. He has his company in the name of Rohtas Industries and one of his sons is a Director in the Punjab National Bank Ltd. In order to make his Rohtak Industries eligible for loan from the Punjab National Bank Ltd. he would see that his son, who is a Director in the Punjab National Bank Ltd., is not made a Director in the Rohtas Industries..”

That is all. The result will be that the Rohtas Industries, though they are managed and controlled by the same group, will be able to get the loan from the Punjab National Bank. What is the difficulty, I do not know. It is such a simple matter to see that these provisions are not worth the paper they are written on as far as control goes.

There are so many types of loans—loans given on clean credit. There were examples given; I think, in 1964, the *Indian Express* was given a loan of Rs. 1.5 crores on hypothecation of newsprint paper and later on it was found that that stock of newsprint did not exist at all; there was no stock, but on the basis of that stock because he is a good creditor, got a clean credit of Rs. 1.5 crores. This practice is going on and there is no way of stopping that in this Bill.

Then there are advances against foodgrains. I just went to the Library to see the figures. On an average, about Rs. 35

to 40 crores every year are advanced by banks for trade in foodgrains alone. In the bad year of 1966, when there was a bad harvest and when there was shortage—when there is shortage, there is more speculation and more attempt to corner the scarce grains and push up the prices,—in the year ending the 31st March, 1966, advances against foodgrains by the private banks went up to over Rs. 70 crores. This is used for speculative purposes, for keeping the price line high. There is no way of controlling it under this Bill.

Only three days ago we saw in the papers a news that a big block of shares held by the LIC in the IISCO has been concerned by the same Goenka group. How it has been cornered? You will find that the shareholders who did the transaction have, first of all, been given a big loan by a certain bank, and they have managed to work this deal. It is not just a question of shibboleth, repeating what has been said by somebody. That is why I say it is impossible to get over these things unless we nationalise the banks. It is useless to tinker with the problem like this.

Then you know what amendments have been made. The original Bill has been worsened, I will say, in some respects by the Select Committee itself. Take, for example, the new definition of ‘small-scale industrial concern.’ So many tears are being shed for small scale industry here and it is said that they should be given credit. But what has been done? The definition has been altered in such a way that I do not know what small-scale industry this is going to be. In the new definition, a ‘small-scale industrial concern’ has been defined as a concern which has an investment of upto Rs. 20 lakhs in machinery alone. Only such concerns as conform to this definition will be entitled to credit facilities under the new Bill.

Then there is the question of substantial interest. There was a definition as to what would be taken to mean controlling interest. There also it has been amended under the pressure of friends like Shri Dandeker. ‘Substantial interest’ has been re-defined as control on the amount of paid up capital of Rs. 5 lakhs or 10 per cent, whichever is less. Formerly, it was Rs. 5 lakhs and 5 per cent; now it is Rs. 5 lakhs and 10 per cent.

I have no time to explain these things in detail, that there is no way here of controlling the actual people who are holding the banking industry in their grip and manipulating it and running it for their own purposes.

As for the proposal to have whole-time Chairman, I charge the Deputy Prime Minister and Finance Minister with this that during this intervening period, when the Bill was drafted and was being discussed in the country and so on and during the time that would lapse before it became legislation, he has utilised it to advise these banks to see to it quickly that they forestall the Act by appointing in most cases their old, existing General Managers as whole-time Chairmen. This has been done in a whole series of banks. Those very gentlemen who had been General Managers of these banks for years together have now, suddenly, overnight, been appointed as full-time Chairman. I want to know whether they can be counted upon by this country to bring to light the malpractices or any other corrupt practices which these banks have been indulging in. Will they not be interested in suppressing facts, in hiding them? People with proper ability should have been brought from outside, but the same old people have been put in the saddle.

SHRI MORARJI DESAI : From America, Russia ?

श्री रवि राय (पुरी) : हिन्दुस्तान में हैं, रशिया से क्यों लायें।

श्री मोरारजी देसाई : नाम तो बताइयें ?

श्री इन्दजीत गुप्ता : रशिया में जायेंगे तो दूसरी चीजें भी करें, तब यह बात सुनेंगे।

Now I come to sec. 36AD—As far as the other control measures are concerned, I repeat that they are nothing but an eye-wash and a big hoax on this country, and no amount of such measures can be a substitute for nationalisation. Some friends have rightly alluded to the powers of the Reserve Bank of India, because the Bank has had vast powers all this time. It is not for lack of power that the Reserve Bank has not been able to check or control or catch these people who have been indulging in malpractices and embezzlements of government bonds and securities—

there is a big case going on at the moment, the Finance Minister knows about it; the Bank has plenty of powers but these powers have never been used. Shri Dandekar is sacred stiff of the fact that a Part has been introduced, Part IIC, which he calls nationalisation by the back-door, because the Government is taking power to take over Bank which goes on flouting the directives of the Reserve Bank. I can understand his apprehension, but I can assure him, even if Mr. Desai cannot, that that power will remain on paper and will never be used. That is proved by the whole experience and history of all these years.

Finally about Clause 36-AD, I am grateful to the friends who have raised their voice of protest, opposition and criticisms against this Clause from various points of view, but I must point out one thing. First of all, as somebody has correctly said this particular Clause should not really, in all conscience, have anything to do with a Bill of this type which is meant, as stated in the Statement of Objections and Reasons, to weaken the links between monopoly houses and banks, and to provide credit facility to sectors which have been deprived or neglected so far. How in that Bill this thing can come in, I would like to know. I may tell the Government that the entire organised trade union movement of this country does not regard this as a matter between the bank employees and the banks, between the bank employees and the Finance Minister. This is the thin end of the wedge which is sought to be brought in for the first time. For example, there is the Major Port Trust Act in this country for the administration and control of the ports. Tomorrow, the Minister of Transport can come forward and say that he wants to put in a Section in that Act that in all Ports and Docks employees must be controlled in this way, that they cannot go on strike or hold demonstrations. Is there anything to prevent it once this goes through? The Industries (Development and Regulations) Act is an omnibus Act for the regulation of all industries in this country. What is there to prevent a new Section being inserted by the Government in that Act tomorrow saying that in all industrial premises throughout the country this kind of regulation will apply? It is fantastic. Therefore, I would

[Shri In-irajit Gupta]

like to know what the view of the hon. Labour Minister is on this. I am unable to get any clear reply from him, because there is the tripartite Indian Labour Conference and the Standing Labour Committee of that Conference which meet every year and there certain solemn covenants and conventions have been entered into that no new major legislation will be introduced affecting employer-employee relationship unless it is first discussed there and processed through that body. He somersaults over that and brings it here. What does the Labour Minister say about that? I do not think he can possibly approve of this kind of thing. So this is a very dangerous precedent for suppressing the legal rights of the employees everywhere.

For example, he told us in the Select Committee that he was the last man who would interfere with the rights of employees to strike, but if you read the wording of this Section, it means that if a strike takes place within the premises of a bank, even a pen-down strike which is very common now, or a sit-down strike, it will come within the mischief of this Section, though the Supreme Court has held that such strikes are legitimate. Let him think over the legal implications of it too. I hope he will.

Then it bans peaceful picketing. In respect of strike outside the bank also, it prevents them from carrying on peaceful picketing which is a long established right which the employees will not give up.

Let Mr. Desai know, I do not know if he knows,—I did not know till a few days ago—that even in a country like the Philippines, a great democracy, I think, under the umbrella of the United States,—he goes sometimes to Manila, I find in the papers, I have never had the good luck to go there—there is a law which says that anybody, including a police officer, who assists or encourages black legs to go into the premises of a strike-bound establishment in order to break the strike will be penalised and punished, and the police officer is liable to be demoted and dismissed.

Where are we, I do not know. Somebody has just now correctly raised the question that this is flagrant case of discrimination against one particular Section of employees only.

In his introductory remarks the other day—I was horrified listening to him—he said that the existing standing orders of the banks were not enough. By a bilateral agreement between the employees and the employers, the agreement on standing orders was entered into for three years and was given legislative sanction and registered under the relevant Act also. Under those orders any bank employees who is guilty of misconduct—all are defined there—can be punished to the extent of losing his job; he can be dismissed. But the Finance Minister now comes and says: this is not enough; he must be put in jail. He has now introduced a new criminal offence. It is a bunch of criminals—who are called bank employees—who run the affairs of the bank in this country; that is how he views them. Not content with making them lose their jobs, he wants them to be prosecuted and put in jail also.

A spokesman of the Indian Banks Association appeared before the Select Committee. I do not want to name him; a whole lot of them came. I asked him this question: would you like to see one of your employees prosecuted and put in jail according to this new Bill? he replied: I cannot speak for all my colleagues, but speaking for myself, I should feel ashamed of myself if one of my employees is charged under this provision. This is a fantastic state of affairs.

In the memorandum of the same association, they congratulate the Minister for having accepted their suggestions. With respect to section 36 AD, they say there: please modify it suitably so as to simplify the procedure for taking disciplinary action without the necessity of obtaining a certificate from the Reserve Bank. This was promptly done in the Select Committee. Anybody can go and prosecute them and put them in jail. Of course there is no punishment for all those people who have been embezzling money and indulging in malpractices and cheating depositors. Not one of them has seen the inside of a jail yet. But the bank employees are threatened with prosecution and imprisonment, in addition to losing their jobs. I still plead with him, even at this stage, not to ride the high horse, not to stand on false prestige, because he has pledged to get through this legislation, and to get it through his majority. Let him reconsider it.

There is a brief reference in section 54 AA to Reserve Bank employees. It gives power to the Reserve Bank authorities to transfer the Reserve Bank employees to any other place they like without giving them the right to deputation allowance. If they are sent on deputation to any other establishment, they are told that they will not get any deputation allowance and that they will not get anything more than what they have been getting at the present time. This is a gross injustice. He should reconsider this.

We cannot support this Bill in its present form. It is an absolute travesty and mockery of nationalisation. I was surprised to find that hon. Members from his party who had clamoured for nationalisation are now congratulating him for this Bill which is a complete fraud.

श्री प्रेम चन्द वर्मा (हमीरपुर) : सभापति जी, मेरे सामने बेंच वाले विरोधी दल के माननीय सदस्यों ने बहुत कुछ कहा है। लोक सभा में यह विल न आये, इसके लिए दो रोज तक वे प्रयत्न करने रहे, छोटी छोटी टेक्निकल अड़चनें लगाकर, लेकिन वे इस कार्य में सफल नहीं हुए। वान यह है कि इस बिल को अराजनीतिक तौर पर प्रयोग किया जाए, अपनी मियामी माख बनाने के लिए इस बिल का इन्तेमाल किया जाए तो वह कोई अच्छी बात नहीं है। अभी मेरे एक फाजिल दोस्त ने कहा लेबर के बारे में तो मैं भी लेबर में काम करता हूँ और लेबर का हित चिन्तक हूँ। किसानों से और लेबर से मेरा गहरा संबन्ध है। आपने देखा होगा कि हाउस में, जो मेरे मन की बात होती है, उसको कह देना हूँ। विरोधी दल की ओर से जो अमेन्डमेंट्स आये हैं, उनको मैंने पढ़ा है। साथ ही साथ सिलेक्ट कमेटी की रिपोर्ट और डिसेंटिंग नोट्स भी मैंने पढ़े हैं। मैं स्वयं चाहता हूँ कि बैंकों को नेशनलाइज किया जाये। मही हल बैंकों के नेशनलाइजेशन में ही है, ऐसा मेरा विश्वास है। लेकिन अगर अपने विश्वास पर ही कोई यह समझ ले कि यही हल हो सकता है, तो उससे हल नहीं निकल सकता है। हल तो वह है जोकि ज्यादा से ज्यादा लोगों

को मंजूर हो, जोकि सभी को लेकर चले, जबकि सभी बातों को देखकर देश के हित को सामने रहते हुए कोई बात की जाय। मैं हमेशा से इस बात का हामी रहा हूँ कि बैंकों को नेशनलाइज किया जाय और अब तक भी हामी हूँ। उसके बगैर कोई रास्ता भी नहीं है क्योंकि पूंजीपतियों के हाथ में सारी की सारी दौलत है।

सभापति जी, अगर हम बैंकों को नेशनलाइज करने हैं तो हमें सौ करोड़ रुपया बतौर कर्पोरेशन देना पड़ेगा। इसके बाद भी इस बात की गारन्टी नहीं होगी कि जो काम इस वक्त चल रहा है इसमें वह बहुत बेहतर हो जायेगा। आज मेरे दोस्त जो नेशनलाइजेशन की बात करते हैं वे पहले हर रोज कहा करते थे कि हमें विश्वास है कि पब्लिक अन्डर-टर्किंग में हम देश का भला कर सकते हैं, सोशलिज्म को ला सकते हैं लेकिन अब वही लोग पब्लिक अन्डरटर्किंग के लिये गालियाँ निकालते हैं, हर रोज उनकी बुराई करते हैं। तो फिर इस बात का क्या भरोसा है कि नेशनलाइजेशन के बाद बैंकों के बारे में भी वैसा ही नहीं कहेंगे। यही कहेंगे कि पहले ठीक था अब बुरा है। इसलिए माननीय उप प्रधान मन्त्री जी, नेशनलाइजेशन की बात को पीछे रखकर पहले जो सोशल कन्ट्रोल की बात लाये हैं, उसके लिए हम उनके मश्कूर हैं। बहुत सी बातें जिनको शायद वे नहीं भी चाहते थे उनको भी उन्होंने कम्प्रोमाइज करने के लिये मंजूर किया है क्योंकि हमारी पार्टी यह चाहती थी। नेशनलाइजेशन की तरफ जाने के लिये बैंकों के सोशल कन्ट्रोल का यह हमारा पहला कदम है। अगर बैंक और पूंजीपति किसी प्रकार कोई बात नहीं मानते हैं तो उनसे निपटने के लिए उन्होंने इस बिल में सब कुछ रखा है। आहिस्ता आहिस्ता सारी चीजें हो सकेंगी।

सभापति जी, मेरे एक दोस्त ने कुछ लोगों का हवाला दिया था, मैं उनसे इस बात में इत्फाक करता हूँ कि हमारे देहात के लोगों

[श्री प्रेम चन्द वर्मा]

का, छोटे छोटे लोगों का जो सारा रुपया है उस रुपए को इकट्ठा करके नाजायज़ इस्तेमाल किया जाता है लेकिन उसका सारा इन्तजाम इस बिल में कर दिया गया है। उप प्रधान मन्त्री जी ने चेयरमैन के बारे में और डायरेक्टर्स के बारे में बहुत कुछ रखा है जैसे चेयरमैन फुल टाइम हो और डाइरेक्टर एक जगह से दूसरी जगह न हो। मैं चाहता हूँ कि कमेटीज में अगर लेबर का भी कोई नुमाइन्दा रखा जाये तो बेहतर रहेगा।

अब मैं क्लाज 36 ए डी पर कुछ कहना चाहता हूँ। इसके सम्बन्ध में मेरे एक कम्युनिस्ट दोस्त ने कहा है, मैं उनको याद दिलाना चाहता हूँ कि क्यूबा और यूगोस्लाविया जोकि सोशलिस्ट कन्ट्रीज हैं उनके यहां जो कानून हैं उसमें भी यह प्राविजन है कि लेबर को सजा दी जाती है। मैं आपके द्वारा यह कहना चाहूंगा कि बैंकिंग इन्डस्ट्री और सोडा वाटर इन्डस्ट्री, ये दोनों इन्डस्ट्रीज एक नहीं हैं।

श्री इन्द्रजीत गुप्ता : यूगोस्लाविया में शांति प्रसाद जैन नहीं हैं।

श्री प्रेम चन्द वर्मा : जितना आप वहां के बारे में जानते हैं उतना मैं भी जानता हूँ, उससे कम नहीं।

16 hrs.

खैर, मैं आप से यह अर्ज करना चाहता हूँ कि वह जो इंजीनियरिंग इंडस्ट्री और बैंकिंग इंडस्ट्री है वह अलग अलग है। बैंकिंग इंडस्ट्री के अन्दर जनता का सीधा सम्बन्ध है, जनता वहां रोज आती जाती है। उसे वहां पैसा जमा करना होता है और वहां से पैसा निकालना होता है। इस के विपरीत इंजीनियरिंग इंडस्ट्रीज के अन्दर या सोडावाटर आदि इंडस्ट्रीज के अन्दर आम जनता को जाने की जरूरत नहीं होती है। अगर कोई वहां पर पैसा लेकर जाता भी है तो कोई 20,000 लेकर जाता है, कोई 50,000 लेकर जाता है

तो कोई 1 लाख रुपये लेकर जाता है। लेकिन बैंकिंग इंडस्ट्री का सीधा सम्बन्ध जनता से होता है और इस बात की आवश्यकता है कि वहां ठीक से कामकाज चले और गड़बड़ आदि की नीबत न आये क्योंकि जनता का उस से अहित होता है।

ऐसी बात नहीं है कि केवल कर्मचारी लोग ही वहां पर गड़बड़ कर सकते हैं। उस गड़बड़ करने में गुंडे और बदमाश भी शामिल हो सकते हैं। इस बात की आवश्यकता है कि जो अमन पसन्द नागरिक हैं और जो उन बैंकों में अपनी सेविंग रखते हैं, सम्पत्ति आदि रखते हैं वह उन की बैंकों में सेफ रहे। लेकिन इस तरीके से बैंकों में अगर डाके पड़ते रहे, गड़बड़ होती रहे, बैंक की प्रीमिसेज के अन्दर इस तरह की गड़बड़ करने की इजाजत हम दे दें तो मैं समझता हूँ कि यह जनता के साथ अन्याय करना होगा और उन लोगों के साथ अन्याय करना होगा जोकि अपनी दौलत व जायदाद को बैंकों में इसलिए जमा रखते हैं ताकि वह वहां पर सुरक्षित रह सके। लेकिन इस का मतलब यह कदापि न समझ लिया जाय कि मैं लेबर तहरीक के खिलाफ हूँ या मैं मजदूरों के जायज़ हकूक व मांगों के खिलाफ हूँ। मैं तो शुरू से लेबर तहरीक का हामी रहा हूँ लेकिन मेरा यह मत है कि उन्हें इस तरह की गड़बड़ करने वाली हरकतों से बाज रहना चाहिए। उचित यह होगा कि वह अपनी मांगों को मनवाने के लिए एक कायदे से लेबर मिनिस्टर को बीच में डाल कर मालिकों से बातचीत करें और मुझे विश्वास है कि अगर ईमानदारी के साथ आपस में बातचीत चलाई जाय तो उन का मसला शांति से हल हो सकता है और बैंकों के काम में कोई बाधा नहीं पड़ेगी।

उन का यह मसला मुझे यकीन है कि बातचीत से हल हो सकता है अगर उन का दिल बेईमान नहीं है लेकिन मुझे अफसोस के साथ कहना पड़ता है कि कुछ सियासी जमातें अपना राजनैतिक उल्लू सीधा करने के लिए अर्थात् पोलिटिकल पावर गेन करने के लिए उन के

बीच में एक गड़बड़ पैदा करने की कोशिश करती रहती है। इन सियासी पार्टियों को और उन के नेताओं को तो अपनी लीडर-शिप की चिन्ता है इसलिए वह इस 36 ए० डी० की पुरजोर मुखालफत कर रहे हैं ताकि बैंक प्रीमिसेज के अन्दर उन्हें गड़बड़ करने का मौका दिया जाय। लेकिन देश का भला इसी में है, राष्ट्र का ला इसी में है कि जनता को हम पूरी गारन्टी इस बात की दें कि जो वह अपना पैसा आदि बैंकों में जमा करती है वह बिलकुल सुरक्षित रहेगा और जनता जो अपना पैसा जमा कराने जाती है या बैंक से पैसा निकालने जाती है वह सुरक्षित रहेगा। उस की हिफाजत का इज्जताम होना चाहिए। इस दृष्टि से मैं इस 36 ए० डी० जिस रूप से इस बिल में रक्खी गई है उस का मैं समर्थन करता हूँ।

सभापति महोदय, यहां पर कुछ विरोधी दल के भाइयों ने यह बात कही है कि यह बैंकिंग का जो नया संशोधन लाये हैं यह हारे हुए कांग्रेसियों को फ़ायदा पहुंचाने के लिए लाया गया है। उन को मुलाजमत देने के लिए यह एक इम्प्लायमेंट एक्सचेंज सरीखा है। अब यह एक उसूल की बात है कि जो साहूकार या पूंजीपति लोग हैं उन की सिवाय पैसे के और किसी चीज में दिलचस्पी नहीं रहती है। पूंजीपति और साहूकार लोगों की कोई पार्टी नहीं है कोई उन की सियासी जमाअत नहीं है। उस को सिर्फ एक चीज में दिलचस्पी है कि उस को पैसा मिलना चाहिए। उस का धर्म पैसा है। उसके सामने न कांग्रेस पार्टी है, न सोशलिस्ट पार्टी है, न स्वतंत्र पार्टी है और न ही जनसंघ पार्टी है। जब भी वह चाहता है अपना धर्म बदल लेता है और पार्टियां बदल लेता है। इसलिए मैं अपने दोस्तों को कहूंगा कि आज वह कांग्रेस वालों पर इलजाम लगा रहे हैं लेकिन वह खुद अपने गिरहबान में मुंह डाल कर देखें कि खुद उन की छत्र-छाया में कितने पूंजीपति रह रहे हैं? मेरे वह दोस्त जोकि यहां पर सोशलिज्म का नारा

लगाते हैं वह पदों के पीछे उन पूंजीपतियों की रक्षा करते हैं और यह पूंजीपति रात को और दिन को उन की छत्रछाया में काम करते हैं और पनपते रहते हैं। बैंकों के लिए यह जो कानून बनाया जा रहा है और संशोधन किया जा रहा है उस के पीछे कांग्रेस पार्टी का कोई भी निहित उद्देश्य नहीं है। कांग्रेस पार्टी जोकि बरसरे इकतदार है वह जानती है कि देश का भला इसी में है कि बैंकिंग के कानून में संशोधन किया जाय और देश के मफ़ाद के खातिर अगर इस के लिए उस को थोड़ी बहुत बदनामी भी मिलती है, थोड़ा बहुत उस का विरोध भी होता है तो भी कांग्रेस पार्टी को इस बात की परवाह नहीं करनी चाहिए। जिस चीज में देश की भलाई हो, जनता की भलाई हो, हम कांग्रेस वाले उसे करने में कभी पीछे नहीं हटेंगे।

मैं पुनः इस चीज को दोहराना चाहता हूँ कि 36 ए० डी० लेबर के खिलाफ नहीं है। यह मजदूरों को अनुशासन सिखाती है। अगर मजदूरों को, कर्मचारियों को अपनी मांगे मनवानी है, अपने जायज हुक्क को हासिल करना है तो उन्हें वह बातचीत से और एक तरीके के साथ मनवायें। लेकिन मजदूर जो किन्हीं पार्टियों के बहकावे में आकर एजिटेशन और हड़ताल आदि का रास्ता अपनाते हैं तो उस से मजदूर न तो अपना भला करते हैं न ही देश व समाज का भला करते हैं। बंगाल के अन्दर आप ने देखा होगा कि कुछ दिनों के अन्दर, कुछ महीनों के अन्दर, मैं वहां बंगाल में गया था, आप ने पढ़ा होगा कि वहां पर जगह जगह लोग हड़ताल आदि कर रहे थे और फलस्वरूप कारखाने बंद थे। उस समय मेरे इन उधर के भाइयों की वहां पर हुकूमत थी और हम ने देखा कि जिन लोगों को यह मेरे दोस्त गड़बड़ और हड़ताल आदि करने के लिए उकसाते थे उन्होंने उन का पीछा नहीं छोड़ा और उन के लूटने का वह सिलसिला शुरू हुआ और हालत यहां तक उन के लिए मुश्किल बनी कि मेरे उन दोस्तों को वजारत छोड़ कर बाहर जाना पड़ा।

[श्री प्रेम चन्द वर्मा]

मैं जानता हूँ कि जहाँ तक मजदूरों, किसानों का ताल्लुक है, जहाँ तक उन के हितों का सवाल है कांग्रेस पार्टी कभी उस से पीछे नहीं है लेकिन यह जरूर है कि अगर कोई सियासी पार्टियां मजदूर और किसान का नारा देकर गलत बात को कराना चाहें तो हम उनके बहकावे में नहीं आने वाले हैं। मैं अपने विरोधी दल के दोस्तों से अर्ज करूंगा कि वह इस हकीकत को देखें, असलियत को देखें और कम से कम जो मोसलिस्ट लोग हैं उन में मैं कहूंगा कि अगर वह राष्ट्रीयकरण को मानते हैं तो उन्हें यह सोशल कंट्रोल जोकि हम करने जा रहे हैं उस को पहला कदम उम दिशा में समझ कर हम को शिमायत करनी चाहिए। इसी तरह मैं अपने दोस्त श्री दांडका ने भी कहूंगा कि अगर वह चाहते हैं कि सब के साथ समाप हो, धन का समुचित वंटवारा हो और कुछ हाथों में धन का संचय होने देना नहीं चाहते हैं तो उन्हें इस एमैंडमेंट बिल का समर्थन करना चाहिए क्योंकि यह सही दिशा में एक कदम है। इन शब्दों के साथ मैं इस संशोधन बिल का समर्थन करता हूँ।

SHRI VISWANATHA MENON (Ernakulam): Mr. Chairman, Sir, on behalf of my party I take this opportunity to congratulate Shri Morarji Desai for coming publicly declaring himself that he is with the monopolists of this country because the Congress has been always trying to speak about socialism and trying to mislead the people. I remember the AICC Conference held at Ernakulam before this election. The question of nationalisation came before that Conference and some good Congressmen, among the delegates, took up the issue.

AN HON. MEMBER: Are there good Congressmen ?

SHRI VISWANATHA MENON: There are some. Some honest members got up and said that nationalisation must be there. There, the slogan of social control was invented saying that this was bigger than nationalisation. We were all surprised

to hear that during the elections every day they were speaking about social control and all those things. We were all anxiously awaiting to see what the social control was. Now the "cat is out of the bag". It is nothing but a creation of Birlas, Tatas or some other big monopoly house.

I want to draw the attention of this House to one main factor about this question of control. Although Shri Dandeker is so much anxious to oppose it, actually there is no control in it, nothing more than what already exist in the hands of the Reserve Bank of India. By putting one individual as a full time Chairman and changing the industrialists to the other side there is not much of a change. He can put a stooge. Even before this Bill is passed and it becomes an Act, already the situation has reached that stage that in almost all the banks the General Managers working as whole-timers have been elevated as Chairman. These General Managers were all related in one way or another with these groups of bankers. Take, for example, the Dena Bank. There, Shri Praveen Chandra Gandhi who was previously the Managing Director has now been put as Chairman. He is a nephew of Devakaran Nanjee whose family is controlling that bank. Take the case of the Bank of Baroda. Shri Choksy was the General Manager. Now he has been put as Chairman. He is related to Shri Tulsi-das Khilachand, the famous Khilachand to whom Shri Morarji Desai's son is related. I do not know. (Interruptions) That question came up here. I was referring to the business connection of Mr. Kanthilal with him.

I have given only two examples though I have more with me. Even before this Bill has become an Act, they have begun to implement their scheme. That shows that they are not worried about this kind of control. They are only worried about the Trade Union activities of the bank employees. To deal with that our hon. Finance Minister has come with his blessing and assured them "I am prepared to put all these people into jail, if you want it". What else does this provision mean? If a bank employee agitates for his legitimate right, if he follows a pen-down strike, he can be put behind the bars.

Although this Bill is supposed to be for social control of banks, this is the only

punitive section in the Bill. Section 36 AD says that the workers can be punished, put into jail or fined. There is no other section in the Bill to punish erring Managing Directors or Chairmen. They can only be removed.

Although Shri Dandekar was waxing eloquent that under a particular section the banks can be taken over, such power of control exists with the Reserve Bank even now. The Reserve Bank can appoint observers and if they find anything wrong in the affairs of the bank, it can move for winding up of the bank. So, although Shri Desai wants to give a camouflage by saying that he is going to control the capitalists of this country, if one goes through the Bill carefully, one will find, as correctly stated just now by comrade Shri Indrajit Gupta, instead of controlling them this had the effect of uniting all the big industrial houses and trying to create a monopoly, in this country. I will say that he is creating a very despotic system in the economic field by his action.

At a time when new ideas and theories of socialism are being built up in this country, at a time when even Young Turks in the Congress are trying to usher in nationalisation Shri Desai is coming up and saying that the interests of the workers must be curbed, their rights to pen-down strike and demonstration within the premises should be curbed. Whatever rights have been achieved by the working class in this country by struggle and suffering all these years, the Finance Minister wants to take away all these rights by such a legislation. Yet, at the same time, the Bill does not make any effort to have any type of control over the big monopoly houses in the country.

That is why I said in the beginning that I will congratulate Shri Desai for his coming forward with courage and saying that he is against socialism and nationalisation and that he is in favour of Birlas, Bajorias and similar monopoly houses. By the introduction of this Bill he has declared before the people "if the workers agitate for their rights or make demonstrations, I will, put them in jail or fine them." By his action he has given conclusive proof (if it is necessary) that he and the Congress organisation, which he represents, stand for big monopoly.

If there is any Congressman who feels that nationalisation of banks must be effected, he has no place in the organisation. Morarji has made that position clear. That is why I congratulate him. We were saying all the time that the Congress stands for the big monopolies of Birlas, Tatas and Bajorias; that they are not standing for the ordinary working class, the poor classes, the middle class, the bank employees, the insurance employees and others. We were saying all these things but now we can give the proof for it.

Shri Morarji Desai has brought forward such a Bills and he is going to get it passed because he has got a brutal majority in this House. If the whip is not used, I do not know whether it will be passed at all but the whip will be used and naturally it will be passed. By passing it he wants to control banks! How? By curbing the trade union movement and the bank employees. He is trying to inflict a crushing blow on the working class of this country.

This legislation is now against the bank employees alone. But tomorrow it may be applied to other employees also. The may take this kind of action against the Central Government employees tomorrow. They are agitating for their demands and I understand that some eight persons have now been put under suspension for demonstrating before Shri Chavan's house. If they are not given this trade union right, what democracy you are preaching I cannot understand. Democracy for the Birlas, Tatas and Bajorias to exploit the people? If you are really for democracy and for the people's right, you must give these trade union rights to these people. They must be given the right to organise.

I want to make one more point. Take for example Shri H. V. R. Iengar, who was the Governor of the Reserve Bank. What is his position now after retirement? He is a big shot in a private concern. If you are not going to control that, tomorrow Shri Jha, now the Governor of Reserve Bank, will get into that type of job. If the right of all the big bureaucrats, who are controlling the Reserve Bank and all those things, to go to the private sector or the public sector is not curbed, you are not going to control the banks. If X or Y, who is now the Governor, after retirement is

[Shri Viswanatha Menon]
 anxious to get a job in a private sector company, naturally he will not interfere even if there is some corruption in the bank. That situation is there. I am sure, Shri Morarji Desai knows all these things but he does not want to curb all these things. He wants the big monopolists to flourish in this country. Various commissions appointed by the Government have come out saying that big monopoly is developing and must be curbed. But he wants to put a camouflage by saying that the Congress Government is against the interests of big monopolies and has put such a loose, anti-people, anti-labour legislation before the House.

My humble submission is that if there is any Congressman, who has got some conscience, who really believes in democratic principles, who wants the common man to come up, I request him to vote against this Bill. This Bill is against the interests of the common man. We must understand that point. I request my Congress friends to go by their conscience and vote against this Bill and teach a lesson to our Finance Minister that his ways will not be tolerated in this country.

MR. CHAIRMAN: I would request hon. Members to confine their remarks to ten minutes now. There are a large number of Members still who want to take part in the discussion and the Finance Minister has to reply to the debate at 5 o'clock.

SHRI KRISHNA KUMAR CHATTERJI (Howrah): Mr. Chairman, I must confess that the Bill as it has merged out of the Select Committee has fallen short of our expectations. The most miserly control on banks that was given to the community for social purposes was withdrawn through the process of the Select Committee proceedings.

So far as social control is concerned, it is certainly a bad substitute for nationalisation. We have seen that in the evidence tendered by the banks' association, the big Banking interests had been very glad to tell us in the Select Committee that the Bill was a very good one and that they taken steps to that had to forestall the provisions of the Bill as they had already lifted up the general managers of these banks to the posts of Chairmen You will be surprised to

know that all the seven Banks with such a power of General Managers converting themselves into Chairman, belong to one community, except one, and they become Chairman of the seven big Banks of India. These are the General Managers who have been always helping the Board of Directors to do everything wrong to serve the interests of big business and big industrialists in this country leading to the growth of monopolies.

What is the purpose of social control by making such a provision which can convert certain General Managers into Chairmen, thereby making them the stooges in the hands of big businessmen? The provisions have been made for the purpose of controlling loans and advances to companies in which Directors of one Bank might have interest. It has been amply explained by some hon. Member of the Opposition that certain other Banks would be quite eligible to advance such loans and advances even to companies in which Directors of the above Bank might have interest.

Sir, a person like me who has got the misfortune of working in the trade union movement cannot possibly render unqualified support to clause 36 A.D. I must confess that frankly. I am prepared to strike a deal here and now with the Deputy Prime Minister. If he is prepared to withdraw this Bill and introduce the Banks Nationalisation Bill immediately, we are prepared to accept even this restriction on the representatives and members of the trade unions serving the interests of banking institutions. At least, it will be a solace that the bank institutions will be in the public sector to serve the interests of the community, particularly, the weaker and vulnerable sections of the people. If he is prepared to do that, we are prepared to accept clause 36 A.D. as it is in the present Bill.

Sir, if we go into the details of the provisions of the Bill, we find that this Bill has given stronger control to big business houses and big industries in the country. We have always been saying in this House that we should not allow monopoly interest to grow to allow them to catch hold of every sphere of our economic activity and to suppress and oppress the common man in this country.

It has to be remembered also that on 2nd February, 1960, a National Credit Council was formed—it was published in the newspapers—consisting of big industrialists and big businessmen. I think, our Deputy Prime Minister will bear with me if I say that that had been a crude distortion of the concept of social control of banking institutions. How can you think of having social control on banks with big industrialists and big business houses controlling the question of credit facilities to be extended to all the sections of the people in the country? I feel that if we go deep into the matter, there has been some design somewhere to frustrate all our attempts to bring about bank nationalisation in the near future. We are committed to bank nationalisation as a Party. As we are committed to bank nationalisation as a Party, I think, it would not be proper for the Deputy Prime Minister to bring forward this Bill and to hustle it through. It would be a wise policy if the Deputy Prime Minister agrees to elicit public opinion in favour of the provisions of this Bill. He must remember that millions of people are involved in the process. The millions of poor and middle-class depositors in terests are at stake and they are in danger of running very great risk which we cannot properly visualise now.

I am sorry to say that even in the Select Committee, the banking policy has been re-defined in such a way that it has made confusion worse confounded. The banking policy must be on the basis of the depositor's interests. The depositors' interest is represented by millions of poor and working class people. Again in the Bill—I am surprised to see this—the 'small scale industries' have been defined to be such bodies which can invest in machineries Rs. 20 lakhs. The small scale industries are really struggling hard to exist and they do not get the credit facilities from the socially controlled banks as propounded by our Deputy Prime Minister.

I am strongly of the opinion that this kind of social control will be a negation of what we have stood for, for the interest of the country, in the matter of bringing in bank nationalisation for the purpose of serving the interests of the poorer sections and the vulnerable sections of our industry and business.

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Therefore, it is essential that there should be a re-thinking. It is not yet too late. I feel that the Deputy Prime Minister has got the right, according to rules, to withdraw this Bill and circulate it for eliciting public opinion; we should have the biggest support, largest support, for this Bill which will affect the very foundation of our economy. We are professing that we shall introduce a socialistic economy and socialism in the country. I would, therefore, again appeal to our Deputy Prime Minister. I know, he is very rigid in certain attitude. Rigidity of approach of national questions sometimes leads to complicated results. I would ask him whether he ever thinks that rigidity of approach in a democratic set-up is an anachronism which may result in disastrous consequences so far as our national aspirations are concerned. I would appeal to our Deputy Prime Minister to see if he can reconsider the whole position and try to do something so that the fears in the minds of the employees may go. The employees should be given a place of dignity, honour and power in the banking institutions, but there is no provision whatsoever in this regard in this Bill. But, all the same, the banking magnates and big business and big industries are safe in the hands of our Deputy Prime Minister because of the new method of social control which he has proposes to introduce through National Credit Council which is composed of the representatives of the big industries and big business in this country.

With these few words, I once again appeal to our Deputy Prime Minister to see if anything can be done to reduce the rigorous on the employees, especially about the punishment that has been prescribed in the provisions of this Bill; that can be revised by an amendment moved by the Deputy Prime Minister so that at least the punishment may go, if not anything else.

With these few words, I support the Bill.

श्री देबेन सेन (आसनसोल) : सभापति महोदय, मैं इस बिल का विरोध करता हूँ। श्री दांडेकर जी ने बताया है कि इस बिल के जरिये धु. दी बैंकडॉर नेशनलाइजेशन आफ बैंक्स किया गया है। मैं चाहता हूँ कि यह नेशनलाइजेशन आफ बैंक का एक तमाशा किया गया है और धु. दी बैंकडॉर ऐसा एक

[श्री बेबेन सेन]

प्राविजन इस में रखा गया है 36(ए) (डी) जिससे समूचा मजदूर आन्दोलन ही उठा कर बहार कर दिया गया है, मजदूरों के हकों पर कुठाराघात किया गया है और मजदूर आन्दोलन को छिन्न भिन्न करने की कोशिश की गई है।

मैं समझता हूँ कि सैंकशन के जरिये सरकार की मजदूर सम्बन्धी नीति में शिफ्ट आया है। हमारे डिप्टी प्राइम मिनिस्टर की नीति यह रही है कि मजदूरों की तादाद न बढ़ने पाए, उनकी वेजिज फ्रीज की जाएं। डिवल्युएशन करते समय चौदह प्वाइंटस का एलान किया गया था और उन में से एक मुख्य प्वाइंट यह था कि वेज फ्रीज हो।

इसके बाद एक और हथियार का मजदूरों के खिलाफ इन्होंने इस्तेमाल किया और वह आटोमेशन का हथियार था जिस का मतलब यह था कि मजदूरों की तादाद न बढ़े। उनका उद्देश्य यह था कि न केवल मजदूरों की तादाद में वृद्धि हो बल्कि उनकी तादाद भी घीरे घीरे कम हो। अब जो बिल आया है उसका मतलब यह है कि मजदूर संगठन टूट जाए। इसलिए मैं समझता हूँ कि यह एक बहुत खतरनाक बिल है और मैं कहता हूँ कि इसी सेशन में एक और बिल आने वाला है सेंट्रल इंडस्ट्रियल सिन्धोरिटी फोर्स बिल। उस कानून के मुताबिक हर एक कारखाने में एक सिन्धोरिटी फोर्स मूतईयन होगी, जो बिना किसी वारंट के ऐरेस्ट और सर्च कर सकेगा। डिप्टी प्राइम मिनिस्टर के जमाने में ये नई नई पालिसीज हमारे मजदूरों पर लादी जा रही हैं, जिन का हमें विरोध करना पड़ेगा। मैं समझता हूँ कि आज हिन्दुस्तान के मजदूरों के लिए कोई चैन नहीं है। उन्हें अपने अधिकारों की रक्षा के लिए लड़ना ही पड़ेगा हमारे अधिकारों पर हमले पर हमले किये जा रहे हैं। अभी जर्नेलिस्ट्स पर लाठी-चाज हुआ और कई एक को डिसमिस किया गया। हम लोग इस स्थिति को बर्दास्त नहीं कर सकते हैं।

इस बिल के जरिये से बैंकों पर सामाजिक नियंत्रण नहीं होने वाला है। क्यों? मैं उस की एक नज़ीर देता हूँ। पुराने कानून के मुताबिक बैंक का चेयरमैन करीब करीब स्वाधीन था। लेकिन सिलेक्ट कमेटी में यह तब्दीली हुई अण्डर 103(1) कि उस को बैंक के बोर्ड आफ डायरेक्टर्ज की इस्ट्रुक्शन्ज और डायरेक्टिव्ज को मान कर काम करना पड़ेगा। हर एक बैंक के डायरेक्टर्ज घनियों के होते हैं। इस का अर्थ यह है कि घनियों के डायरेक्टर्ज की बात को मान कर चेयरमैन को काम करना पड़ेगा। वित्त मंत्री ने बताया है कि इस बिल का सब से महत्वपूर्ण क्लॉज 3 है, जो बोर्ड के निर्माण और अध्यक्ष की नियुक्ति के बारे में है। अध्यक्ष की नियुक्ति इस ढंग से होगी कि उस पर बैंक के डायरेक्टर्ज का कंट्रोल होगा और डायरेक्टर्ज घनियों के आदमी होंगे।

बोर्ड आफ डायरेक्टर्ज में 51 परसेंट सदस्य तो नये कानून के मुताबिक रखे जायेंगे और 49 परसेंट पुराने कानून के मुताबिक, जिन में घनियों के आने में क्या बाधा है? नये डायरेक्टर्ज के बारे में कहा गया है कि उन में एग्रीकल्चर और रूरल इकानोमी के प्रतिनिधि आयेंगे। अब तो बिड़ला के भी बहुत एग्रीकल्चरल फार्म हैं। इस लिए एग्रीकल्चर के प्रतिनिधियों में भी बिड़ला या उन जैसे लोग रहेंगे। इसी तरह चूंकि बनिियों के बहुत से को-आपरेटिव्ज हैं, इस लिए को-आपरेशन के प्रतिनिधियों के रूप में भी घनी लोग आ जायेंगे। तो फिर किस ढंग से बैंकों पर सामाजिक नियंत्रण होगा और किस ढंग से बैंकों पर से इंडस्ट्रियल हाउसिज का लिंक और प्रभाव हटेगा, यह बात वित्त मंत्री उस सदन को बतायें।

जहां तक स्माल स्केल इंडस्ट्री का सम्बन्ध है, पहले यह डेफिनीशन थी कि पंद्रह लाख रुपये से ज्यादा जिस का कैपिटल है, वह स्माल-स्केल इंडस्ट्री नहीं समझी जायेगी।

सिलेक्ट कमेटी में उस को बढ़ा कर बीस लाख रुपया कर दिया गया है।

सबस्टेंशल इन्स्ट्रुमेंट की डेफिनीशन भी बहुत विचित्र है। पहले यह व्यवस्था थी कि समुचे कॅपिटल में जिस का शेयर पांच परसेंट तक है, वह सबस्टेंशल इन्स्ट्रुमेंट कहा जायेगा। लेकिन अब इस को बदल कर अब कहा गया है कि जिस का शेयर दस परसेंट से ऊपर होगा वह सबस्टेंशल इन्स्ट्रुमेंट समझा जायेगा।

लेकिन अगर दस परसेंट तक होगा तो वह नहीं होगा। यह तो स्पष्ट है कि इस बिल के जरिये से बैंकों का नेशनलाइजेशन नहीं होता है। लेकिन वित्त मंत्री हमें बतायें कि इस के द्वारा बैंकों पर से धनियों का प्रभाव कैसे घटेगा।

मौजूदा हालत में करीब 5,100 करोड़ रुपया देश में चालू है, जिस में से 3400 करोड़ रुपया शिडयूल्ड बैंक्स में डिपाजिटस के रूप में है। इस का अर्थ यह है कि लगभग 75 परसेंट डिपाजिटस पर बिड़ला, जैन, टाटा और सिंहानिया आदि चार पांच इंडस्ट्रियल हाउसिज का कंट्रोल है। बैंकों से जो कर्जा दिया गया है, उस का 76 परसेंट भाग तेरह बड़े बड़े इंडस्ट्रियल हाउसिज को दिया गया है।

इन सब बातों को देख कर हमें यह नहीं लगता है कि इस बिल के जरिये बैंकों का नेशनलाइजेशन होने वाला है या उन पर से धनियों का कंट्रोल घटने वाला है। अगर बैंकों का नेशनलाइजेशन न होता, लेकिन उन पर से धनियों का कंट्रोल ही घट जाता, तब भी हम इस बिल के औचित्य को समझ सकते थे।

चांग-काई-शेक के जमाने में तीन सुंग फ्रॅमिलीज का चाइना की इकनोमी पर कंट्रोल था। उस का परिणाम क्या हुआ, यह सब को मालूम है और इतिहास उस का गवाह है। कांग्रेस के जमाने में इस देश की हालत में वैसे ही है। हमारी समूची इकनोमी को, बैंकों

को, पेपर आदि हमारी सब इंडस्ट्रीज को पांच सात इंडस्ट्रियल हाउसिज कंट्रोल कर रहे हैं।

इस स्थिति में हम अपने हकों की रक्षा के लिए लड़ेंगे और सरकार को भी चैन नहीं लेने देंगे। सेंट्रल गवर्नमेंट के कर्मचारियों की स्ट्राइक होगी, पेन-डाउन स्ट्राइक होगी, प्रोटेस्ट होगा, डिमांस्ट्रेशन होंगे। 12 सितम्बर को रेलवेज और डिफेंस एम्पलाईज समुचे हिन्दुस्तान में आम हड़ताल कर रहे हैं। इसी तरह कोलफील्डज में काम करने वाले चार लाख मजदूर भी 15 सितम्बर को हड़ताल करने जा रहे हैं। हम इस कानून को चुपचाप बर्दाशत नहीं करेंगे। हम इस के विरुद्ध लड़ते लड़ते भरेंगे।

इन शब्दों के साथ में इस बिल का विरोध करता हूँ।

SHRI HIMATSINGKA (Godda): Before I deal with some of the points raised by some of the Members, I would like to deal with Clause 15 adding a new provision Section 36-AD.

In spite of the fact that the Select Committee has made a lot of improvement and there has been more or less general agreement—the majority have agreed to the Clause as amended by the Select Committee—I find that some of the members here have still raised some objection. I feel that the difference between a banking institution, which is a credit institution, and an ordinary commercial house has not been taken into account.

I would like the House to understand the object behind this Section. Banks are primarily service institutions and have to function as efficient and disciplined units. They have many responsibilities to discharge towards the public and their constituents who are borrowers, depositors etc., and also certain obligations under the Act to keep the bank open. They are not allowed to close the banks unless there is a holiday declared under the Negotiable Instruments Act. If intimidation or deliberate obstruction is allowed to be practised, the implications are more serious in the case of banks than the adoption of similar practices in individual commercial establishments

Shri Himatsingka]

where particular units only will be affected, whereas in the case of banks the repercussions are far reaching and very grave indeed. Government have a responsibility to ensure that they are allowed to function. Therefore, I feel that the Clause does not prohibit any lawful strike or legitimate methods of ventilating grievances. As a matter of fact, if you read the Clause carefully you will find that it is not confined to the activities of the employees. It covers even persons who obstruct any person from lawfully entering or leaving any office or place of business of a banking company. Therefore, it is not directed against any lawful strikes or any lawful trade union activity. It wants to prevent any forcible obstruction in the working of a credit institution. The effect of such obstruction will be very wide and will affect a large number of persons and might also create a lot of difficulties. There may be persons who want to withdraw money. If there is any kind of trouble created by persons, you can imagine the difficulties that will arise. If you are going to have social control, you have to see that the depositors and other persons who want to withdraw money are protected from injury. I cannot understand the objection to this provision. Tripartite agreements are arrived at between the employers and the employees and cover cases of gross or minor misconduct. The clause wants to prohibit a person from obstructing the proper functioning of the banks. Therefore, this provision which makes certain activities a criminal offence is absolutely necessary. Bank awards are in force for a limited period of time; after they have run their course, they cannot be enforced. This is a salutary provision which will be in the Act for all times to come and will apply to all these credit institutions. This distinction should have been kept in view while criticising the provisions. There is nothing to object so far as this clause is concerned.

Some hon. Members say that the directors took advantage of their position or there was no guideline for advances to agriculturists or small-scale industries. They forget the banking policy to be adopted on the basis of directions from time to time by the Reserve Bank having regard to the interest of the depositors and other persons.

16.44 Hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

To say that social control cannot be achieved because there is no specific provision for advances to small-scale industries or agriculture is not a justified criticism. Similarly, Members commented upon the provision to raise from Rs. 10 lakhs to Rs. 20 lakhs in the case of small-scale industries. I cannot understand their objection. As the amount has been raised, better opportunities had been given to the bank to go and help the industries which would otherwise have been excluded from help. The scope had been widened, not curtailed and the objection arises from a misunderstanding of the scope of the changes introduced by the Bill.

Then, another fact mentioned by Shri Indrajit Gupta is that the memorandum of banks association shows that the Bill has been framed after discussion with the bankers. But I feel that he has forgotten the dates. The Bill was introduced in the House on the 7th December, 1967 whereas this memorandum was filed on the 5th February; therefore, this discussion, whatever might have taken place, took place after the Bill had been introduced.

SHRI INDRAJIT GUPTA : The memorandum refers to the discussion held much earlier. I will show it to you if you want.

SHRI HIMATSINGKA : I do not think it refers to it. The Bill was introduced much earlier, and therefore, even if it refers to certain discussions, it must be the discussions after the Bill was introduced.

Then, so far as the question of nationalisation is concerned, as you know, the State Bank and a number of other subsidiary state banks handle more or less over 40 per cent of the deposits, and taking the post-office deposits, the savings bank deposits and the postal deposits into consideration, I think that about 50 per cent of the deposits are with the State banks in all. The area of the commercial banks has not been in any way different from the banks which are under State control, because, as Shri Dandekar explained, the policy before the introduction of this Bill has been that these commercial banks and industrial banks were not expected to lend any money to the agriculturists. In fact, they were asked not to go

near them and the co-operatives were expected to do that.

Another thing is, if banks have to advance money and lend money, who are the persons who will take the money? Those who are in industry: take for instance Tatas or Indian Iron. They need crores of rupees for running their Steel mills effectively. Naturally, the advance to such persons will be much larger than to a person who has a small industry, say, upto Rs. 2 lakhs or Rs. 3 lakhs or Rs. 4 lakhs. But let us judge the activities of the directors and others who have been running banks for the last 25 years; and not one single rupee advanced to companies in which they were directors has been lost at any time. Therefore, to say that they have taken advantage of their position is not justified. The very fact that they have advanced money in furtherance of the objectives in the Plan, shows that they have been helping in the industrialisation in accordance with the priorities fixed in the different Plans. Therefore, nothing wrong has been done. In fact, they have been helping in the carrying out of the policies of the Government.

SHRI K. N. TIWARY (Bettiah): What about the agriculturists?

SHRI HIMATSINGKA: As a matter of fact, I have said that up till today, they were not expected to go to the agriculturists; they were asked not to go to them, as the co-operatives were expected to lend money to the agriculturists. So, they were not allowed to do so. That was the Reserve Bank's directions. If my friend had read the various reports of the various committees he will agree that they were not expected to lend money to the agriculturists. That work was left to the co-operative banks which unfortunately have not functioned very properly in that direction. And that is why the needs also have arisen. Moreover, previously, the agriculturists did not require so much funds as they now do, because they now need fertilisers, good seeds, good implements and so on. (Interruption) Therefore, I feel that the criticism that has been levelled against the Bill in general is misdirected. The Bill as it has emerged from the Select Committee should be wholeheartedly supported, and I do so with these remarks.

SHRI SRINIBAS MISRA (Cuttack): Sir, although the name of the Bill is Banking Laws (Amendment) Bill, the purpose as expressed by the Deputy Prime Minister, who is its sponsor, is social control. Social control may mean so many things. Is it control from a socialistic standpoint or is it really social control i.e. society's control? If this Bill is meant to control society, he should have also brought in certain clauses in the Bill controlling family planning, education, etc. Otherwise, we do not find any justification for section clause 36 AD in this Bill. Perhaps he means that through this Bill he wants to control society. Henceforward, we have to apprehend that in every Finance Act, the Deputy Prime Minister will reiterate section 36 AD, family planning and educational policies also. Otherwise, his is really a reflection on the drafting of the law department and the drafting procedure.

Is it necessary or relevant in such a Bill to bring in section 36 AD? First of all, this section is being justified by the Swatantra spokesman, saying, because bank is controlled, therefore labour also will be controlled. Of course, it has been vehemently criticised by some members of the Congress Party also. Section 3 AD does not bring in anything new, except the last sub-clause (c). Regarding sub-clause (a) which reads:

"obstruct any person from lawfully entering or leaving any office..." etc.,

I will refer the Deputy Prime Minister to the Criminal Laws Amendment Act. There even loitering before business premises has been made punishable. Similarly the offence contained in (b), i.e. "hold, within the office or place of business of any banking company, any demonstration..." etc. is also punishable under the penal laws of the country. What is new is (c), which reads:

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

But does this not take away the rights of the depositors? Depositors have every right to say that the bank is transacting business in a bad manner and therefore, we will not deposit any money there. That will undermine the confidence of the depositors in the bank and the Deputy Prime Minister wants that to be punishable. I am a depositor

[Shri Srinibas Misra]

and I am asking other depositors not to deposit money in the bank because it is transacting business in an uneconomic way. This is a legal step which could be taken by every depositor and every member of the public on the ground of their own self-interest. But this is now being made punishable under (c). This is the only new sub-clause which he has tried to add.

I endorse the view of Mr. Indrajit Gupta that the whole Bill is a hoax, because except (c), nothing new is there. The only other thing that is new is that a Chairman can be appointed by the Reserve Bank in respect of a Bank, although he holds no qualifying share. The Deputy Prime Minister is sure in his mind that this will be declared unconstitutional. What else is there ?

There are some additions of which he was boasting the other day while introducing the Bill. They are regarding abolition of managing directors and appointment of Chairmen. The Reserve Bank is given the right to appoint Chairman and to appoint directors. Whom shall they appoint ? They can appoint anybody? Ultimately, that appointment will be by the Finance Ministry because the Finance Minister is the head of the Reserve Bank of India. Sections 9, 10 and 11 of the Reserve Bank of India Act gave these powers to the Reserve Bank previously. How has that been acted upon ? Even now, we know, about 70 per cent of the country's credit is still in the hands of unauthorised moneylenders. All these years the Reserve Bank has not been able to formulate a policy which will attract more depositors and more credit facilities in the banks. Although there is the State Bank of India in the public sector, still nothing much has been done. The Reserve Bank's powers in this respect were that some people were to be engaged to watch the proceedings, some directors could be changed and they could give directions. The Reserve Bank could do everything. Even then these powers have not been utilised as was conceived at that time. Giving the same powers to the Reserve Bank with the addition of 10(c) will not help matters because everybody knows that he is conscious and he must have been conscious, even though he might deny it now, that this additional power would be declared unconstitutional because in this

form we can direct or regulate some private person's property. We can regulate it by law. Some private person may be asked to use his property in a certain way.

Sir, all these commercial banks have got some internal democracy. They have their elections. They manage their property through persons elected by them. What is being sought to be done is an attempt to manage their property by our men. That means they have not got the right to manage their own property. He is conscious of that. Even then the hon. Deputy Prime Minister wants the country to believe that this is better than nationalisation. Nationalisation would be just the thing that would serve the nation and not this. This is really a hoax because the only purpose of nationalisation which is here in 10(c) and 10(d) will not serve the purpose.

There is one more fact which you have to examine. In 10 (A) the qualification of directors is given. Who are the persons qualified to be directors ? It is said :

“(2) Not less than fifty-one per cent of the total number of members of the Board of directors of a banking company shall consist of persons, who—

(a) shall have special knowledge or practical experience in respect of one or more of the following matters, namely :

- (i) accountancy,
- (ii) agriculture and rural economy,
- (iii) banking,
- (iv) co-operation,
- (v) economics,
- (vi) finance,
- (vii) law,
- (viii) small-scale industry,

(ix) any other matter the special knowledge of, and practical experience in, which would, in the opinion of the Reserve Bank, be useful to the banking company.”

So the opinion of the Reserve Bank would be required. You have seen so many banks small and big. Now there are hun-

dreds of banks. Out of them there are some foreign banks also. If there are no persons with special knowledge in these who will be elected as directors? So the Reserve Bank will come in saying that such and such a person in their opinion is fit to be a director. Is it therefore necessary that all such persons who have qualified knowledge in this department should be depositors or shareholders in these banks?

After saying that every Chairman of the Board of Directors of a banking company shall be a person who has special knowledge and practical experience of the things I have mentioned, the proviso says that a person shall be disqualified from being a Chairman if he is engaged in any other business or vocation. So, the Deputy Prime Minister expects that only unemployed persons will become Chairman. That is what his Bill is expecting. Necessarily who will come in? The Reserve Bank will be asked to nominate and whom will it pick up? Under the direction of the Deputy Prime Minister, defeated Congressmen will be picked up. Many examples have been cited in this House today to show how they have been picked up as Chairman, or director resulting in inter-locking of capital.

17 hrs.

SHRI C. M. KEDARIA (Mandvi): What is being done where your party is ruling?

SHRI SRINIBAS MISRA: My party is not ruling anywhere. Unfortunately, the hon. Member is misinformed.

AN. HON. MEMBER: What about Orissa?

SHRI SRINIBAS MISRA: Not even in Orissa. He is misinformed. Jana Congress, which is Shri Dandekar's party, is ruling there. We are not in a leaky boat like you. We are not floating yet.

Coming to the other question, I again say that it is a hoax. Whatever has been attempted to be done by this Bill could have been done by bringing in one small amendment to the Reserve Bank of India Act. As has been stated by many hon. Members, it is not worth the paper on which it is printed. It has taken so much time of the House and perhaps the hon. Finance Minister can tell us how much it has cost

the exchequer. Only a simple amendment, giving power to the Reserve Bank to recommend acquisition of the bank or change the director or Chairman is necessary. What else? All other things are simple camouflage to cover up the real intentions.

The real intention has come out from what has been stated just now by the hon. Member, Shri Indrajit Gupta. Although the Deputy Prime Minister has stoutly denied it, the Banking Association say that there was some consultation with them. During that period the banking employees were agitating. So, there must have been some understanding—I will satisfy the bankers who accept my views and I will suppress the bank employees. That shows that the only thing which is behind this is the hoax of suppressing the bank employees to satisfy the bankers and to bring in such provisions against the bankers which will ultimately be declared unconstitutional.

One more point and I am finished. In the preliminary statement on social control of banks the hon. Deputy Prime Minister has given certain assurances to this Houses by saying:

"I would welcome at that stage any constructive suggestions which they would have occasion to make after studying the Bill."

This assurance gives us some hope. He has given us this assurance that if we are making some constructive suggestions he will accept them. With this assurance in view, we have brought in certain amendments. Let us hope he will see reason and will not be guided by flash of intuition. I do not know what the result is going to be but let us have hope until the Bill is put in the statute book.

17-05 hrs.

[*MR. SPEAKER in the chair*]

With that hope we expect that he would accept some of the amendments at least to satisfy the bank employees and to look to the needs of the country.

His other assurance is that this covers a short term measure. This being a short term measure, according to him, let us hope

[Shri Srinibas Misra]
that after a year or two he will also introduce another Bill to nationalise the banks.

SHRI DHANDAPANI (Dharapuram) :
Mr. Speaker, Sir, in his statement our Finance Minister has stated in this House :

"Our fundamental aim within the framework of democratic socialism is to regulate our social and economic life so as to attain the optimum growth rate of our economy and to prevent, at the same time, any monopolistic trend, concentration of economic of power and misdirection resources."

This Banking Companies (Amendment) Bill has brought nothing but unrest in the minds of the people of this country. As far as my knowledge goes, our Finance Minister has tried somewhat to impress upon the people that he is for democratic socialism, but in this Bill we have seen nothing of that kind.

As far as the appointment of directors is concerned, he has mentioned on page 3, line 34, of this Bill :

"shall have special knowledge or practical experience in respect of one or more of the following matters."

I can understand practical experience but I do not know what he means by "special knowledge"; probably, knowledgeable people from outside or from within his party.

Again, it says :

"Every chairman of the Board of directors of a banking company shall be a person who has special knowledge and practical experience of—

the working of a banking company, or of the State Bank of India or any subsidiary bank or a financial institution, or

financial, economic or business administration ;"

That means that a broker or even a shop-keeper can become a director or Chairman of the Board of Directors of a bank. Even now all the scheduled banks have appointed the general managers as chairmen.

Our Finance Minister has stated that the resources have not been distributed properly and he wants that the resources of banks should be distributed to agriculture and small-scale industry also. The total advances of banks up to the end of March in 1967 were Rs. 2,360.70 crores, out of which 64 per cent was given to industry, 24 per cent to commerce, financial advances formed 3.3 per cent, personal advances 4.8 per cent, professional advances 0.6 per cent, advances to agriculturists 0.2 per cent and other advances 2.7 per cent. This is in the case of scheduled banks.

Our Finance Minister may come forward and say that this has not happened in the State Bank. I can say something about the State Bank also. It functions under the directives of our Finance Ministry though it is an autonomous body. The *State Bank of India Monthly Review*, February 1968, issued by the State Bank of India says on page 49 :

"Other Assistance to Agriculture : The Bank has also been providing credit to individual agriculturists for agricultural operations. It has also been extending assistance to plantations. At the end of 1967, credit limits sanctioned for these and other allied agricultural activities amounted to Rs. 6.6 crores."

This is the position about the State Bank of India affairs. At the same time, the State Bank of India makes more and more advances to individuals than the other Banks. This is from the speech made by the Chairman of the State Bank to the Thirteenth Annual General Meeting of the Shareholders on 18th March, 1968. I quote :

"There is one other aspect of our advances portfolio which often comes up in public discussion, viz., advances to concerns in which the Bank's Directors are interested. For facility, supplementary information embodying an analysis of such advances has been appended in the Annual Report. It will be observed that, out of a total of Rs. 100.86 crores of such advances, Rs. 20.25 crores were to companies in which the Bank's Directors/Local Board Members were directors as nominees of Government or Government controlled corporations. Also, as much as Rs. 90.94 crores were to companies in which the Bank's

Directors/Local Board Members were interested either only as directors (holding no shares) or as directors or members holding not more than 2 per cent of the paid-up share capital of the companies."

Even if this Bill is passed, all these Banks are going to function on the lines of the State Bank of India. Even in respect of the State Bank of India, out of its total advances, 16.8 per cent advances were given to individuals. The total advances of State Bank of India in 1968 were Rs. 665.9 crores out of which Rs. 11.19 crores were given to individuals and big industries. But at the same time the State Bank of India is doing something for small-scale industries. But I have no time to explain all these things.

Coming to clause 36 AD, I must say one thing here. It says :

"(1) No person shall—

- (a) obstruct any person from lawfully entering or leaving any office or place of business of a banking company or from carrying on any business there,"

It seriously curbs the fundamental trade union right. My contention is this. Our Finance Minister has always been against labour interests. Even in 1960, he was against our Bank employees. The State Bank of India Employees Federation had launched an agitation in 1960. The hon. Member, Shri S. M. Joshi, happened to be the President of the Federation and I happened to be an employee of that institution. We went on strike for 22 days but, even after that, we could not achieve our objective. He imposed on us a national tribunal. But the employees wanted arbitration. In the same manner, he is imposing now 36 AD. Sir, we are living in 1968 AD but he wants to go back to 36 AD. Kindly consider this case. This is a case which affects the interests of the employees. I would request the hon. Finance Minister on behalf of my Party to delete 36 AD as well as 54 AA affecting the Reserve Bank of India employees.

MR. SPEAKER : The Business Advisory Committee allotted 5 hours for this Bill. But we spent 2 hours on legal battles. Even apart from that, we should complete it within 5 hours. That means 7 hours. We

have already taken the whole of today, about 4 hours. Tomorrow, at least within a hour or two, we have to finish it. Now, from the list of speakers, I find half a dozen Congress Members have spoken and Opposition Members from this side have spoken, but not one from the centre has spoken. Shri Abdul Ghani Dar. After one of them has spoken, I would request the Deputy Prime Minister to reply. Tomorrow we should be able to finish in an hour or two. (Interruptions) We should try to finish quickly, but we cannot help, if it drags on tomorrow...(Interruptions)

SHRI H. N. MUKERJEE : How can the finance Minister finish his reply before 5.30 P.M. ?

MR. SPEAKER : Let us see. If necessary, we can take up the half-an-hour discussion ten minutes later.

SHRI H. N. MUKERJEE : This is a matter which, rightly or wrongly, is agitating the whole country, and in the interest of the debate, surely the House has a right to listen to the Finance Minister....

MR. SPEAKER I know, there is no doubt about it.

SHRI H. N. MUKERJEE : I am waiting to hear the Finance Minister. If speaks only for five minutes....

MR. SPEAKER : No, no. I am not going to hustle him. If he wants ten or fifteen minutes more, I will certainly give him. If necessary, we can take up the half-an-hour discussion at 5.40 or something like that. I am certainly not going to hustle him.

SHRI VASUDEVAN NAIR (Peermade) : He can think over the matter in the night and reply tomorrow. He may change his mind.

MR. SPEAKER : All these days he has not thought about it and only in the night he will think over it ! (Interruptions) Mr. Abdul Ghani Dar.

श्री अब्दुल गनी दार (मुद्रगांव) : स्पीकर साहब, मैं आप के जरिए श्री मोरारजी भाई देसाई को कहना चाहता हूँ :

"तेरे वायदे पर जिये हम तो यह जान झूठ जाना कि खुशी से मर न जाते अगर ऐतबार होता।"

[श्री भवबुल गनी दार]

आज मोरारजी भाई देसाई गांधी जी के मानने वालों में से शायद चंद आदमियों में से एक हूँ। यह आये हैं कहने के लिए कि हम बैंकों पर सोशल कंट्रोल करने जा रहे हैं ताकि बैंकों की बुराइयां कम हों और किसान भाई जोकि आज तक इन्नोर हुए हैं उन की कुछ मदद हो।

सन् 1961 में श्री मोरारजी भाई और प्राइम मिनिस्टर साहब के नोटिस में भी यह मामला लाया गया कि पंजाब नेशनल बैंक में करोड़ों रुपये का इन्वेजमेंट हुआ है। सिर्फ राजस्थान और उत्तरप्रदेश में लाखों रुपया ख़ाया गया है। साथ-साथ इन के नोटिस में यह भी लाया गया कि डाइरेक्टर्स और डाइरेक्टर्स के चहेते जो हैं वह बहुत बुरी तरह से पबलिक फंड को गरीबों के सरमाये को जोकि उन्होंने डिपाजिट करवाया है उस का वह बड़ा नाजायज इस्तेमाल कर रहे हैं। मोरारजी भाई ने उस पर क्या किया यह वह खुद ही बतलायेंगे लेकिन जिस ने शिकायत की थी उस को कहा कि तुम रिजर्व बैंक के गवर्नर से मिलो जिसको कि बैंकों का खुदाबन्द बनाना चाहते हैं। उस ने मिलने से इंकार कर दिया। सन 1963 तक उस की खतो-कितावत चलती रही। जब उन से बात न बनी तो मेरे पास आये। मैंने उसी वक्त फाइनेंस मिनिस्टर और होम मिनिस्टर दोनों को लिखा कि यह यह बददयानतियां पंजाब नेशनल बैंक में हुई हैं और इस बैंक पर फोरी ऐक्शन होना चाहिए। स्पीकर साहब, मैं क्या बतलाऊं, हाउस में कई बार राज्य सभा में मैंने सवाल किये। जबाब दिया गया कि कुछ नहीं है, कोई हैकी पैकी नहीं है। वहां पर श्री कमलनयन बजाज हैं। वह एक बहुत बड़े वुजुर्ग के बेटे हैं और बजाज खुद वह एक जिम्मेदार हस्ती हैं और जैसा मैंने कहा कह दिया गया कि कुछ नहीं हुआ। जब मैं उस वक्त के फाइनेंस मिनिस्टर श्री टी० टी० कृष्णमाचारी से मिला और

जब उन्होंने मुझे जवाब दिया कि कुछ नहीं है तो मैंने कहा कि रिजर्व बैंक के दो अधिकारियों ने 750 पेज की और दो अफसरों ने 250 पेज की रिपोर्ट की है। जरा आप उन पर निगाह करिये कि आया वह सी वी आई के पास मामला भेजे जाने के मुस्तहक है या नहीं? उस के बाद जब मैं उन से फिर मिला तो श्री टी० टी० कृष्णमाचारी ने कहा कि आप सच कहते हो यह जाने के काबिल है लेकिन तो भी उन के पास यह मामला नहीं गया। इस पर मैंने मंत्रवुर होकर आई ओपेनर के नाम से एक पैम्फ्लेट शायी किया जिसे कि पार्लियामेंट के सब मੈम्बरों और तमाम मिनिस्टर्स को मैंने भेजा और वह इसलिए भेजा ताकि वह देख पायें कि इस वक्त क्या बात हो रही है। यह मैंने एक बैंक की मिसाल दी है। अभी दूसरे बैंकों को छोड़ा नहीं था। सन् 1965 में जब सी वी आई के यह मामला सुपुद कर दिया गया और नन्दा साहब के फाइनेंस मिनिस्टर की ऐडवाइस से एक बहुत सीरियस इलजाम लगा कर एफ आई आर दाखिल कर दी गई। कहां 1961 और कहां 1965 और 1968 में जा कर तीन साल के बाद सी वी आई ने दो बड़े अफसरों और तीन श्रोकरो के खिलाफ एम्बेजेलमेंट के केस जारी किये उसी वक्त मैंने प्राइम मिनिस्टर साहब, होम मिनिस्टर साहब और श्री मोरारजी देसाई की तबज्जह इस तरफ खींची क्योंकि वह अपने को गांधीवादी कहते हैं, कि सर्वेंट और मालिक में इम्त्याज क्यों वह उन अफसरों ने किया जब डाइरेक्टर वहां मौजूद थे, चाहे वह कमलनयन बजाज? ही क्यों न हों। जब डाइरेक्टर मौजूद थे सब डाइरेक्टरों के खिलाफ क्यों केस नहीं चलाये गये? अगर आप गांधी भक्त हैं तो आप को चलाना चाहिये था क्योंकि डाइरेक्टर जिम्मेदार है। मैंने यह भी कहा कि इतना ही नहीं, रिजर्व बैंक ने अपने आर्थिबर् बाकायदा रखे डे टू डे बकिंग देखने के लिये जब इस तरह की बेईमानियां हो रही थीं। और जब

इस तरह से करोड़ों रुपयों के डाइरेक्टर मजे ले रहे थे और गवन हो रहे थे और शेअर्स में इतना अन्धेर हो रहा था तब मैं ने कहा था कि जो रिजर्व बैंक के आफिसर्स हैं आप उन को क्यों काबु में नहीं लाते जिन की मौजूदगी में यह हुआ ? मुझे बड़ी खुशी है कि कुछ करने से पहले मैं रिजर्व बैंक के, गवर्नर से भी मिला . .

SHRI D. N. PATODIA : On a point of order. The matter being discussed by the hon. Member is *sub judice*, Therefore, it cannot be raised on the floor of the House

MR. SPEAKER : Let him be careful in his reference to it.

श्री श्रद्धुल गनी वार : मैं तो सिर्फ यही कह रहा था कि जब आप बकों पर शोसल कंट्रोल करने जा रहे हैं तो आया कंट्रोल करना आप का मकसद भी है। मैं ने तो सिर्फ एक मिसाल दी ! मैं रिजर्व बैंक के गवर्नर से भी मिला और उन से भी मैं ने कहा कि वह गवर्नमेंट के हाथ मजबूत करें और जो बदवयानतियां हो रही ह, उन को रोकें। यह एक मिसाल है।

दूसरी मिसाल जो मैं ने दी वह यह कि लक्ष्मी कामशंल बैंक में किसी शख्स ने 83 लाख ६० बेनामी नाम से जमा कराये, और वह इस लिये कि वह इनकम टैक्स से बच सके और नाजायज सूद का फायदा उठा सकें। एक ही दस्तखत से बारह रसीदें दी गई हैं। आज यह छोटे मुलाजमीन जो बैंक के हैं उन के ऊपर गुस्सा हो रहे हैं, लेकिन उन्होंने ही मुझ को बतलाया है। मैं कोई फरिश्ता नहीं, कोई खुदा नहीं जिस को सब कुछ पता होता है, मैं कोई ज्योतिषी नहीं कि ज्योतिष से सब कुछ पता कर लूं। मुझे बतलाने वाले वही मुलाजमीन हैं जिन को कहा जा रहा है कि कैद करने जा रहे हैं, जिन पर दस दस हजार रुपया जुर्माना करने जा रहे हैं, क्योंकि वही जानकर हैं कि बैंक में क्या क्या अन्धेर गर्दी होती है। जो बात मैं ने कही थी वह आज बाठ बरस बाद आती है तो वह समझते हैं कि बड़ी बहादुरी का काम कर दिया जिस में दो

अफसरों के खिलाफ और दो वर्करों के खिलाफ मुकदमे चला दिये। क्या इसी तरह से यह चाहते हैं कि बैंकों पर कंट्रोल हो। अगर यह चाहते हैं कि बैंकों पर कंट्रोल हो, तो काश मुझ पर हार्ट अटैक न हुआ होता और जो दूसरी तीन बैंकों की रिपोर्ट तैयार की थीं उन को मैं शायद कर पाता।

मैं सच कहता हूं कि इस वक्त जो श्री मोरारजी देसाई हैं उन का बिल्कुल यह मतलब नहीं है कि वह किसान का भला करने जा रहे हैं। श्री रणधीर सिंह बड़े खुश हो रहे हैं कि शायद इस बिल के पास होते ही किसान के लिये ट्रैक्टरों का तूफान आ जायेगा और बड़ा सामान हो जायेगा।

मुझे बड़ी खुशी है कि श्री चटर्जी ने कहा कि बाकी सब जगहों पर गुजराती भाई हैं। अब खुदा जिन को अक्ल देता है वह हो जाते हैं। कौन जाने आगे कौन हो जायगा या पीछे कौन हो जायेगा। लेकिन अगर गुजरात वाले भाई जो हैं वह बड़े-बड़े बैंकों में हो गये तो मुझ को कोई तकलीफ नहीं। मुझे इस से भी कोई तकलीफ नहीं कि जैसा श्री इन्द्रजीत गुप्त ने कहा कि वह लोग श्री मोरारजी देसाई से मिले। क्या उन के मिलने में कोई जुर्म है ? बैंक वाले उन से क्यों न मिले। उन को अपना हक हासिल है कि अपनी बात कहें और उन के जेहन में यह बात बिठलाने की कोशिश करें कि बैंकों में डिफिकल्टीज है। अगर वह इस तरह से मिले हैं तो श्री मोरारजी देसाई के लिये भी कोई शर्म की बात नहीं है और उन भाइयों के लिये भी शर्म की बात नहीं है। लेकिन अगर हुआ वही है तो आप सेलेक्ट कमेटी को रिपोर्ट को पढ़ देखिए। उस में कहीं आप को नहीं मिलेगा कि बैंक वाले अपने फायदे के लिये अमीचन्द प्यारेलाल नाम की फर्म को, जो एक बार नहीं दो बार ब्लैक लिस्ट हुई, करोड़ों रुपये देते चले गये और कोई-रोकने वाला नहीं था। आज कौन रोकेगा उन्हें ? जो सेलेक्ट कमेटी की रिपोर्ट

[श्री अब्दुल गनी दार]

हमारे सामने है उस में कहीं मुझे ऐसा दिखलाई नहीं पड़ता कि उन पर कंट्रोल हो जायेगा अपना और जो लोग ब्लैक लिस्टेड हैं, जो मुल्क की दौलत को आज छीन रहे ह, उन पर किसी किस्म की कोई सख्ती हो पायेगी और वह रुपया नहीं ले पायेगे।

यहां इंडियन एक्सप्रेस का जिक्र किया गया। अगर आप मेरी किताब देखेंगे तो आप को मालूम होगा। उन को क्या पता चलेगा क्योंकि जो विवियन वॉस की रिपोर्ट को शीरा मादर समझ कर पी गये वह मेरी किताब "आई ओपेनर" को क्या समझेंगे? गोयनका साहब ने मुझ पर केस चलाया कि मैं ने झूठा इल्जाम लगाया है? मुझे कोई तकलीफ नहीं क्योंकि भगवान ने चाहा तो मैं आप की दुआ से जीतूंगा और साबित करूंगा। साथ ही श्री मोरारजी देसाई की जवान से भी निकलवाऊंगा कि करोड़ों रुपये जो लिये गये वह किन के शेरॉस के थे और किस जगह लगाये गये। जिस बात के लिये रुपया था वह कुछ नहीं हुआ। अगर एक गायनका होते, अगर एक टाटा होते, एक विड़ला होते या एक सिघानिया होते तो मैं मान सकता था, लेकिन यहां तो जहां से ईंट उठाइये वहीं आप को सिघानिया मिलेंगे और वहीं आप को वह लोग मिलेंगे जिन्होंने बैंकों को अपनी इजारेदारी समझा, और समझ कर उस का फायदा उठाया। मैं इल्जाम नहीं लगाता कि यह जितनी कोशिशें हो रही है या जितने जाल बिछाये जा रहे हैं या जितने कारपोरेशन बनाये जा रहे हैं वह सिर्फ इस लिये बनाये जा रहे हैं कि बैंकडोर से, चोर दरवाजे से अपने आदमियों को बड़ी-बड़ी तक्काहें दिलाई जायें, बड़ी-बड़ी जगहों पर रखवा जायें, मैं इस लिये भी इल्जाम नहीं लगाता कि यह चोर दरवाजे से अपना इन्फ्लुएंस बढ़ाना चाहते हैं और बैंक वालों को आगे बढ़ा कर अपना मतलब निकालना चाहते हैं, लेकिन जो बिल आ रहा है उस में इस को देखने वाली कोई बात नहीं है कि क्या

कुछ होने वाला है।

इस बिल में एक ही बात है कि जो एम्प्लायी हैं उनको फांसी लगाई जाये। उन को कोई हक नहीं है। गांधी जी ने हक दिया। गांधीजी ने खुद नमक सत्याग्रह किया, गांधीजी ने हमें सत्याग्रह सिखलाया, गांधीजी ने हम को नान-वायोलेंट एजिटेशन करने का हक दिया, लेकिन श्री मोरारजी देसाई की वजह से वह हक छीना जा रहा है। उन्होंने गोल्ड कंट्रोल किया और अपोजीशन वाले 150 फी सदी ज्यादा आये और कांग्रेस वालों को बड़ा धक्का लगा। अब वह यह बिन ला रहे हैं। इस बिल से किसानों को जो चमत्कार वह दिखलाना चाहते हैं वह होने वाला नहीं है। अगली बार वह यहां होंगे और हम उधर होंगे। फिर मैं उन से पूछूंगा...

एक माननीय सदस्य : हरियाणा में क्या हुआ।

श्री अब्दुल गनी दार : मैं इंटरप्लान्स की चिन्ता नहीं करता। मैं उनकी इज्जत करता हूं, मैं उनकी शान में गुस्ताबी कैसे कर सकता हूं। लेकिन देखना यह है कि आया वहीं रिजर्व बैंक सब कंट्रोल करने जा रहा है जिससे गवर्नर और डिप्टी गवर्नर नहीं जानते थे कि पंजाब नेशनल बैंक में क्या कुछ हुआ है, और अगर हुआ है तो सी वी आई ने क्या क्या कहा, मुझे पता नहीं। क्योंकि श्री मोरारजी देसाई कहते हैं कि उन ने कुछ नहीं कहा। जितना आप ने पूछा होगा उतना उन्होंने कहा होगा। आखिर यह कौन साबित करेगा कि जो रिजर्व बैंक के आफिसर्स हैं, जो पंजाब नेशनल बैंक के आफिसर्स हैं वह सब के सब मुजरिम हैं। मैं यहां पर सीधी बातें कह रहा हूं, कोई पेंच नहीं कह रहा हूं।

अभी अभी श्री मोरारजी देसाई ने जबाब दिया कि लक्ष्मी कामर्सल बैंक में हंकी पेंकी नहीं हुआ। अगर आप मुझे इजाजत देंगे तो मैं यहां ला कर वह रसीदें दिखलाऊंगा जो एक आदमी की दी हुई हैं।

MR. SPEAKER : The hon. Member must conclude now.

श्री अब्दुल गनी वार : और रसीदें किस की हैं ? कोई उस नाम का आदमी नहीं है इस दुनिया में जिस के नाम से वह रूपया जमा हुआ ।

MR. SPEAKER : The hon. Deputy Prime Minister.

श्री अब्दुल गनी वार : यह बड़ा अन्याय है । हम 64 हैं । आखिर कुछ तो वक्त दिया होता ।

(श्री عبدالغنی دار (گورگانوں) : اسپیکر صاحب میں آپ کے ذریعہ شری مرارجی بھائی ڈیسائی کو کہنا چاہتا ہوں -

تیرے وعدے پر جتنے ہم تو یہ جان جھوٹ جانا۔ کہ خوشی سے مر نہ جاتے اگر اعتبار ہوتا -

آج مرار جی بھائی ڈیسائی ٹانڈھی جی کے ماننے والوں میں سے شاید چند آدمیوں میں سے ایک ہیں - یہ آئے ہیں کہنے کے لئے کہ ہم بینکوں پر سوشل کنٹرول کرنے جا رہے ہیں تاکہ بینکوں کی برائیاں کم ہوں اور کسان بھائی جو کہ آج تک اگور ہوئے ہیں ان کی کچھ مدد ہو -

سنہ ۱۹۶۱ میں شری مرارجی بھائی ڈیسائی اور پرائم منسٹر صاحب کے نوٹس میں بھی یہ معاملہ لایا گیا کہ پنجاب نیشنل بینک میں کروڑوں روپیے کا ایمپیزلمنٹ ہوا ہے - صرف راجستھان اور اتر پردیش میں لاکھوں روپیہ کھایا گیا ہے - ساتھ ساتھ ان کے نوٹس میں یہ بھی لایا گیا کہ ڈائریکٹر اور ڈائریکٹرز کے چھتے جو ہیں وہ بہت

بری طرح سے پبلک فنڈ کو غریبوں کے سرمائے کو جو کہ انہوں نے ڈیپازٹ کروایا ہے اس کا وہ بڑا ناجائز استعمال کر رہے ہیں - - مرار جی بھائی نے اس پر کیا کیا یہ وہ خود ہی بتلائینگے لیکن جس نے شکایت کی تھی اس کو کہا کہ تم ریزرو بینک کے گورنر سے ملو جس کو کہ وہ بینکوں کا خداوند بنانا چاہتے ہیں - اس نے ملنے سے انکار کر دیا - سنہ ۱۹۶۳ تک اس کی خط و کتابت چلتی رہی - جب ان سے بات نہ بنی تو میرے پاس آئے - میں نے اسی وقت فائننس منسٹر اور ہوم منسٹر دونوں کو لکھا کہ یہ بد دیانتیاں پنجاب نیشنل بینک میں ہوئی ہیں اور اس بینک پر فوری ایکشن ہونا چاہئے - اسپیکر صاحب - میں کیا بتلاؤں ہاؤس میں کئی بار راج سبھا میں میں نے سوال کئے - جواب دیا گیا کہ کچھ نہیں ہے - کوئی ہینکی پینکی نہیں ہے - وہاں پر شری کمل نین بجاج ہیں - وہ ایک بہت بڑے بزرگ کے بیٹے ہیں اور بذات بخود وہ ایک ذمہ دار ہستی ہیں اور جیسا میں نے کہا کہ دیا گیا کہ کچھ نہیں ہوا - جب میں اس وقت کے فائننس منسٹر شری ٹی - ٹی - کرشنماچاری سے ملا اور جب انہوں نے مجھے جواب دیا کہ کچھ نہیں ہے تو میں نے کہا کہ ریزرو بینک کے دو ادھیکاروں نے ۲۰۰ بیچ کی اور دو افسروں نے ۲۰۰

شری عبدالغنی ڈار] پیج کی رپورٹیں کی ہیں۔ ذرا آپ ان پر نگاہ کریں گے کہ آیا وہ سی۔ بی۔ آئی۔ کے پاس معاملہ بھیجے جانے کے مستحق ہے یا نہیں۔ اس کے بعد جب میں ان سے پھر ملا تو شری ٹی۔ ٹی۔ کرسٹنماچاری نے کہا کہ آپ سچ کہتے ہو یہ جاننے کے قابل ہے لیکن تو بھی ان کے پاس یہ معاملہ نہیں گیا۔ اس پر میں نے مجبور ہو کر آئی او بی کے نام سے ایک پیپمفلٹ شائع کیا جسے کہ پارلیامنٹ کے سب ممبروں اور تمام منسٹرس کو میں نے بھیجا اور یہ اسلٹے بھیجا تاکہ وہ دیکھ پائیں کہ اس وقت کیا بات ہو رہی ہے۔ سنہ ۱۹۶۵ میں جب سی۔ بی۔ آئی کو یہ معاملہ سپرد کر دیا گیا اور نندا صاحب نے فائننس منسٹر کی ایڈوائس سے ایک بہت سیریس الزام لگا کر ایف۔ آئی۔ آر۔ داخل کر دی گئی۔ کہاں ۱۹۶۱ اور کہاں ۱۹۶۵ اور ۱۹۶۸ میں جا کر تین سال بعد سی۔ بی۔ آئی۔ نے دو بڑے افسروں اور تین بروکروں کے خلاف ایمپزیلمینٹ کے کیس جاری کئے۔ اسی وقت میں نے پرائم منسٹر صاحبہ۔ ہوم منسٹر صاحب اور شری مرارجی دیسائی کی توجہ اس طرف کھینچی کیونکہ وہ اپنے کو گاندھی وادی کہتے ہیں۔ کہ سروینٹ اور مالک میں امتیاز کیوں۔ وہ ان افسروں نے کیا جب

ڈائریکٹر وہاں موجود تھے۔ چاہے وہ کمل مین بیجاج ہی کیوں نہ ہوں۔ جب ڈائریکٹر موجود تھے تب ڈائریکٹروں کے خلاف کیوں کیس نہیں چلانے گئے۔ اگر آپ گاندھی بھگت ہیں تو آپ کو چلانا چاہئے تھا کیونکہ ڈائریکٹر ذمہ دار ہیں۔ میں نے یہ بھی کہا کہ اتنا ہی نہیں۔ ریزرو بینک نے اپنے آزرور باقاعدہ رکھے تھے ٹو ڈے ورکنگ دیکھنے کے لئے جب اس طرح کی بے ایمانیاں ہو رہی تھیں۔ اور جب اس طرح سے کروڑوں روپوں کے ڈائریکٹر مزے لے رہے تھے۔ اور غبن ہو رہے تھے اور شیرس میں اتنا اندھیر ہو رہا تھا۔ میں نے کہا تھا کہ جو رزرو بینک کے آفسرس ہیں آپ ان کو کیوں قابو میں نہیں لاتے جن کی موجودگی میں یہ ہوا۔ مجھے بڑی خوشی ہے کہ کچھ کرنے سے پہلے میں رزرو بینک کے گورنر سے بھی ملا.....]

Mr. D. N. Patodia : On a point of order. The matter is being discussed by the hon. Member *sub judice*. Therefore, it cannot be raised on the floor of the House.

Mr. SPEAKER : Let him be careful in his reference to it.

شری عبدالغنی ڈار : میں تو صرف یہی کہہ رہا تھا کہ جب آپ بینکوں پر سوشل کنٹرول کرنے جا رہے ہیں تو آیا کنٹرول کرنا آپ کا مقصد بھی

ہے۔ میں نے تو صرف ایک مثال دی۔ میں رزرو بینک کے گورنر سے بھی ملا اور ان سے بھی میں نے کہا کہ وہ گورنمنٹ کے ہاتھ مضبوط کریں اور جو بد دیانتیاں ہو رہی ہیں۔ ان کو روکیں۔ یہ ایک مثال ہے۔ دوسری مثال جو میں نے دی وہ یہ

کہ لکشمی کامرشل بینک میں کسی شخص نے ۸۳ لاکھ روپے بے نامی نام سے جمع کرائے۔ اور وہ اس لئے کہ وہ انکم ٹیکس سے بچ سکے اور ناجائز سود کا فائدہ اٹھا سکے۔ ایک ہی دستخط سے بارہ بارہ رسیدیں دی گئی ہیں۔ آج یہ چھوٹے ملازمین جہ بینک کے ہیں ان کے اوپر غصہ ہو رہے ہیں۔ لیکن انہوں نے ہی مجھ کو بتلایا ہے۔ میں کوئی

فرشتہ نہیں۔ کوئی خدا نہیں جس کو سب کچھ پتہ ہوتا ہے۔ میں کوئی جیوتیشی نہیں کہ جیوتش سے سب کچھ پتہ کر لوں۔ مجھے بتلانے والے وہی ملازمین ہیں جن کو کہا جا رہا ہے کہ قید کرنے جا رہے ہیں۔ جن پر دس دس ہزار روپیہ جرمانہ کرنے جا رہے ہیں۔ کیونکہ وہی جانکار ہیں کہ بینک میں کیا کیا اندھیر گردی ہوتی ہے۔ جو بات میں نے کہی تھی وہ آج آٹھ برس بعد آتی ہے تو وہ سمجھتے ہیں کہ بڑی بہادری کا کام کر دیا جس میں دو افسروں کے خلاف اور دو بروکروں کے خلاف مقدمے چلا

دینے۔ کیا اسی طرح سے یہ چاہتے ہیں کہ بینکوں پر کنٹرول ہو۔ اگر وہ چاہتے ہیں کہ بینکوں پر کنٹرول ہو۔ تو کاش مجھ پر ہارٹ اٹیک نہ ہوا ہوتا اور جو دوسری تین بینکوں کی رپورٹ تیار کی تھیں ان کو میں شائع کر پاتا۔

میں سچ کہتا ہوں کہ اس وقت جو شری مورارجی دیسانی ہیں ان کا بالکل یہ مطلب نہیں ہے کہ وہ کسان کا بھلا کرنے جا رہے ہیں۔ شری زندھیر سنگھ بڑے خوش ہو رہے ہیں کہ شائد اس بل کے پاس ہوتے ہی کسان کے لئے ٹریکٹروں کا طوفان آ جائے گا اور بڑا سامان ہو جائے گا۔

مجھے بڑی خوشی ہے کہ شری چیئرمین نے کہا کہ باقی سب جگہوں پر گجراتی بھائی ہیں۔ اب خدا جن کو عقل دیتا ہے وہ ہو جاتے ہیں۔ کون جانے آگے کون ہو جائے گا یا پیچھے کون ہو جائے گا۔ لیکن اگر گجرات والے بھائی جو ہیں وہ بڑے بڑے بینکوں میں ہو گئے تو مجھ کو کوئی تکلیف نہیں ہے۔ مجھے اس سے بھی کوئی تکلیف نہیں کہ جیسا شری اندر جیت گپتا نے کہا کہ وہ لوگ شری مرارجی دیسانی سے ملے۔ کیا ان کے ملنے میں کوئی جرم ہے۔ بینک والے ان سے کیوں نہ ملیں۔ ان کو اپنا حق حاصل ہے کہ اپنی

[شری عبدالمغنی ڈار]

بات کہیں اور ان کے ذہن میں یہ بات بٹھلانے کی کوشش کریں کہ بینکوں میں ڈیفیکٹیز ہیں۔ اگر وہ اس طرح سے ملے ہیں تو شری مرارجی دیسائی کے لئے بھی کوئی شرم کی بات نہیں ہے۔ اور ان بھائیوں کے لئے شرم کی بات نہیں ہے۔ لیکن اگر ہوا وہی ہے تو آپ سیلیکٹ کمیٹی کی رپورٹ کو پڑھ دیکھئے۔ اس میں کہیں آپ کو نہیں ملے گا کہ بینک والے اپنے فائدے کے لئے اسی چند پیارے لال نام کی فرم کو۔ جو ایک بار نہیں دو بار بلیک لسٹ ہوئی ہے۔ کروڑوں روپے دیتے چلے گئے اور کوئی روکنے والا نہیں تھا۔ آج کون روکے گا انہیں۔ جو سیلیکٹ کمیٹی کی رپورٹ ہمارے سامنے ہے اس میں کہیں مجھے ایسا دکھلائی نہیں پڑتا کہ ان پر کنٹرول ہو جائے گا اپنا اور جو لوگ بلیک لسٹڈ ہیں۔ جو ملک کی دولت کو آج چھین رہے ہیں۔ ان پر کسی قسم کی کوئی سختی ہو پائے گی اور وہ روپیہ نہیں لے پائے گی۔

یہاں پر انڈین ایکسپریس کا ذکر کیا گیا۔ اگر آپ میری کتاب دیکھیں گے تو آپ کو معلوم ہوگا کہ ان کو کیا پتہ چلے گا کیونکہ چودویں برس کی رپورٹ کو شیر مادر سمجھ کر ہی گئے وہ میری کتاب آئی اوپنر کو کیا سمجھیں گے۔ گونکا صاحب

نے مجھ پر کیس چلایا کہ میں نے جھوٹا الزام لگایا ہے۔ مجھے کوئی تکلیف نہیں کیونکہ بھگوان نے چاہا تو میں آپ کی دعا سے جیتوں گا اور ثابت کرونگا۔ ساتھ ہی شری مرارجی دیسائی کی زبان سے بھی نکلواونگا کہ کروڑوں روپے جو لئے گئے وہ کن کے شیئرس تھے اور کس جگہ لگائے گئے۔ جس بات کے لئے روپیہ تھا وہ کچھ نہیں ہوا۔ اگر ایک گونکا ہوتے۔ اگر ایک ٹانا ہوتے۔ ایک برلا ہوتے یا ایک سنگھانیا ہوتے تو میں مان سکتا تھا۔ لیکن یہاں تو جہاں سے اینٹ اٹھائے وہیں آپ کو سنگھانیا ملیں گے۔ اور وہیں آپ کو وہ لوگ ملیں گے جنہوں نے بینکوں کو اپنی ازرائے داری سمجھا۔ اور سمجھ کر اس کا فائدہ اٹھایا۔ میں الزام نہیں لگاتا کہ یہ جتنی کوشش ہو رہی ہیں یا جتنے جال بچھائے جا رہے ہیں یا جتنے کارپوریشن بنائے جا رہے ہیں وہ صرف اس لئے بنائے جا رہے ہیں کہ بیک ڈور سے چور دروازے سے اپنے آدمیوں کو بڑی بڑی تنخواہیں دلائی جائیں۔ بڑی بڑی جگہوں پر رکھا جائے۔ میں اس لئے بھی الزام نہیں لگاتا کہ وہ چور دروازے سے اپنا انفلوئنس بڑھانا چاہتے ہیں اور بینک والوں کو آگے چڑھا کر اپنا مطلب نکالنا چاہتے ہیں۔ لیکن جو بل آ رہا ہے اس میں اس کو دیکھنے والی کوئی بات

نہیں ہے کہ کیا کچھ ہونے والا ہے۔ اس بل میں ایک ہی بات ہے کہ جو ایپلائٹی ہیں ان کو پھانسی لگائی جائے۔ ان کو کوئی حق نہیں ہے۔ گاندھی جی نے حق دیا۔ گاندھی جی نے خود نمک ستیا گرہ کیا۔ گاندھی جی نے ہمیں ستیا گرہ سکھلایا۔ گاندھی جی نے ہم کو نادواپولینٹ ایجیٹیشن کرنے کا حق دیا۔ لیکن شری مرارجی دیسائی کی وجہ سے وہ حق چھینا جا رہا ہے۔ انہوں نے گولڈ کنٹرول کیا اور اپوزیشن والے ۱۵۰ فی صدی زیادہ آئے اور کانگریس والوں کو بڑا دھکے لگا۔ اب وہ یہ بل لا رہے ہیں۔ اس بل سے کسانوں کو جو چمٹکار وہ دکھلانا چاہتے ہیں۔ وہ ہونے والا نہیں ہے۔ اگلی بار وہ یہاں ہونگے اور ہم ادھر ہونگے۔ پھر میں ان سے پوچھوں گا۔

ایک ماننیہ سدسیہ - ہریانہ میں کیا
ہوا۔

[شری عبدالغنی ڈار - میں انٹرنیشنل کی چنتا نہیں کرتا۔ میں ان کی عزت کرتا ہوں۔ میں ان کی شان میں گستاخی کیسے کر سکتا ہوں۔ لیکن دیکھنا یہ ہے کہ آیا وہی رزرو بینک سب کنٹرول کرنے جا رہا ہے جس کے گورنر اور ڈپٹی گورنر نہیں جانتے تھے کہ پنجاب نیشنل بینک میں کیا کچھ ہوا ہے۔

اور اگر ہوا ہے تو سی - بی - آئی - نے کیا کیا کہا۔ مجھے پتہ نہیں۔ کیونکہ شری مرارجی دیسائی کہتے ہیں کہ انہوں نے کچھ نہیں کیا۔ جتنا آپ نے پوچھا ہوگا اتنا انہوں نے کہا ہوگا۔ آخر یہ کون ثابت کرے گا کہ جو رزرو بینک کے آفسرس ہیں وہ سب کے سب مجرم ہیں۔ میں یہاں پر سیدھی باتیں کہہ رہا ہوں۔ کوئی پیچ سے نہیں کہہ رہا ہوں۔

ابھی ابھی شری مرارجی دیسائی نے جواب دیا کہ لکشمی کامرشل بینک میں ہینکی پینکی نہیں ہوا۔ اگر آپ مجھے اجازت دیں گے تو میں یہاں لا کر وہ رسیدیں دکھلاونگا جو ایک آدمی کی دی ہوئی ہیں۔

MR. SPEAKER : The hon. Member must conclude.

شری عبدالغنی ڈار - اور رسیدیں کس کی ہیں۔ کسی ایسے آدمی کی نہیں ہیں اس دنیا میں جس کے نام سے وہ روپیہ جمع ہوا۔

MR. SPEAKER : The hon. Deputy Prime Minister.

[شری عبدالغنی ڈار - یہ بڑا انیائے ہے۔ ہم ۶۴ ہیں۔ آخر کچھ تو وقت دیا ہوتا۔]

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : I have heard for three hours and 45 minutes the discussion on this Bill as it has emerged from the Select Committee. We had very frank discussions in the Select Committee. Some amendments have been made. It is natural that what has

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emerged has not satisfied some persons or may not even satisfy any person completely. It is impossible to have any measure which will satisfy most of the people in every way.

It has been called a hoax. It is upto you, Sir, and for the others to judge whether it is a hoax or not. I shall certainly go into the reasons why they call it a hoax and explain the reasons as briefly and as clearly as I can. It has been alleged that I enabled the banks to appoint their managers as chairman as if I was in conspiracy with them to do so, early, without waiting for this. I suppose this was what was alleged.

SHRI INDRAJIT GUPTA : Yes, I am again alleging.

SHRI MORARJI DESAI : A tongue with no bones can say anything. I cannot object to that. I do not want to intimate it. If I ask the banks to implement a legislation before it had been enacted and if they had tried to carry it out, it cannot be called either conspiracy or collusion ; it is no conspiracy to say that managers may be appointed as chairman.

SHRI INDRAJIT GUPTA : Why should you ask them to implement legislation before it is enacted.

SHRI MORARJI DESAI : Because I want them to function properly even before it goes in the statute book. I do not think there is anything wrong. It is not by coercion that things are done. I have talked to them and discussed with them, after I had decided on the principles on which this should be done.

SHRI S. M. BANERJEE : Why don't you discuss the Budget also with them ?

SHRI MORARJI DESAI : I had discussed these provisions with them not before formulating the Bill but after formulating the Bill. I did not discuss the merits of the Bill. I told them : this was what was going to be done ; what were you prepared to do ; I want to know. When they said that they were prepared to do this, I said : certainly, do it. I have not suggested any person to be appointed as manager or as chairman. I only suggested to them and indicated to them : if they have taken action, I have no reason to object to it ; the Reserve Bank has no reason to object to that.

SHRI S. KANDAPPAN (Mettur) : Did you consult the goldsmiths before you

brought the Gold Control Bill ?

SHRI MORARJI DESAI : The goldsmiths were not in the same category. It is not as if every Bill that is brought here requires that everybody should be consulted.

AN HON. MEMBER : Have you consulted the bank employees ?

SHRI MORARJI DESAI : The bank employees have represented to me. I have discussed with some of them ; not that I have not discussed with them. Some hon. friends here have made up their mind that this must be done or this must not be done. I try to argue with them. They do not accept my arguments but they expect that I must accept their arguments. Then only I am considered reasonable. I have never understood this strange philosophy. My hon. friend who spoke last put up the case of the Punjab National Bank. He has been in correspondence with me about it—long correspondence. I have replied to that as fully as I can. But if I do not accept what he asks me to do and I do only what I can do under the law, he thinks that he is a better follower of Mahatma Gandhi than I am ; let him think so.

श्री अब्दुल गनी वार : जिन के बारे में आप अब कह रहे हैं इन्हीं के खिलाफ आप मुकदमा चलायेंगे, यह मुझे यकीन है।

[श्री عبدالغنی ڈار : جن کے بارے

میں آپ اب کہہ رہے ہیں انہیں کے خلاف آپ مقدمہ چلائیں گے یہ مجھے

یقین ہے۔

SHRI MORARJI DESAI : That does not make any difference to me. One can always go on saying it, but there is some hope for me ; there is no hope for him because he does not want to accept it any time. At any rate, he does hope that I will be reasonable sometime ; he does not want to be reasonable at any time. That is the meaning of it. (Interruption) This is a matter where anybody can argue ; that he alone is right and none else can be right. I do not say that. I have never said it. But as long as I am convinced, I cannot do anything else. What has been done here ? There is certainly a feeling not only in the Opposition but among several Members of my party also, that nationalisation

is the only remedy for seeing that banks do work as will affect our economy as one wants it to be affected. I do not hold that view and, on the whole, Government have not held that view. We have brought in this measure in order to see that banks perform the task in accordance with the policy which is framed by Government for the banks. It is not as if banks had done everything that was wrong in this country before. I do not subscribe to that theory. I have never subscribed to that theory. Banks have done very good work in this country, not that everything that was required to be done was done by them. There, I agree ; but when we say that banks have neglected the agriculturists, it is a wrong charge. I have said even before that it was the policy of Government and a deliberate policy of Government, not only of this Government but of all the State Governments, that agriculture should be dealt with only by co-operative banks and co-operative societies, and that all finance should be lent to them only through them and banks were not allowed to do this kind of work. That was the position. Even today there are arguments from several friends who say that this must not be done in such a way that co-operative societies and co-operative banking becomes weak or useless. Well, certainly care is going to be taken, because we do not want to see that co-operative functioning becomes weaker in anyway as a result of this control. What, therefore, we are trying to do is that the co-operative sector also gets strengthened and the commercial banks are also helped in that process ; they can help directly or through the co-operative banks. All this will have to be worked out properly so that there is no contradiction in the policy which ultimately will be carried out.

If we have brought in social control, we have brought it in because we believe in it. Of course, one hon. friend said that I do not believe in socialism, and therefore this is so. Certainly I do not believe in the socialism of his brand ; that I agree ; and I rightly agree there. I do not believe in either individual capitalism or state capitalism. I do not believe in either of these capitalisms. I certainly believe in socialism which the Congress has defined, but I would not like to go into all this just now because that will take more time and I do not want to be caught by that and

then allow it to be said that I have neglected other factors. (*Interruption*). But what do we believe in ? We believe in socialism and democracy, both together ; neither without the other. That is what we believe in. Some of my friends do not believe in it. Let them not believe in it. I have never quarrelled with them. Certainly I do not agree with them and I will tell them, and they can tell me. On that score, I have no quarrel. If they go on saying it, day after day, as many have said, well, I think I had better not say anything about it because it is futile to say that, and I do not want to waste anybody's time.

What is being done in this Bill is that the banks will not be managed now by industrialists. They will be managed by all interests concerned and the industrialists will not be in a majority. But there also one has to see why the industrialists have been managing it, because all these banks or most of the banks have been started by industrialists. They were not started by my hon. friends over there. They would destroy them if they can, but they would not start any bank. That is what some of them will do, I know. Well, I cannot be a party to it. And therefore, if industrialists have started the banks they had certainly a hold over them. That cannot be denied. Because they had a hold over them, therefore, moneys were given to industries and they will be given in future also. But at that time some people got it more quickly and easily and perhaps even more than required. Therefore, it led to wastage of funds also. We have tried to find out remedies whereby this will not happen in future. We have said that the bank will not give any money to any concern where the Director is there and has interest. The provision along with the provision that no industrialist will be Chairman of a bank and that the majority will be other-than industrialists will safeguard this. That is what I feel. I cannot guarantee that all results will flow as I have assumed. It is possible that something may go wrong. Then we will certainly come up with remedial measures, if that happens.

I am not either for or against nationalisation by itself. I believe that nationalisation, wherever it is necessary, should be undertaken. Where it is not necessary, it should not be undertaken, whatever may be the

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demand for it, because the demand is not always based on right arguments by everybody. That is why nationalisation has to be considered on its merits. We have believed in controlling all means of production, not by merely owning them. We believe in owning really key things. But we do believe in controlling others through legislation or through Government control or other controls, against which many people have talked. Even here it has been said that the Reserve Bank will have a control which is very wide and which will be misused. But somebody has to have control. It is better that an autonomous institution which is the highest body for this purpose controls it. They also will not be dictatorial. They cannot also do it on their own. They will be doing it according to the policy laid down. For laying down the credit policy also a body has been created on which there are all interests represented and there is a no majority of anybody there.

SHRI D. N. PATODIA (Jalore) : Except the depositors.

SHRI MORARJI DESAI : My hon. friend says that depositors are not there. But most of them will be depositors, because most of them are connected with banks and they have deposits there. I am also a depositor. It is impossible to have representatives of depositors in this. There is no method of doing it. Therefore, it is a wrong cry and a wrong notion. What is required to be seen is that the depositors' interests must be safeguarded. They have been safeguarded. All the policies which will be laid down will not be against the interests of depositors, but will be safeguarding their interests, as has been said in this Bill also. Therefore, it is not as if the depositors are not safeguarded or that the Reserve Bank will be able to do whatever it likes. There is appeal to Government. Here it is said that the Chairman can be dismissed and anybody can be put in. That also is not true. The Chairman will have a chance to represent himself. The banking institution will have a chance to do it. After that, an order will be passed on a specific ground. Without that, nobody can be removed. Even then, there is an appeal to the Central Government. It is not as if somebody can be removed simply for no reason whatsoever or on account of

any vendetta. That assurance I have given while moving for consideration of the Select Committee's report.

It is argued that these assurances have not got much meaning, because they can be afterwards given up by certain other people. That is the nature of all Governments. No Government is bound by the previous Government. Otherwise, it is no Government if a Government has not full powers to do wherever it likes. *(Interruption)*. Legislations have changed throughout the world. Even when my hon. friend was in Government it went on changing. He knows it very well. He can argue only for the sake of argument. But generally if assurances are given by the Government, that Government will not change that. I have no doubt about it in my mind. I hope and trust that this assurance will not be changed by anybody in future.

It was said that this is meant for putting in Congressmen. We do not want to do that. Why should we do that ? When we have said that those interests will be represented only those interests will be put in. But if hon. Members think that it can be safeguarded in some other way by prescribing qualifications, I am certainly prepared to consider that because there is no intention of appointing any Congressman, defeated or otherwise, as director of a bank or as Chairman. But if there is a Congressman who is an expert in the banking line or who is a banker I find nothing against his being appointed as a director or Chairman. Now, for instance, Shri Dandekar is not a Congressman. He is there.

SHRI INDRAJIT GUPTA : Is Mr Shantilal Shah an expert in banking ?

SHRI MORARJI DESAI : He represents the legal interest. He is a director. His knowledge is far better than that of my hon. friend. That is because he has got that capacity, that qualification, that experience. But I have not appointed anybody. I have not suggested anybody. The banking companies themselves select people. I there is any objection against them then the Reserve Bank Governor will say that such and such a man should not be there and they will be asked to appoint somebody else who is better qualified. Only when that fails the Reserve Bank Governor will come in. Without that the Governor does not come in.

It was said that this is a negative policy. How is it a negative policy? I do not know. It is negative in the sense that they cannot do certain things. In that sense any law will be negative. Even the hon. Member who said it is a negative policy himself prescribed certain negative things to be done. After all, that becomes necessary. But there are positive things to be done. We are going to prescribe a proper credit policy. Priorities are going to be prescribed. They will be asked to give directives wherever it is necessary. That is why this social control will be a proper control to see that the banks work in the interests of the nation as a whole to better the economic conditions and to see that things go on smoothly and fast enough, and that credit is more and more generated. This is why we want to do it.

That is why we are saying that they should also go to the villages and see that the farmers are enabled to use the banks more and more. This is a matter where we will have to do some propaganda. All of us will have to see that the farmers take to banks which they are not doing at present. All this will have to be done. But when we see that branches in villages are as costly as they are at present it will be impossible to run those branches. Something will have to be thought about that also. One cannot run a branch there at a loss completely. Then it will be ruinous business. At any rate, if banks are run at a loss I think the country will go bankrupt. We will have to consider all these matters.

That is why we have said that there has to be a directive in this matter. There are two matters in which if the directive is not carried out—about policy and the proper functioning of the bank—then and then only the Government will come in to see that the bank is taken up. But before it is done the bank will get a chance, the directors will get a chance, they will represent their case and it will go also to Government in appeal. Therefore, it is not nationalisation by the back door at all. It is only that punishment is kept for people who do not want or who do not fall in line with the aims and objects of this legislation.

Some of my hon. friends said that I have kept punishment only for labour.

It is said that we have not prescribed any punishment for these people. What greater punishment than this can be prescribed for an erring bank, I do not know. This is what we are not understanding.

Take clause 36AD. What have we done? Some of my hon. friends there, and some of my hon. friends here also, have argued that I have done something which is not proper. Of course, they say, I have done something which is monstrous; my friends here were kind enough to say that it is not proper. I can understand this kind of argument. I do not say that they are dishonest in arguing like that. How can I say that when people believe in certain matters? I also believe in certain things and certain values of life. But what have we done? Is it a labour legislation I am enacting? Is this a labour clause? It is not the right of labour at any time to see that an office is not allowed to work. They can certainly go on strike. There is no question of preventing any peaceful picketing taking place. I am myself a great advocate of peaceful picketing. Therefore, there is no question of peaceful picketing being stopped so long as it does not prevent people from going in or coming out. But it ceases to be peaceful picketing when some one is prevented from going in or coming out and that certainly is not the right of labour at any time, neither here nor in the wide world.

Also in office if they do not work and they are peaceful, nothing is done to them. But they must not prevent other officers from doing their work. They have no business to do that. Then, regarding demonstrations, let them go out and make demonstrations. That right has not been taken away. This Bill does not say that they cannot make demonstrations outside. It only prevents demonstrations within the premises. Because, I do not want anything to be done in respect of a matter which even by the farthest imagination falls within the right of labour. This is a matter which has been decided by the High Court that this is not the right of any labour.

After all, what is liberty and individual freedom? We are the greatest believers and we swear by individual liberty and individual freedom; not my hon. friends over

[Shri Morarji Desai]

there who are arguing so glibly. They do not believe in individual liberty and personal liberty. Their personal liberty is confined to themselves, restricting the liberty of other people. That is not the case with us. Our value of personal liberty and individual liberty is different. We believe in the personal and individual liberty of every person and, therefore, it is necessary for us to see that nobody exercises his personal and individual liberty in a manner which impinges upon the lawful personal and individual liberty of any other person in the country. And if that is so, we have got to safeguard this also. But, more than that, why have I to do this in this Bill? I have to do this in this Bill because the banks are getting more and more of this kind of illegal treatment in several places and the High Courts have had to interfere and give injunctions which takes a long time. And banking is not an ordinary business; it is not an ordinary industry. On banks depend all other industries and the economy of the country. If a bank is put out like this, all other things will be put out and the whole economy gets into danger.

Of course, that must be the concern, or that may be the purpose, of some of my hon. friends over there, to create chaos, to create disorder. Well, I cannot be a party to this kind of thing. I hope my hon. friends on this side will see this and not become, unwittingly perhaps, partners of this people in that kind of thing.

I have once divided the Communists into three classes in this very House. There are members of the Communist Party who are the real guiding force of the common man. Then there are fellow-travellers, who believe in it but have not the courage to be members of that party. Then, there is the third class, the fellow-wanderers. The fellow-wanderer is one who is fired by high ideals, who does not like Communists but who becomes a prey to Communist lures and then thinks that he is doing something great and that is why he is doing it. This is what has happened to some of my friends here. What am I to do? That is why I say that one has to be very careful in this matter.

SHRI INDRAJIT GUPTA : You have been unfair to an ex-Chief Minister.

SHRI MORARJI DESAI : But if they are unfair to me, do you mean to say that is all right, that is legitimate?

SHRIMATI SUCHETA KRIPALANI : I think, you are being unfair. Everyone of us has the intellectual right to think for ourselves. We do not take our guidance from the Communists.

SHRI S. M. BANERJEE : There is no freedom and he is talking of freedom! You want to gag them. Give a free vote and they will vote against it. (Interruption)

SHRI MORARJI DESAI : The great freedom in this party is that nobody is prevented from saying whatever a person wants to say. There is no penalty attached to that. That is certainly there. But if my hon. friends think that they should also disrupt the party and destroy it, my hon. friends themselves are not going to oblige them. I do not have to tell them that. That is not necessary because they are as good Congressmen or even better Congressmen than I am. I have no doubt about it. Therefore that is not the question. But I have also got, as friends and knowing them better than they do, to warn them and tell them. That I do publicly. Why should I do that privately? Have I not the right to tell that to my friends? I have a right to tell them also because they are also as good friends of mine as others. But they do not consider me as their friend.

But these are matters where one has got to see that they also leave freedom to me and not take away my freedom. I do not understand why they think that I have no freedom in this matter. (Interruption)

SHRI S. M. BANERJEE : He may wear Congress clothes, but he has a Swatantra heart.

SHRI PILOO MODY : That only means that his heart is better than his clothes.

SHRI VASUDEVAN NAIR : Hear the joke.

SHRI MORARJI DESAI : My hon. friends do not know how to joke; therefore they have only to hear the jokes of my hon. friend there. He obliges them very liberally and very rightly. I am very happy that he does so because it relieves some of the misery of my hon. friends there. If I am not able to do it, I am glad, he does it

and I thank him for doing it. It relieves the monotony and the seriousness with which these hon. Members try to find fault. Therefore it is a good thing. I am very happy about it. I thank him very much. I have always thanked him very much for it. But his greatness lies in the fact that he does humour to others and also takes it very well. That my hon. friends do not see. Let them take a lesson from him in that matter. It will be much better.

Sir, I have covered all the important points which have been mentioned. If my hon. friends are not convinced, I cannot help them. But if they cannot be convinced, why cannot they be appreciative of my as not being convinced by them? Why should they expect that I must always be convinced?

SHRI INDRAJIT GUPTA : We never expect it.

Division No. 6]

Adichan, Shri P. C.
Anbazhagan, Shri
Badrudduja, Shri
Bakshi, Shri Ghulam Mohammad
Banerjee, Shri S. M.
Daschowdhury, Shri B. K.
Dhandapani, Shri
Dwivedy, Shri Surendranath
Esthosc, Shri P. P.
Gupta, Shri Indrajit
Jha, Shri Shiva Chandra
Joshi, Shri S. M.
Kalita, Shri Dhireswar
Kandappan, Shri S.

Achal Singh, Shri
Ahmed, Shri F. A.
Babunath Singh, Shri
Barua, Shri Bedabrata
Bhanu Prakash Singh, Shri
Chanda, Shri Anil K.
Chandrika Prasad, Shri
Chatterji, Shri Krishna Kumar
Chavan, Shri D. R.
Choudhary, Shri Valmiki
Das, Shri N. T.
Dasappa, Shri Tulsidas
Desai, Shri C. C.
Desai, Shri Morarji
Ering, Shri D.
Gajraj Singh Rao, Shri

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SHRI MORARJI DESAI : If they do not expect it, why do they waste their breath? I do expect that some time I will be able to convince them because they are human beings. I have no doubt that ultimately every human being goes high and, therefore, I hope that there is some hope for all my hon. friends. I consider that there is hope for me and for them too. I have no doubt in my mind about that.
18-00 hrs.

MR. SPEAKER : I shall first put Amendment No. 2 of Shri S. M. Banerjee to the vote of the House. Amendment No. 133 by Shri P. Viswambharan is the same as No. 2. So, I will not put it separately.

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November, 1968." (2)

The Lok Sabha Divided :—

AYFS

[18.03 hrs.

Khan, Shri Ghayoor Ali
Khan, Shri Latafat Ali
Limaye, Shri Madhu
Menon, Shri Viswanatha
Molahu Prasad, Shri
Mukerjee, Shri H. N.
Nair, Shri Vasudevan
Patil, Shri N. R.
Ram Charan, Shri
Ray, Shri Rabi
Samanta, Shri S. C.
Sequeira, Shri
Shastri, Shri Raghuvir Singh

NOES

Ganesh, Shri R. K.
Ganga Devi, Shrimati
Himatsingka, Shri
Kamble, Shri
Kedaria, Shri C. M.
Khan, Shri M. A.
Krishnan, Shri G. Y.
Kureel, Shri B. N.
Laskar, Shri N. R.
Mahadeva Prasad, Dr.
Maharaj Singh, Shri
Mandal, Shri Yamuna Prasad
Mane, Shri Shankarrao
Menon, Shri Govinda
Minimata, Shrimati Agam Dass Guru
Mirza, Shri Bakar Ali

Mohinder Kaur, Shrimati Mukerjee, Shrimati Sharda Naghnoor, Shri M. N. Pahadia, Shri Jagannath Palchoudhury, Shrimati Ila Pandey, Shri Vishwa Nath Pant, Shri K. C. Parthasarathy, Shri Patil, Shri C. A. Patil, Shri Deorao Poonacha, Shri C. M. Radhabai, Shrimati B. Raghu Ramaiah, Shri Ram Dhan, Shri Ram Sudhag Singh, Dr. Rana, Shri M. B. Rao, Shri Thirumala Reddy, Shri R. D. Roy, Shri Bishwanath Saboo, Shri Shri Gopal Sankata Prasad, Dr.

Sapre, Shrimati Tara Sarma, Shri A. T. Sen, Shri Swaipayan Sen, Shri P. G. Shambhu Nath, Shri Sharma, Shri D. C. Sharma, Shri Nawal Kishore Shastri, Shri B. N. Sheo Narain, Shri Shinkre, Shri Shiv Chandika Prasad, Shri Singh, Shri D. N. Sinha, Shrimati Tarkeshwari Sonavane, Shri Swaran Singh, Shri Tiwary, Shri K. N. Uickey, Shri M. G. Verma, Shri Balgovind Verma, Shri Prem Chand Vyas, Shri Ramesh Chandra

MR. SPEAKER : The result* of the Division is :

Ayes : 27, Noes 73.

The motion was negatived

MR. SPEAKER : Now, I put Amendment No. 80 of Shri E. K. Nayanar to vote.

Amendment No. 80 was put and negatived

MR. SPEAKER : I put Amendment No. 131 of Shri Shiva Chandra Jha to the vote of the House.

Amendment No. 131 was put and negatived

SHRI DHIRESWAR KALITA : Sir, it is already 6 o'clock.

MR. SPEAKER : There is no time limit fixed for voting. When you have a debate, we carry on till 8 o'clock and you have no objection. Only now you point out the time.

Now, I put Amendment No. 132 of Shri Abdul Ghani Dar to vote.

Amendment No. 132 was put and negatived

MR. SPEAKER : There is Amendment No. 134 of Shri Erasmo de Sequeira. I put it to vote now.

Amendment No. 134 was put and negatived

MR. SPEAKER : The question is :

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

Those in favour may please say 'Aye'...

SEVERAL HON. MEMBERS : 'Aye'.

MR. SPEAKER : Those against may please say 'No'.

SOME HON. MEMBERS : 'No'.

I think, the Ayes have it.

SHRI MADHU LIMAYE (Monghyr) : The 'Noes' have it.

MR. SPEAKER : Do you want the lobbies to be cleared again or can votes be taken like this? I think, we can vote as it is, if all of you agree. If any one objects, then I have to clear the lobbies..So I take it that nobody objects.

The Lok Sabha Divided :

*The following Members also recorded their votes :

AYES : Sarvashri Mohammad Ismail, and Lakhan Lal Kapoor.

NOES : Sarvashri Awadesh Chandra Singh, Randhir Singh and Ramshekar Prasad Singh.

[Division No. 7]

AYES

[18.05 hrs.]

Awadesh Chandra Singh, Shri
 Babunath Singh, Shri
 Barua, Shri Bedabrata
 Bhanu Prakash Singh, Shri
 Chanda, Shri Anil K.
 Chandrika Prasad, Shri
 Chatterji, Shri Krishna Kumar
 Chavan, Shri D. R.
 Choudhary, Shri Valmiki
 Das, Shri N. T.
 Dasappa, Shri Tulsidas
 Desai, Shri C. C.
 Desai, Shri Morarji
 Ering, Shri D.
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Himatsingka, Shri
 Kamble, Shri
 Kedarla, Shri C. M.
 Khan, Shri M. A.
 Kripalani, Shrimati Sucheta
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Laskar, Shri N. R.
 Mahadeva Prasad, Dr.
 Mandal, Dr. P.
 Menon, Shri Govinda
 Minimata, Shrimati Agam Das Guru
 Mirza, Shri Bakar Ali
 Mohinder Kaur, Shrimati
 Mukerjee, Shrimati Sharda
 Naghnoor, Shri M. N.
 Pahadia, Shri
 Pandey, Shri Vishwa Nath
 Pant, Shri K. C.

Parthasarathy, Shri
 Patil, Shri C. A.
 Patil, Shri Deorao
 Poonacha, Shri C. M.
 Radhabai, Shrimati B.
 Raghu Ramaiah, Shri
 Ram Dhan, Shri
 Ram Subhag Singh, Dr.
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rao, Shri Thirumala
 Reddy, Shri R. D.
 Roy, Shri Biswanath
 Sankata Prasad, Dr.
 Sapre, Shrimati Tara
 Sarma, Shri A. T.
 Sen, Shri Dwaipayana
 Sen, Shri P. G.
 Sharabhu Nath, Shri
 Sharma, Shri D. C.
 Sharma, Shri Naval Kishore
 Shastri, Shri B. N.
 Sheo Narain, Shri
 Shinkre, Shri
 Shiv Chandika Prasad, Shri
 Singh, Shri D. N.
 Sinha, Shrimati Tarkeshwari
 Sonavane, Shri
 Swaran Singh, Shri
 Tiwary, Shri K. N.
 Uikey, Shri M. G.
 Verma, Shri Balgovind
 Verma, Shri Prem Chand
 Vyas, Shri Ramesh Chandra

NOES

Adichan, Shri P. C.
 Banerjee, Shri S. M.
 Dar, Shri Abdul Ghani
 Daschowdhury, Shri. B. K.
 Dhandapani, Shri
 Dwivedy, Shri Surendranath
 Esthose, Shri P. P.
 Gupta, Shri Indrajit
 Jha, Shri Shiva Chandra
 Joshi, Shri S. M.
 Kachwai, Shri Hukum Chand
 Kalita, Shri Dhireswar
 Kandappan, Shri S.

Khan, Shri Ghayoor Ali
 Khan, Shri Latafat Ali
 Limaye, Shri Madhu
 Menon, Shri Viswanatha
 Molahu Prasad, Shri
 Mukerjee, Shri H. N.
 Nair, Shri Vasudevan
 *Palchoudhuri, Shrimati Ila
 Patil, Shri N. R.
 Ray, Shri Rabi
 Sequeira, Shri
 Shastri, Shri Raghbir Singh

* Wrongly voted for 'Noes'

MR. SPEAKER : The result of the Division is : Ayes : 70; Noes : 25.

The motion was adopted.

18·07 hrs.

HALF-AN-HOUR DISCUSSION MANUFACTURE OF SCOOTERS

MR. SPEAKER : Mr. Samanta.

[MR. DEPUTY-SPEAKER *in the Chair*]

SHRI S. C. SAMANTA (Tamluk) : Mr. Deputy-Speaker, Sir, since 1954 we are hearing about the indigenous manufacture of scooters and allied conveyances in the country. Government gave some licences to three or four units and at the same time there was a ban on further licences. In 1965 this ban was removed; the Government of India decided to lift the ban on further licensing of scooters and auto-cycles; accordingly, these have been deleted from the list of items in respect of which applications for industrial licences may be ordinarily rejected.

I tried to collect information regarding the number of scooters and other vehicles that were being manufactured in the country. I tried to consult the Annual Reports of this Ministry. As you know, this Ministry in different times has assumed different names : sometimes it was Industry, sometimes it was Commerce and Industry, sometimes it was Industry and Supply, and now it is Industrial Development and Company Affairs. I do not know how these names are changed and whom it suits—whether the man who becomes the Minister wants the Ministry to be called otherwise. Whatever that may be, I have collected from those Reports some figures about the manufacture of scooters, motor-cycles, mopeds and three-wheelers. I have got the figures from 1965 : Scooters manufactured in 1965—20,000 units; in 1966—20,971. In 1967, it was 30,296, and in 1968 (for six months) it was 17,549. There is increase in the manufacture. But I would like to know from the hon. Minister what is the capacity of these units which are licensed and why only these three, or four firms are favoured with this monopolistic licensing. Why

have others not been allowed? Why have they been banned?

Since 1964, Government have been admitting that there are 3 lakh people registered in the waiting list for scooters. I read that only 30,000 are manufactured. When the ban on licensing was lifted, why were not some factories given licence? As you know, when Government are in a difficulty and they have something in their mind, they refer the thing to a Committee. That is the usual practice. In this case, this matter was referred to the Development Council for automobile and allied industries of the Planning Commission on the scooter industry for the Fourth Five Year Plan. Now in answer to a question, the hon. Minister said that only one unit would be opened. There is no ban on further licensing. So why were not two, three, four or five units given licence for speedy Manufacture of scooter which is the middleman's vehicle and transport just as the cycle is the poor man's conveyance?

The Committee I mentioned appointed a sub-committee. They gave a report. The Committee gave a full report and Government said that interested entrepreneurs, including existing producers of these types of vehicles, may now submit applications with complete particulars to the Union Ministry of Industries and Supply. This was on 23rd March 1965. It was stipulated that the application should include information as to the annual capacity, foreign exchange required on capital and maintenance, a phased programme of manufacture, terms of collaboration, anticipated retail selling price etc. It is astounding that nothing has been done when these things have been submitted by 190 units in time. I do not know what Government have in mind. I find that in 1964 West Bengal's proposal for the Haldia Scooter Project to manufacture 150 c.c. Brezza Scooter in collaboration with the world-renowned Italian-American combine, Messrs. Aermacchi Harley-Davidson was recommended originally by the late Prime Minister, Pandit Nehru, when the scheme was mooted in 1964. The scheme was suc-

† The following Members also recorded their votes :

Ayes : Sarvashri F. A. Ahmed, Maharaj Singh, Shankarrao Mane; Achal Singh, Shri Gopal Saboo and Shrimati Ila Palchoudhuri.

Noes : Sarvashri Mohammad Ismail, Lakhani Lal Kapoor, Ram Charan and K. Anbazhagan.