

13.07 hrs.

STATUTORY RESOLUTION RE.
BANKING COMPANIES (ACQUISITION
AND TRANSFER OF UNDERTAKINGS
ORDINANCE—1970

AND

BANKING COMPANIES (ACQUISITION
AND TRANSFER OF UNDER-
- TAKINGS) BILL, 1970—Contd.

अध्यक्ष महोदय: मैं आप सब को बतला देता हूँ कि पिछले दिन यह फैसला हुआ था कि आज लंच अवर नहीं होगा। उस दिन श्री जयपाल सिंह की मृत्यु की वजह से हाउस को ऐडजर्न करना पड़ा। पहले भी इस पर बहस हो चुकी है करीब दो घण्टे की। हम आज इस बिल की समाप्त तक बैठेंगे और साथ ही लंच अवर में भी बैठेंगे। मेरा खयाल है कि इस बिल के लिये जो टाइम रखा गया है वह भी 7 बजे तक पूरा हो सकता है। मैं आप सब से प्रार्थना करूँगा कि आप लोग इस में मेरी सहायता करें ताकि शाम तक यह बिल पास हो जाये।

श्री कंवर लाल गुप्त (दिल्ली सदर) :
मिनिस्टर साहब कब जवाब देंगे ?

MR. SPEAKER : 2.30 P.M.

SHRI VIKRAM CHAND MAHAJAN (Chabha) : I must say the Government have taken a very bold and correct decision in introducing the Bill revalidating the Bank Nationalisation Act. Nationalisation of banks is one of the greatest legislative measures of the century. This is because it has created an atmosphere for the benefit of the weaker sections of society which was much needed. Previously the banks were controlled by a few and the deposits of the deposit-holders were used by those few for their own benefit. This has resulted in monopolistic growth. Weaker section like farmers, artisans, small traders and so on were not only starved of finances, but there were many types of malpractices indulged in by the bank managements. I know of

two instances. In one, the promoters after promoting the company, took over the deposits and the bank went into liquidation. This put many poor people, many widows among them, on the streets because their deposits were swallowed by these promoters. In the other case which I remember personally, a person joined as a branch manager and by the time he retired, he became a multi-millionaire. He used the deposits to buy shares in the market; those which went in loss, he put in the account of the bank; those which made profit, he put in his own account. Thus he made money. After nationalisation these malpractices will go. Not only this. The record of the past six or eight months has shown that our objectives are being fulfilled by the nationalised Banks.

13.09 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

There have been a few objections raised. One of the objections is that compensation is not adequate. My complaint is just the reverse. I submit that the compensation is too liberal. The Government need not have added Rs. 12 crores to the old compensation, the addition of one or two crores would have been enough. Under articles 31 of the Constitution there are two modes of paying compensation when an industry is nationalised. One is that you lay down the principles and on the basis of that determine the compensation. For example, if a jeep worth Rs. 12,000 is taken over by the Government, then the Government has to lay down the principles. The principles can be that the Government should determine the price of the tyres, the engine etc. and then acquire the jeep. The other system is that a lump sum can be fixed. If the jeep is worth Rs. 12,000, Government can say that they will take it over for Rs. 8,000. Then the courts cannot interfere. If the Government says that they will take it over for Rs. 100, then the courts can interfere on the ground that the compensation is illusory. What we did before was to lay down the principles, and while doing it by inadvertence we missed one or two basic points, and that is why the courts struck down the Act. I think the Government has taken the correct decision now by awarding lump sum as compen-

Shri Pitram Chand Mahajan]

sation, and I am certain the courts will not strike down this Act.

The second objection is that possibly this Bill will also be struck down as contravening article 14 because the foreign Banks have not been nationalised. There is a saying that a little knowledge is dangerous. They do not understand the implication of article 14 there can be classification like foreign Banks, Indian Banks, Banks with deposits less than a certain figure and so on. These are considered to be valid classifications, are Supreme Court itself has laid down that such classifications are valid, and so there is no chance of this legislation being struck down.

Another objection is that the depositors would prefer non-nationalised banks to nationalised Banks, that the deposits will flow to the non-nationalised Banks because of redtapism in the nationalised sector. The record of the nationalised Banks in the last six or eight months shows that the deposits have, in fact gone up by Rs. 100 crores after nationalisation. Therefore, such predictions have also been belied.

Another objection is that social control was sufficient and that there was no need to waste our scarce resources over nationalisation of Banks. A deeper study will show that nationalisation was necessary. Social control in effect means private control, and when the Banks are under private control, the basic object is to make profits. There is nothing wrong in it, but when there is a conflict between social interests and the interests of individuals, social interests should prevail. When Banks are under social control, in the hands of private entrepreneurs, they do not open branches in regions which are uneconomic, they do not give loans to the weaker sections because that will be uneconomic. For example, when a Bank is under social control, it gives a loan of Rs. 50 lacs so that it will bring a reasonable return.

The overhead cost would be very little. If a sum of Rs 50 lakhs is given as loan to 5000 farmers the overheads will go up and possibly profits may be little. But social need requires that the loan should be given to 5,000 farmers. When a bank is under

private control, no such step would be taken which would reduce profits and the social needs such as the needs of the farmer would not be met; they will not get necessary loans. When the bank is nationalised the social needs can be met and the Government, if necessary, can even afford to forego profits and give loans to weaker sections which may raise the overhead costs. That is the basic difference between a bank under social control but under private hands and a nationalised bank. The nationalised banks meet the needs of the nation, of the farmer, small artisan and traders and other weaker sections of society irrespective of returns. A bank under private control will never take a step which will diminish its profits. That is why it was necessary to go in for nationalisation.

Predictions were made that these banks would not give the necessary loans. But the records has been excellent. For instance, after nationalisation the agricultural sector has been given loans to the tune of Rs. 49.39 crores compared to Rs. 26 crores before nationalisation; within six months the amount has almost been doubled. Similarly, the figures for small-scale industry sector were Rs. 148 crores before nationalisation which have gone up to Rs. 169 crores. The performance has been reasonable and I hope that nationalised banks would pump enough money to the weaker sections like the agriculturists, small traders and also reach the regions which were uneconomic from the point of view of profits and which consist of small towns, where people need credit but do not get it. I congratulate the hon. Law Minister for bringing a foolproof law this time...*(Interruptions.)* and I support this Bill.

SHRI DHANDPANI (Dharapuram) : I am very glad to participate in this debate because the objective of the DMK has been fulfilled, though not fully at least to some extent by this Bill. This shows that our country is marching in the direction of socialist objectives and economic freedom. These objectives could be achieved only by enacting law. In our country many working class people and people who are on progressive movements and think on socialist lines are vigilantly watching how this Government

is going to function in the field of economics. Though the Congress in the centre is posing as a socialist, we do not know whether this Government would implement progressive schemes or yield to the cry of reactionaries and would fulfil its commitment to the toiling masses or fall in line with conservatives, whether the Centre would accept the challenge made by the socialist forces or concede to the influence of big industrialists.

We have to wait and see for this answer. State interference in certain fields is inevitable in this country because the industrialists and landlords are exploiting the suffering masses without giving any aid and help to them. If we allow this situation to grow further, we would be answerable to the younger generation who are expecting a radical change in this country. To have a check on the monopoly in the banking industry, nationalisation of banks will be also one of the measures.

The suggestion for nationalisation has always been on the agenda of the country. Some opposition has been aimed at this decision. The nationalisation of banks is not quite new in international economy. There were precedents even in the non-Communist countries. France voted for the nationalisation of banks on December 2, 1945 without a discussion. In Canada, on 15th July, 1938, private ownership completely disappeared from the capital account of the Canadian Central Bank. Similarly, in Australia also, they brought in a Bill in 1947. Some bankers as well as some States like South Australia and Victoria had challenged the Bill in the high court of Australia, and the main provisions of that Act were declared *ultra vires* of the Constitution. Subsequently, when the general election took place in 1949, the liberals came into power, and repealed some clauses in the Act.

This measure of nationalisation of banks, as far as India is concerned, would have been taken long before. As far as the DMK party is concerned, we have been advocating and demanding the nationalisation of the banking industry since our party was born.

The simple reason is that the shopkeepers, small traders, teachers, officials and the middle class people deposited their savings in the commercial banks for safety purposes. The major portion of the deposit was spent arbitrarily by giving loans and granting advances to the pleasure of the bank directors and their families.

All big business-houses are holding the major shares of banks in this country. You can very well understand from the following figures how the monopolistic tendency in the sphere of influence prevails in the banking industry. There are 14 major corresponding banks of which there are five big banks. Let me submit the names of these banks and the paid-up capital and the deposits held by them at present. There are five big banks: they are, the bank of Baroda, the Bank of India, the Central Bank of India, the Punjab National Bank and the United Commercial Bank. For these five big banks, the paid-up capital is Rs. 16.10 crores. The deposits with these five banks are Rs. 1,604.75 crores. This vast amount of deposits held by these five big banks is controlled by 55 directors who hold 689 directorships as below in the following complex:

Insurance companies, 33 financial companies, six; investment trusts, 25; manufacturing and other complexes, 584; trading companies, 26; associations not for profit, 15. These financial institutions were assisted by the big banks and these directors availed themselves of the funds for their own profit. The running of a monopoly in the banking industry cannot be better expressed. Just to prevent them from these malaises, we advocated and agitated for the nationalisation of banks.

It has been stated that the commercial banks did a marvellous work by giving cheap credit to the farmers. Let us see the position. The total advances paid by the scheduled and non-scheduled banks in 1968 were Rs. 3,064.36 crores. Of this, industry claims 67.5 per cent; commerce, 19.2 per cent; finance, 2.7 per cent; plantation, 1.9 per cent; food and other agricultural schemes, 0.3 per cent, that is, Rs. 9.51 crores. Personal advances, Rs. 113.37 crores, or 3.7 per cent. Others, Rs. 144.49 crores, or

[Shri Dhandapani]

4.7 percent. Even the State Bank did not take care to advance enough money to small-scale industries. Between 1951 and 1968, the State Bank gave only 5.4 per cent of the total advances, *i.e.* only Rs. 40 crores. In Japan in 1966, 47 per cent of the total advances were given to small-scale industries. In Canada, in 1953-69 per cent was given to agriculture industry.

Secondly, major portions of deposits have been utilised only in the larger cities. Large towns and small centres have not been adequately helped by the commercial banks. I can give so many other facts and figures, but for shortage of time, I am not doing it. If we take these things into consideration, we come to the conclusion that commercial banks have not any thing significant to attract the deposits of rural people, who have indicated their willingness to foster banking industry wherever they have been given a chance. Even in this House it has been said by many of our colleagues that nationalisation of banks has not helped the needy and the poor. Commercial banks have done more harm to the rural and semi-urban masses by pumping away their deposits even in the limited areas where they have acted, instead of advancing those deposits to agriculture and small-scale industries in those areas. Thirdly, the commercial banks have acted as mobilising agents of finance for the industrial, commercial and trading interests in the large cities and other urban areas.

The Bill has not provided for the nationalisation of other smaller bank, like B and C Class banks. I am afraid the Government is indirectly encouraging the same monopolists in the banking industry to acquire small banks by investing their huge wealth. Secondly, the employees of small banks will not get any benefits out of this. Therefore, I warn the Government to ponder over the matter of nationalising the whole banking industry.

There is a reference in the Bill to annual closing of accounts. In countries like Canada all annual returns furnished by banks are sent directly to the Ministry of Finance and are tabled in their Parliament the House of Commons. The same system must be

introduced here also. Then only the banking industry will run efficiently, I request the hon. minister to incorporate a provision that the annual returns of nationalised banks will be placed in Parliament. If the state Bank and Reserve Bank also submit their returns to Parliament, it will act as a check on them.

In clause 9 (3) (b), provision is being made for representation of workers in the Board of Directors. After persistent demand of the opposition, the Government has accepted this proposition. At the same time, the States' interests must also be represented in the normal functioning of banking industry. At least two nominees of State Governments on each corresponding bank must be included in the Board of Directors. If you agree to the States' participation in the Board of Directors, there will be better understanding between banks and State Governments. They can also contribute valuable suggestions for the efficient functioning of the banks.

There is a public demand in my State that the State Governments should be permitted to run a commercial bank of their own. There was already a commitment on the part of the Government in this House. When the Bill for social control over banks was introduced in this House, Mr. Morarji Desai, the then Finance Minister said :

"Perhaps the long-term objective should be the development of banking system on the lines of regional banks, which would be not only in a better position to mobilise deposits in semi-urban areas but also be in a better position to assess and meet the needs of the small entrepreneurs and the agriculturists in those areas."

Shri Desai has not indicated whether these regional banks will be in the public sector or in the private sector and if in the public sector whether they will be subsidiaries of the State Bank of India or directly linked to the Reserve Bank of India. He has not made it clear. I would request government to take into consideration this matter also.

There are countries like Brazil and West Germany where regional banks are existing.

In West Germany 33 percent of the business is handled by this category of banks. So, I would request government to give deep thought over this proposition.

After the nationalisation of banks there is an apprehension in the minds of the people that the central pool of corresponding banks may not be distributed according to the needs of the region. Decentralisation in this sphere should also be considered. At this juncture, I would like to refer to a speech made by our State Finance Minister, Shri K.A. Mathialagan, while presenting the State budget :

“While as a State Government, we welcomed the nationalisation of banking, as a step towards socialism, we also pointed out that caution should be exercised to prevent the nationalised banks from becoming bureaucratized and centralised. We were apprehensive that the initiative and enterprise shown by the managements of some of the banks would be stifled by over-centralisation. We are afraid that these fears are turning out to be real. The flexibility and responsiveness to local needs which was provided under social control, should be strengthened, rather than abated under the new system. I wish to earnestly reiterate the suggestion made by this Government earlier that that the management of the banks must reflect the local aspirations and the diverse interests which arise in various areas. These problems should not be looked at in a bureaucratic or rigidly uniform manner. It is only by allowing local initiative to flourish that a new pattern of socialised banking can emerge. Linkages between the bank management and the needs of the area in which they function can best be realised, if representation is given to State Governments also on regional boards of various nationalised banks it is also imperative that the managements should be allowed to freely innovate for the acceleration of agricultural production and the development of local industries.”

Therefore, I would request the Government to make a provision for the representation of State Governments in the Board.

The language problem is raising its head in this issue also. I was told that the Prime Minister, while she was replying to the press had started last year that she had already issued directions to the nationalised banks that the correspondence of banks could be switched over to Hindi. If this is true, it will not be fair on the part of the Prime Minister.

The maintenance of accounts in Hindi would be very difficult and impractical. If the Prime Minister comes up with such a proposal for introducing Hindi in the banking industry, she would have to face dire consequences in the future.

Regarding the location of the head offices of the corresponding banks I would say that they should continue where they are at present. Any move to shift them from the south to the north would create suspicion in the minds of the local people. Also, all recruitments should be made locally and candidates should be selected through the regional Public Service Commission.

When the announcement was made by Prime Minister about the nationalisation of banks, the entire working class gave their unstinted support to the proposal and welcomed the decision whole-heartedly. What is the reciprocation given in this Bill? The retention of section 36AD. I would like to inform the concerned Minister that without proper co-operation from the employees working in the banks on banking institution could succeed in its efforts. The employees are part and parcel of the banking industry. If you try to injure the feelings of the employees by bringing in section 36AD, the very same ideology of nationalisation would certainly go down the drain. When we were earlier discussing the social control of banks Bill I had referred to the serious consequences of this provision. In spite of that, Government have not cared to delete that provision. I had told Shri Morarji Desai, who was the Finance Minister, that

[Shri Dhandapani]

even though we are living in 1970 AD but Central Government's labour policy goes back to 36A.D. I hope at least Shri Govinda Menon will delete this section.

श्री रणधीर सिंह (रोहतक): उपाध्यक्ष महोदय, मैं आप के मार्फत सब से पहले फाइनेंस मिनिस्टर और प्राइम मिनिस्टर को मुबारकबाद देता हूँ कि इन्होंने यह बिल दोबारा इस रूप में यहाँ पेश किया है। आजादी के बाद सब से बड़ा यह कदम है जो गवर्नमेंट ने या प्राइम मिनिस्टर ने उठाया है सही माने में जिस से गरीब जनता को खुशी हुई है और एक तहरीक दौड़ गई है शहर और देहात के गरीब लोगों में। वह यह महसूस कर रहे हैं कि आजादी के बाद सही मानों में जिस से उन को खुशी हुई है, वह पहला कदम गवर्नमेंट ने यह उठाया है। इस सिलसिले में पांच चार बातों में कहना चाहूँगा।

पहली बात तो यह है कि हम समझते थे कि सुप्रीम कोर्ट से स्ट्राइक डाउन होने के बाद यह बिल शायद अब की बार सारे बैंकों का राष्ट्रीयकरण करने के उद्देश्य से लाया जायगा लेकिन इस में फिर वही दस बारह बैंक शामिल किये गये हैं। मुझे आशा है और मैं चाहता हूँ कि सारे के सारे बैंक इस में ले लिए जायँ ताकि 8 हजार करोड़ रुपया ही नहीं, बल्कि उस से दुगुनी-तिगुनी रकम देश के गरीब आदमियों के लिए, देहात में रहने वालों के लिए, किसान, मजदूर या शहरों के अन्दर जो छोटे मुलाजिम, छोटे दुकानदार हैं, उन के लिए तथा हरिजन आदिवासी और बकवर्ड क्लास के जो लोग हैं उन के लिए मिल सके और वह उस रुपये से फायदा उठा कर अपनी जिन्दगी में एक नई किस्म की चीज ला सकें। मैं समझता हूँ कि मुश्किलत कुछ है। मुश्किलत पैसे की है कि इतना रुपया कहाँ से लाएँ। लेकिन रुपया गवर्नमेंट कहीं से लाएँ, यह गवर्नमेंट के देखने की

चीज है, अच्छे काम के लिए तो वह चाहे कहीं से रुपये लाएँ। लेकिन कम्पेन्सेशन जो यह दिया जा रहा है यह मैं ज्यादा समझता हूँ। वह इस तरह मैं समझता हूँ कि जो शेर-होल्डर्स थे बैंक के उन्होंने बड़े रुपये कमाये। उन के जितने शेयर्स थे वह गवर्नमेंट खरीद ले, क्या जरूरत है उन को इतनी लम्बी रकम देने की? जैसे किसी के सौ रुपये के शेयर हैं तो उसे सौ रुपया दे कर पीछा छुड़ा गए। मैं समझता हूँ कि ऐसी हालत में शायद 40-45 करोड़ रुपये ही देने के बाद सारे बैंक नेशनलाइज्ड हो जाते। अब यह 90 या 87 करोड़ के करीब जो दे रहे हैं इन को मैं ज्यादा समझता हूँ। मैं चाहूँगा कि भागे कोई चीज की जाय तो उस में गवर्नमेंट बाई करे शेयर्स को।

एक चीज मैं इस में भी महसूस करता हूँ होस्टाइल डिस्क्रिमिनेशन की।

दोबारा फिर सरमायेदार इस चीज को उठाएगा और यह उठ भी सकता है क्योंकि कांस्टीट्यूशन में कुछ इस प्रकार की हर्डिल्स हैं, उनको दूर करना पड़ेगा। वह फिर भी कहेगा कि यह 14 ही बैंक क्यों लिए? मैं इत्फाक नहीं रखता अपने भाई महाजन से कि केटेगरी रख सकते हैं। वह कह देंगे कि इन्हीं को क्यों पकड़ा? आखिर फारेन बैंक को छोड़ दीजिए तो और भी तो कितने ही बैंक हिन्दुस्तान में हैं जिन को छोड़ दिया है। तो मेरा ख्याल है कि अगर बिलकुल सब को ले लेते तो यह बात नहीं होती। कुछ न कुछ बात निकाल कर यह इस सवाल को फिर उठा सकते हैं और बाल की खाल निकालने की कोशिश हो सकती है जिस में दोबारा फिर हमें परेशानी उठानी पड़े। इसलिए मैं इस चीज को सामने रखना चाहता हूँ क्योंकि मैं उन आदमियों में नहीं हूँ कि जो स्वामस्वाह किसी बात को मान लेते हैं। मेरा ख्याल है कि कहीं दोबारा यह चीज

सुप्रीम कोर्ट में न उठ जाय। इसलिए मैं चाहता था कि सारे ही बैंक्स उस में ले लिए जाते जिस में डिस्क्रीमिनेशन की जड़ ही कट जाती।

एक बात और मैं खास तौर पर कहना चाहूँगा कि अब जो यह कदम उठाया गया है, देहात के लोगों के लिए और गरीब तबके के लिए, जिस में सही माने में उन्हें खुशी हो रही है, तो उन को रुपया मिलने में किसी तरह की दिक्कत नहीं होनी चाहिए। आप इस तरह से रुपया बांटे कि वह उन्हें आसानी से मिल सके। जैसा मेरे भाई डो एम के के मेम्बर ने कहा, मैं बड़े ध्यान से सुन रहा था, कि यह देहात के लिये रुपया है तो कितने किसान देहात में हैं? आबादी तो 80 प्रतिशत है लेकिन 80 प्रतिशत तो आप उन को दे नहीं पायेंगे देहात में, 70 दें या 60 दें लेकिन जो कुछ भी 60 या 70 प्रतिशत दें उस में दूसरा कोई नहीं आना चाहिए। वह रुपया गरीब किसानों को दें, अमीरों, को नहीं क्योंकि अमीर के पास तो रुपया है। और उस 60 प्रतिशत के लिए जो बोर्ड आफ डायरेक्टर्स हो, उस में किसानों के ही 60 प्रतिशत रेप्रेजेंटेटिव्स आएँ। बाकी जो 30 या 20 प्रतिशत आप दें वह दूसरे भाइयों को मजदूरों को, हरिजन भाइयों को, बैंकवर्ड-क्लसेज को दें ताकि ऐसी क्लास क्रियेट न हो जाय कि कुछ वैंस्टेड इन्टरेस्ट सब से आगे आ जायें।

जैसे हमारे यहाँ सगाई होती है, उस में शक्कर बटती है, एक ही आदमी एक बार लेकर फिर दोबारा आकर खड़ा हो जाता है, ऐसी बात नहीं होनी चाहिये। ऐसी क्लास न बन जाय कि एक ही आदमी आगे-पीछे हर मामले में फायदा उठाये और दूसरे मुंह ताकते रह जाय। इस लिए मैं खास तौर से आपकी तबज्जह इस तरफ दिखाना चाहता हूँ कि इस बैंक नेशनलाइजेशन का फायदा हर गरीब को हो, हर किसान को हो, इन में कोई क्लास न

बन जाय जो बार-बार इस का फायदा उठाती रहे। लोग इस से बड़ी भारी उम्मीदें बांधे बैठे हैं और यह तन्त है कि अगर इस से गरीबों को फायदा हुआ, किसानों को फायदा हुआ तो आप सो जाइये चंद्र तान कर, कोई नहीं पूछेगा, लोग यही कहेंगे कि आपने जंगल में मंगल कर दिया। लेकिन अगर आप कहीं फेल हो गये और कुछ ही लोगों ने इस का फायदा उठाया तो फिर आप आगे चाहे जितने इन्कलाबी कदम उठाइये लोगों को तसल्ली नहीं होगी। आप अपनी स्कीम को कन्सोलिडेट कीजिये, प्रपोजल्ज को पूरी शकल दीजिए ताकि आम आदमी उस से फायदा उठा सके।

आप ऐसी स्कीम बनायें जिससे गरीब हरिजनों और दूसरे लोगों को कंट्रोल क्रीडिंग के लिए पैसा मिल सके। एक एकड़ या उस से कम जमीनवाले किसानों की तादाद 70 फीसदी है, इसलिए आप सब को जमीन नहीं दे सकेंगे, इसलिए आप उन को पोल्ट्री फार्मिंग के लिए, बी-कीपिंग के लिए पैसा दीजिए। गांव-गांव में बर्कशाप खोलिये। हर गरीब आदमी ट्रेक्टर नहीं खरीद सकता, इसलिए आप काआपरेटिव सोसायटी बना कर उन को ट्रेक्टर के लिए पैसा दें, मोबाइल बर्कशाप खोलिए, सर्विस स्टेजन्ज खोलिए, इस के लिये उन को पैसा दीजिये। ट्यूब-वेल के लिए पैसा दीजिये-फिर देखिए कितनी प्रोडक्शन हो जाती है-तिगुनी प्रोडक्शन हो जायगी।

अपने बैंकों की देहातों में खोलिए, ऐसा नहीं होना चाहिए कि किसानों को रुपया हासिल करने के लिए दिल्ली, मेरठ या बम्बई जाना पड़े, आप के बैंकों की सर्विस अगर उसे गांव में हासिल होगी तो आपके इस रुपये से किसान कमायेगा, हरिजन कमायेगा और कमा कर आपका रुपया वापस जमा करायेगा। आप ने ठीक रेट आफ इन्टरेस्ट पर उन को रुपया देने की बात सोची है-यह बहुत अच्छी बात है

[श्री रणधीर सिंह]

लेकिन सविस-एट-दी-डोर का इन्तजाम कीजिये, इस से जो भी बचत वह करेगा, वह आप के पास आयेगी। मैं आपको बतलाना चाहता हूँ कि हरिजन बड़ा बचाता है, बैंकबंड बड़ा बचाते हैं, लेकिन अगर बैंक उन के नजदीक होंगे तो वह रकम आप के पास आ जायगी और इस से नेशनल डेवलपमेन्ट में बहुत मदद मिलेगी।

रूल हाउसिंग की तरफ भी मैं आपको तबज्जह खींचना चाहता हूँ। इस वक्त 6 में से 5 मकान कच्चे हैं और खास कर हरिजनों की हालत तो बहुत ज्यादा खराब है, आये साल उन के मकान गिर जाते हैं। उन को 100 रु० मकान बनाने के लिए मत दीजिए। मैं अभी चार-पाँच दिन हुए अपने हल्के से आया हूँ, मैंने वहाँ देखा कि 100 रु० आप उन को मकान के लिये देते हैं, इस से क्या बनेगा, कम से कम एक हजार रुपया गरीब हरिजनों को मकान के लिये दिया जाय। किसान को कम से कम दो-तीन हजार रुपया दिया जाय, इस से कम में काम नहीं चलेगा।

एक और खास बात की तरफ तबज्जह दिलाना चाहता हूँ-वहाँ पर रुपया देने में डिस्क्रीमिनेशन हो रहा है। जो न-जमीन किसान है, उस को तो आप कह देते हैं कि रुपया ले लीजिये, लेकिन जो जमीनवाला है, उस को आप कहते हैं कि जमीन की फर्द लाइये, बढ़िया जमानत लाइये-यह डिस्क्रीमिनेशन क्यों? जिस किसान के पास जमीन है वह जमीन भी देता है, बढ़िया जमानत भी लाता है लेकिन फिर भी कर्जा नहीं मिलता है। मैं चाहता हूँ कि आप इस के लिए हिदायत जारी करें कि इस किसम की डिस्क्रीमिनेशन नहीं होना चाहिये।

आखिर में वक़्शाय वाली बात पर फिर जोर देना चाहता हूँ, आप देहातों में उस के

लिए जल्द से जल्द बन्दोबस्त करें। यह निहायत शानदार काम आपने किया है, लेकिन आप बैंकों को इंस्ट्रक्शन दीजिये कहीं ऐसा न हो कि आफिशियलडम में पढ़ कर लोगों को मारा-पीटा जाय, तीसरे महीने उन के घरों पर कुर्छी पहुँचे। कोई चीज दें तो शान से दें, वे कमा कर आरको आप का पैसा वापस लौटाएंगे।

श्री योगेन्द्र शर्मा (बेगूसराय): उपाध्यक्ष महोदय, जहाँ तक इस बिल के जरिये 14 बैंकों में जनता की बचत का 24 अरब रुपया जमा है, उस बचत की रकम को देश के मुट्ठीभर पूंजीपतियों के हाथ में न रख कर समाज के अधिकार में रखने की बात है, इस सिद्धान्त को हम लोग पहले ही तय कर चुके हैं। इस सबन के पिछले अधिवेशन में इसी सिद्धान्त के आधार पर 14 बैंकों के राष्ट्रीयकरण का फैसला हो चुका है। हम यह भी फैसला कर चुके हैं कि जनता की बचत के पैसे को जनता की भलाई के कामों में इस्तेमाल होगा, हमारे किसानों, छोटे-छोटे उद्योग धंधों में काम करने वाली हमारी जनता जो मात्र महाजनी नागपाश में कराह रही है, उस महाजनी नागपाश से बचाने के लिये नई ऋण व्यवस्था होनी चाहिये, न कि जनता की बचत के पैसे को मुट्ठीभर इत्रारेदारों के हाथ में डाल कर उन के आर्थिक साम्राज्यवाद का विस्तार करने के लिये इस्तेमाल होना चाहिए। इस लिए आज इस बात की आवश्यकता नहीं रह गई है कि बैंकों के राष्ट्रीयकरण के औचित्य और अनौचित्य पर विचार करें, यह तो हम पहले ही कर चुके हैं। आज हमारे सामने प्रश्न है कि सुप्रीम कोर्ट ने जो फैसला किया है और फैसला करने के बाद जो नये सिद्धान्त निर्धारित किए हैं, उस की रोशनी में हमें क्या करना चाहिए। सुप्रीम कोर्ट का जो भी फैसला है, उसको मानने के लिए हम विवश हैं, बावजूद इस के कि हम समझते कि

सुप्रीम कोर्ट का फंसला पक्षपातपूर्ण है, सुप्रीम कोर्ट का फंसला प्रगतिविरोधी है, सुप्रीम कोर्ट का फंसला वस्तुगत नहीं, आत्मगत है और उस को मानने के लिए हम मजबूर हैं और शायद यही बेवसी है कि सरकार ने इस विधेयक को और भी प्रतिगामी बना दिया है। पिछले विधेयक के मुकाबले है यह विधेयक दो मामलों में अधिक प्रतिगामी है एक तो अधिक मुद्रावजा देना और दूसरे जिन बैंकों का हम राष्ट्रीयकरण करते हैं उन को फिर ऋण का उद्योग करने की स्वतन्त्रता देना। इन दो प्रतिगामी बातों के बावजूद हम इस बिल का समर्थन करने के लिये मजबूर हैं, क्योंकि हम किसी भी हालत में इन 14 बैंकों के 24 अरब रुपये को इन बैंकपतियों के हाथ में नहीं जाने देना चाहते हैं।

लेकिन हम कहना चाहते हैं कि सुप्रीम कोर्ट के फंसले के बावजूद और ज्यादा अच्छे तरीके से इस बिल को लाया जा सकता था और पास किया जा सकता था। हम मुआवजे की रकम को कम कर सकते थे। जिस तरह से हम ने इम्पीरियल बैंक का राष्ट्रीयकरण किया था शेअर को खरीद कर, न कि प्रतिष्ठान का राष्ट्रीयकरण कर के तो हम समझते हैं कि जो आज 87 करोड़ रुपया देना पड़ रहा है, उस के बजाय 48 करोड़ रुपये से कम रुपया दे कर हम इस बैंक राष्ट्रीयकरण कर सकते थे।

इसी तरह से विदेशी बैंकों के राष्ट्रीयकरण का प्रश्न है, दूसरे बैंकों का राष्ट्रीयकरण भी कर सकते थे। विदेशी बैंकों का राष्ट्रीयकरण में तो मुआवजे का सवाल ही नहीं उठता है, क्योंकि विदेशी बैंकों ने तो एक पैसा पूंजी भी यहां नहीं लगाई है और हर साल 2 करोड़ रुपया हमारे देश से वे वापस ले जाते हैं। इन बैंकों का राष्ट्रीयकरण कर के हम हर साल 2 करोड़ रुपये की पूंजी बचा सकते थे और कोई भी मुआवजा देने की जरूरत नहीं थी क्योंकि

उन्होंने यहां पर कोई पूंजी नहीं लगाई है। लेकिन इस के बावजूद भी यह सरकार सुप्रीम कोर्ट से इतना डर गई है कि बैंकपतियों की मर्जी के मुताबिक इन्होंने राष्ट्रीयकरण का फंसला किया है। सुप्रीम कोर्ट के भूतपूर्व न्यायाधीश श्री दास ने बहुत सही कहा है कि इस समय जो बिल आप पेश कर रहे हैं, जिसके द्वारा आप 14 बैंकों का राष्ट्रीयकरण करना चाहते हैं, वह बैंकपतियों के मन के मुताबिक है, इस में हमारा वह सामाजिक उद्देश्य पूरा नहीं होगा जो हम बैंक राष्ट्रीयकरण के जरिये करना चाहते हैं। हमारा मुख्य उद्देश्य यह था कि देश में जो सामाजिक विषमता बढ़ गई है, क्षेत्रीय विषमता बढ़ गई है, उस विषमता को यदि हम कम नहीं करेंगे तो विषमता की यह बढ़ती हुई खाई राष्ट्रीय एकता को खा जायगी, संसदीय प्रजातन्त्र भी गंका हो जायगा। हमारे देश में संसदीय प्रजातन्त्र का भविष्य इस बात पर निर्भर करता है कि संसद के जरिये, पार्लियामेंट के द्वारा पास किये गये विधेयकों के जरिये से हम इस विषमता की खाई को कम करते हैं या नहीं करते हैं।

आज हमारे देश में की जनता विदेशी पूंजी इजारेदारों की पूंजी, राजा-रानियों, महारजा-महारानियों के शोषण से त्रस्त है, यदि उसकी रक्षा यह पार्लमेंट नहीं कर सकती तो वह जनता ज्यों की त्यों खड़ी नहीं रहेगी, इस विषमता में वह राष्ट्रीय एकता को टूटने नहीं देगी बल्कि वह उठेगी। इसलिए संसदीय प्रजातन्त्र की रक्षा का तकाजा है कि हम ऐसे कानून बनावें, ऐसे विधान बनावें जो कि देश में विषमता को दूर करें। सुप्रीम कोर्ट हमारे रास्ते में खड़ी हो गई लेकिन आगे भी इसकी क्या गारंटी है कि इस बिल को भी सुप्रीम कोर्ट रद्द नहीं कर देगी? सुप्रीम कोर्ट जिसरोद्र मुदा में है, हमको प्रायःका है कि इस बिल को भी वह रद्द कर देगी। तब फिर हम क्या करेंगे? सुप्रीम कोर्ट ने यथास्थिति की जो स्थिति ली है उसके सामने हम

[श्री योगेन्द्र शर्मा]

हाथ पांव फैला देंगे और वह पार्लमेंट यदि अपने को अशक्त बता देगी तो फिर इस देश की संसदीय प्रजातन्त्र का क्या होगा ? 80 फीसदी घोषित पीड़ित जनता का क्या होगा ? वह बाह्य कराह करती रहेगी। नहीं करेगी। वह उठेगी और इस सम्पत्ति के सम्बन्ध को आमूल तोड़ देगी। इसलिये आप इस सम्पत्ति के बुनियादी अधिकार को परिवर्तित करने के लिए पार्लमेंट को सशक्त बनाइये। सुप्रीम कोर्ट कहती है नहीं साहब, जो भी सम्पत्ति तुम लो उसका पूरा मुआविजा दो। पूरा मुआविजा देने का मतलब है कि सम्पत्ति के सम्बन्ध में कोई परिवर्तन नहीं हो सकता। और यदि उसमें कोई परिवर्तन नहीं हो सकता है तो फिर हमारे देश की जनता देशी विदेशी इजारेदारों और सामन्ती शोषणों से मुक्त नहीं हो सकती है। ऐसी स्थिति में फिर हम क्या करेंगे ? यह एक बुनियादी सवाल है। यह बिल भी पता नहीं सुप्रीम कोर्ट मानेगी या फिर रद्द कर देगी, तब हम क्या करेंगे ? हमारी इस आशंका के कारण है। अजीब बात है—सुप्रीम कोर्ट ने संविधान का एक अर्थ लगाया है कि मुआविजा पूरा होना चाहिये, सम्पत्ति का जो सम्बन्ध है वह स्वाभाविक सम्बन्ध है, प्राकृतिक सम्बन्ध है। अब प्रश्न उठता है कि संविधान का अर्थ सुप्रीम कोर्ट अपने मन के मुताबिक लगायेगी या संविधान के निर्माताओं के मुताबिक लगायेगी ? हम समझते हैं कि यह विश्वविदित सिद्धान्त है कि संविधान का अर्थ संविधान के निर्माताओं के मुताबिक लगाया जाना चाहिए न कि जज अपने मन के मुताबिक उसका अर्थ लगायें। यहाँ पर जज ने अपने मन के मुताबिक अर्थ लगाया है। अपने मन के मुताबिक संविधान का अर्थ लगाना हम समझते हैं कि यह जनतन्त्र के विरुद्ध है और देश की प्रगति के विरुद्ध है.....

...(व्यवधान)...

दूसरी बात, उन्होंने कही कि मुआविजे का

प्रश्न ऐसा है कि जिस पर हम फंसला कर सकते हैं। एक साल पहले उन्होंने कहा था कि मुआविजे का प्रश्न ऐसा है जिसपर फंसला नहीं कर सकते हैं। अजीब बात है। सुप्रीम कोर्ट के फंसले और मन के बारे में हम कैसे निश्चित हो सकते हैं जबकि आज वह एक सिद्धान्त निर्धारित करती है और कल दूसरा सिद्धान्त निर्धारित करती है। उनके अर्थ लगाने में और सिद्धान्त निर्धारित करने में एकदम निरंकुशता मालूम होती है। और यदि सुप्रीम कोर्ट निरंकुश हो जाये तो फिर हमारे पास क्या उपाय है ? दूसरी बात यह है कि उन्होंने राजनीतिक आधार पर फंसला करने का करीब-करीब एक सिद्धान्त बना लिया है। वे कहते हैं कि तमाम बैंकों के साधनों का भी अगर राष्ट्रीयकरण कर लिया जाये तब भी हमारी विकासशील अर्थ-व्यवस्था को आवश्यकता की पूर्ति नहीं होगी। क्या इस बात को देखना सुप्रीम कोर्ट का काम है कि हमारी विकासशील अर्थ व्यवस्था की आवश्यकता कैसे पूरी होगी ? यह सुप्रीम कोर्ट का काम है या हमारा काम है ? इस प्रकार से सुप्रीम कोर्ट अगर हमारे काम में दखल डालती है तो फिर हमें क्या करना चाहिए ?...

...(व्यवधान)...

SHRI SHRI CHAND GOYAL (Chandigarh) : Mr. Deputy Speaker, Sir, will you permit this observation against the Supreme Court ? How far is the hon. Member justified in making this observation against the Supreme Court ?

श्री योगेन्द्र शर्मा : उपाध्यक्ष महोदय, मैं कहना चाहता हूँ कि सभी समय और सभी देशों में महान न्यायाधीशों और विधि विशेषज्ञों ने न केवल न्यूनपालिका के निर्णयों की सार्वजनिक आलोचना को आमंत्रित किया है बल्कि स्वयं सार्वजनिक आलोचना भी की है। ब्रिण्डिस, कारडोजी, स्कुटन, एटकिन, होम्स, डेनिंग के कथन इसके प्रमाण हैं। ... (व्यवधान) ...

श्री राममूर्ति (मदुरै) : वेद क्या कहता है ?

श्री योगेन्द्र शर्मा : वेद के आरम्भ काल में व्यक्तिगत सम्पत्ति नहीं थी। क्या वेद सामने वाले लोग उस स्थिति को लाने के लिए तैयार हैं ? नहीं, ये तो पाखंडी हैं। उस स्थिति को ये लाना नहीं चाहते हैं।

उपाध्यक्ष महोदय, एक सिद्धांत यह है कि अपने मामले में किसी को फैसला नहीं करना चाहिए। जुरिसप्रूवेन्स का यह एक मान्य सिद्धान्त है। यहां पर हमारे सुप्रीम कोर्ट की बेंच बैठती है जिसमें ऐसे भी जज होते हैं जो कि खुद शेयरहोल्डर हैं और वे भी उसमें फैसला करते हैं। इस प्रकार से जुरिसप्रूवेन्स के उस बुनियादी सिद्धान्त का हनन होता है। जब ऐसी अवस्था हो जाये तो फिर इस बात की क्या गारन्टी कि सुप्रीम कोर्ट हमारे इस विधेयक को भी रद्द नहीं कर देगी, किसी दूसरे विधेयक को भी रद्द नहीं कर देगी ? प्रगति के दूसरे विधेयकों को रद्द नहीं कर देगी ? ऐसी अवस्था में जनतन्त्र के लिए एक ही उपाय रह जाता है। जनतन्त्र में सुप्रीम कोर्ट से भी बड़ी एक और सुप्रीम अदालत होती है और वह है भारतीय जनता की अदालत। 55 करोड़ जनता की अदालत हर पांच साल में एक बार अदालत बैठती है जो कि इससे भी बड़ी अदालत होती है। उसका फैसला हमें लेना चाहिये। हम चाहते हैं कि अगला चुनाव न सिर्फ पार्लमेंट का चुनाव हो बल्कि इस पार्लमेंट को कांस्टीटुयन्ट प्रेम्बल भी बना दिया जाये-इस रूप में भी उसका चुनाव हो और उसके जरिए से संविधान में जो सम्पत्ति का अधिकार है जो कि बुनियादी अधिकार है, जो कि स्वाभाविक अधिकार बना दिया गया है, उस सम्पत्ति के अधिकार को बुनियादी अधिकारों में से निकाल दिया जाये क्योंकि तभी इस देश में सामाजिक परिवर्तन हो सकता है।

सुप्रीम कोर्ट का जो फैसला है यह हम को अमरीकी सुप्रीम कोर्ट के 1857 के उस फैसले की याद दिलाता है जो कि अमरीका के प्रधान न्यायाधीश टैन्नी ने डूड स्काट बनाम सैनफोर्ड केस में दिया था कि दास प्रथा को समाप्त कर देने का अधिकार अमरीकी पार्लमेंट को नहीं है क्योंकि दास व्यक्तिगत सम्पत्ति है। दास प्रथा का अन्त नहीं हो सकता है। लेकिन फिर क्या हुआ अमरीका में ? गृह युद्ध हुआ और उसके बाद अमरीकी संविधान में तेरहवें और चौथे संशोधनों के द्वारा संशोधन करना पड़ा और दास प्रथा का अन्त करना पड़ा। क्या हमें भी उसी रास्ते पर चलने के लिए सुप्रीम कोर्ट मजबूर करेगी हम समझते हैं सुप्रीम कोर्ट और पार्लमेंट हम को उसी रास्ते पर चलने के लिए मजबूर नहीं करेगी। ऐसी अवस्था में हमें संविधान सभा का निर्माण करके सम्पत्ति के अधिकार को बुनियादी अधिकारों में से अलग करना पड़ेगा क्योंकि तभी हम इस देश में प्रगति की गारन्टी दे सकते हैं। वरना इस देश में सामाजिक प्रगति के लिए, सामाजिक समन्वय के लिए गृह युद्ध का रास्ता अनिवार्य ही जायेगा हम आशा करते हैं कि पार्लमेंट और सुप्रीम कोर्ट हमें गृह युद्ध में डकेलने के लिए मजबूर नहीं करेगी।

SHRI P. RAMAMURTI (Madurai) : We had discussed earlier the basic principles of this Bill. Therefore, I am not going into the desirability of nationalisation or otherwise, which is now superfluous. But this Bill has been necessitated by the Supreme Court judgment over the earlier Bill. I do not know whether this Bill will stand the scrutiny of the Supreme Court. I dare say that the hon. Law Minister will say that this Bill is bound to stand scrutiny by the Supreme Court, but going by the judgment of the Supreme Court on the earlier Bill, I am not sure of what the Supreme Court will do with regard to this Bill. Why do I say so ? *

[Shri P. Ramamurti]

The Supreme Court had struck down the earlier Act on the ground that it infringed the fundamental rights guaranteed under article 19 of the Constitution that it infringed article 14 of the Constitution in regard to equality and that it also infringed article 31 (2) because the compensation provided for did not accord with that provision. These are the three questions which the Supreme Court has dealt with.

I would like to draw the attention of the House to the views held by this very Supreme Court with regard to every one of these items till this Act was struck down.

14. hrs.

The discussion of article 19 came up very early as soon as the Constitution was adopted in the year 1950 in what is known as the case of *State vs. A. K. Gopalan*. The Supreme Court itself says in its judgment on the Bank Nationalisation Act :

"In this Court, there is, however, a body of authority that the nature and extent of the protection of the fundamental rights is measured not by the operation of the State action upon the rights of the individual but its object."

The Supreme Court itself admits that this has been the authoritative pronouncement of the Supreme Court till this Act was struck down on that day. Later on, they give quotations from the judgment on A. K. Gopalan's case. I do not have enough time at my disposal, and so, I am not going into those things. Later on, they point out that :

"The principle underlying the judgment of the majority in *A. K. Gopalan's* case was extended to the protection of the freedom in respect of right to property and it was held that article 19 (1) (f) and article 31 (2) were mutually exclusive in their operation."

Then, they go on quoting a number of cases,

not one case, but a series of cases in which this was the position that was upheld by the Supreme Court till this Act was struck down. And then suddenly, we find :

"We have carefully considered the weighty pronouncements of the eminent judges who gave shape to the concept that the extent of protection of important guarantees depends upon the form and object of the State action and not upon its direct operation upon the individual's freedom."

Then, they turn round and say :

"But it is not the object of the authority making the law impairing the right of the citizen nor the form of action taken that determines the protection he can claim ; but it is the effect of the law and of the action upon the right which attracts the jurisdiction to grant relief. If this be the true view, and we think it is, in determining the impact of State action upon constitutional guarantees which are fundamental, it follows that the extent of protection against the impairment of fundamental rights is determined not by the object of the legislature nor by the form of action but by its direct operation upon the individual rights."

We find here a complete reversal, and they say "For the last 19 years we had held a different view, but now we think that this is the right view, and, therefore, what we now say must be the law." Why they hold now differently, they do not condescend to say.

Take, for example, the question of compensation. What was the position that was upheld by the Supreme Court with regard to the question of compensation ? Before 1955 the Supreme Court held that compensation must mean equal amount for the value taken away, and, therefore, the compensation must be full compensation, must be just compensation. In the 1955

amendment to the Constitution, it was provided :

"Now such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate."

Discussing the effect of that constitutional amendment, this very Supreme Court in what is known as the *Shantilal Mangaldas* case, in 1958 said—and one of the judges who gave the judgment was also sitting there in the Bank case :

"A challenge to a statute that the principles specified by it do not award a just equivalent will be in clear violation of the constitutional declaration that inadequacy of compensation provided is not justiciable."

This was the position that they had taken. Subsequently they have further clarified it in the same judgment. They have said :

"Whatever may have been the meaning of the expression 'compensation' under the unamended article 31 (2), when the Parliament has expressly enacted under the amended clause that no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate, it was intended clearly to exclude from the jurisdiction of the court an inquiry that what is fixed or determined by the application of the principles specified as compensation does not award to the owner a just equivalent of what he is deprived of."

They have further clarified it, and this is the important thing that I would like to point out. They say :

"In awarding compensation, if the potential value of the land is excluded, it cannot be said that the compensation awarded is the just equivalent of what the owner has been deprived of."

So, it was not only the actual value, not only the market value, but even the potential value which if excluded, would make it not, just compensation. Then, they further say :

"But such an exclusion only pertains to the method of ascertaining compensation, but one of the elements that should properly be taken into account in fixing the compensation is omitted."

Despite all this they say :

"It results in the adequacy of the compensation***. We, therefore, told that the Amended Act does not offend Article 31 (2) of the Constitution."

That is in spite of the fact that an important element which, according to them, should constitute one of the factors to be taken into account in fixing compensation has been excluded, that Act did not infringe the provisions of art. 31(2) because the Supreme Court is precluded from going into that question. This was the position the Court itself held till 1969 in regard to article 11(2)

Then suddenly they come round and say in the judgement on that Bank Nationalisation case :

"The value determined by excluding important components of the undertaking such as goodwill and value of unexpired period of leases will not, in our judgement, be compensation for the undertaking."

Complete topsy-turvy. 'Till last year, we held this; now we change'. And we are told that the sanctity of the Supreme Court is something that is unassailable! Why? Is it caprice? Is it acapricious judgement? What is it that made the Supreme Court turn completely turtle from the position it held for 19 years? Why is it that this has happened? We are seriously concerned with it.

[Shri P. Ramamurti]

What is the fundamental thing that moved the Supreme Court? They themselves discuss the whole question of the principles of compensation and what do they quote? The American Constitution. Then they go to England and say :

"Under the common law of England principles for payment of compensation for acquisition of property by the State are stated by Blackstone in his Commentaries on the Laws of England, 4th edition, vol....."

Then they quote from that Book :

"So great moreover is the regard of the Law ... for property that it will not authorise the least violation of it; no, not even for the general good of the whole community."

This is their outlook. Private property cannot be touched even if it is necessary to do so for the good of the community as a whole. What is more important is not the good of the community, but private property. This is the outlook of the Judges, these wonderful gentlemen of the Supreme Court, and we are told that we cannot say anything about these people.

The question naturally arises — why is it that they have done this? Is it perversity? Is it caprice? What is it that moved the Supreme Court Judges to turn completely turtle and upset all the previous judgements? They themselves interpreted the 4th Amendment as something precluding the Court from going into the question of compensation. Today they say they have gone into the whole question. I say the Supreme Court today has subverted the Constitution itself. Nobody else done it. The Fourth Amendment has been subverted by no body else except the Supreme Court itself because they themselves held the earlier position and today without assigning any reason whatsoever they say this. Why? The answer can be found only in Marxism.

Engels in his masterly work "Origin of the family private property and State" has said that the State did not exist from time immemorial; it arose as a result of the conflict that arose in society, society during the course of its development from primitive, society as a result of society rendering itself into different classes. After tracing

the growth of the state, he points out: "Because the state arose from the need to hold class antagonism in check, but because it arose at the same time in the midst of the conflict of these classes, it is as a rule the state of the most powerful, economically dominant class which through the medium of the state, also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed classes". He points out that 'in a democratic republic, wealth exercises its power indirectly, but none-the-less all the more surely'. The Supreme Court may be anything. Certainly wealth exercises its influence indirectly; no doubt in hundreds of ways it exercises its influence invisible, but certainly much more surely than in any other state.

In the earlier period when this question of interpretation of art. 19(2) in relation to art. 31(2) came up before the Court, these were case when the most dominant class economically, the most dominant class in our society, was not touched. All those things came with reference to the taking over of somebody's land for a public purpose, but this case arose when the economically most dominant class, the most powerful vested interests of this country, the big monopoly houses of this country, were affected. When their pockets were touched, when their interests were touched, the Supreme Court wakes up and says that all that they have said so far does not count, all that they have said so far is not correct, and that they now say some thing else. And now, by what are they guided? They are guided by the dictum of the british commentator on the laws of England, that property is something which is more sacred than the interests of the community at large. This is the position that they have taken.

My hon. friend Shri Ashok Sen was saying the other day that we are today governed by the rule of law. And what is that rule of law? It is the rule of law, not for the common people but for the biggest vested interests — whatever the Constitution might say—which the Supreme Court has upheld. I expected that this Government would have reacted to this judgement differently. I had expected that their reactions would have been different. What is their reaction? Their reaction is :

you ask us to pay more compensation, we will pay more compensation.

Where is the guarantee that even this would not be touched? I can quote instance after instance from that judgement where the Supreme Court is contradicting itself. For example, at one place the Supreme Court says that there is no evidence adduced to show that these 14 banking houses were carrying on any non-banking business or that they had set apart any of their assets for any non-banking business, and yet they say later on that since the Government has not given them the wherewithal to carry on non-banking business by taking away all their assets and staff, the right to carry on non-banking business, becomes an illusory thing, therefore article 14 is attracted etc.

When such is the interpretation of the Constitution, is it possible for us, for any Government in this country — I am not talking of this Government — to carry out a simple social relief measure, for example of providing house sites for the Harijans in this country? Where is this Government going to find the money for this kind of compensation, not only which should be the equivalent of its market value but also of its potential value, since all these things have to be taken into account in working out compensation.

Therefore, I had expected that this Government would have come forward with constitutional amendment providing that the question of compensation will not be justiciable in any court, under any garb, that the right to property will not be a fundamental right because the community is more important than dead property. Life is more important than death, and we are for life, we are not for death. If we had come forward and passed such a legislation, then we could have seen if supreme Court is prepared to dare to thwart the will of the entire people. But unfortunately that is not the position, the present position is one of cringing before the saviours of big business interests.

I do not know what the fate of Anyway, we pass it, but nonetheless this Bill is going to be. I warn you that with this judgement and

this kind of attitude of the Supreme Court which itself is subverting whatever has been laid down in the Constitution; it is not possible to go forward, and ultimately the people of this country will have to surround the Supreme Court with their massive will and see whether the Supreme Court dares to thwart the will of the people,

श्री तुलशी दास जाधव (बारामती): उपाध्यक्ष महोदय, जो बिल हाउस के सामने है वह दुबारा आया है। यह बिल पहले पास हुआ था लेकिन सुप्रीम कोर्ट के निर्णय के अनुसार फिर इस को लाना पड़ा। अगर इस का इंटेंशन देखा जाय तो यह है, जैसा मुझ से पहले के वक्ताओं ने कहा, कि जो गरीब लोग कुछ उद्योग घन्चे घरना चाहें और प्रोडक्शन बढ़ाना चाहें उन को सहज रीति से पैसा मिले। अगर देखा जाय तो अभी तक ऐसा नहीं हुआ। इस के बारे में सुप्रीम कोर्ट ने जो फैसला दिया है, मेरे पहले दो माननीय सदस्यों ने उस का क्वि-सिज्म किया है, लेकिन मैं यह कहना चाहता हूँ कि सुप्रीम कोर्ट को खाली जो बर्ड्स कांस्टिट्यूशन में हैं उस की ओर ही नहीं देखना है उस की स्पिरिट को भी देखना चाहिए था। उस के अनुसार उन्होंने पहले कानून का जो क्लॉज 15 (2) (ए) था उस पर आम्बेक्शन लिया था। उन्होंने उस क्लॉज जो इस लिए गलत बतलाया कि वह आर्टिकल 14 को भंग करता था। साथ ही साथ यह भी कहा कि 83 परसेंट जो पैसा मिलेगा उस से क्या काम होगा।

मेरी समझ में नहीं आता कि सुप्रीम कोर्ट क्यों अपनी सीमा से बाहर चला गया। गवर्नमेंट क्या करती क्या न करती यहाँ तक उस के जाने की कोई वजह नहीं थी। इस में तो खुल्लम खुल्ला बात थी, जैसा कि प्रिऐम्बल में लिखा गया है कि देश की सम्पत्ति बढ़े, उस का प्रोडक्शन बढ़े, इस लिये पैसा चाहिये। अगर इन बैंकों का अभी तक का अकाउंट देखा जाय तो ज्यादा से ज्यादा पैसा अमीर लोगों के लिये खर्च किया गया है, बड़े बड़े लोगों के लिए खर्च

[श्री तुलसी दास जाधव]

किया गया है। अगर इस बिज़ के पास होने के पहले 1968 का स्टेट बैंक का अकाउंट देखा जाय तो 1,000 करोड़ रुपया डिपॉजिट था। उस में से 8 करोड़ रुपया क्रेडिटर्स के रिश्तेदारों पर खर्च हुआ। इस के माने यह है कि जब 1955 में स्टेट बैंक का नेशनलाइजेशन किया गया उस समय भी यह तरीका था कि उस पैसे का इस्तेमाल ज्यादा से ज्यादा बड़े लोगों के लिये हो।

हमारे कांस्टिट्यूशन में सारी बातों का मूल यह है कि डिसेंट्रलाइजेशन आफ पावर, डिसेंट्रलाइजेशन आफ मनी हो। सुप्रीम कोर्ट का जो कहना है उस के सम्बन्ध में ज्यादा कड़े शब्दों को कहने की जरूरत नहीं है। मेरा इतना ही कहना है कि अब पुराना जमाना नहीं रहा है। जमाना बदल रहा है। अब आदमी चांद पर जा रहा है, वह आज 1200 मील की रफतार से प्लेन में चलता है। उसी रफतार से हमारी एकानमी भी बढ़ती है। 1955 में जब इम्पिरियल बैंक को स्टेट बैंक में बदला गया तब क्यों प्राब्लेमेशन नहीं किया गया और अब क्यों किया जा रहा है ?

इस राष्ट्रीयकरण से क्या फायदा हुआ है और किस को कितना पैसा मिल रहा है इस को देखने से मालूम होगा कि हम ने 1954 में समाजवादी समाजवाद को अस्त्यार किया, लेकिन पिछले 18 वर्षों में बैंकों के पैसों से कोई तरक्की नहीं हुई। अगर हिन्दुस्तान की नेशनल इनकम को देखा जाय और दूसरे देशों से उस की तुलना की जाय तो पता चलेगा कि जापान में 84 परसेंट कामशंल वॉरिंग डिपॉजिट है, अमरीका में 56 परसेंट है, कनाडा में 49 परसेंट है और भारत में कुल 14 परसेंट है। यह भी देखिये कि कितने लोगों पर एक बैंक आफिस है, विभिन्न देशों में। अमरीका कनाडा में 4,000 लोगों पर एक बैंक आफिस है, जापान में

15,000 लोगों के लिए एक बैंक आफिस है, ईरान में 11,000 लोगों के लिए एक बैंक आफिस है लेकिन हमारे देश में 79,000 लोगों के लिए एक बैंक आफिस है। वह कैसे इतने लोगों की सेवा कर पायेगा और कैसे उन को बचत करने और पैसा लेने का तरीका सिखायेगा। हमारे यहां अगर देखा जाय तो कितने लोगों के लिए एक बैंक आफिस है, इस सम्बन्ध में भी राज्यों में बड़ी विषमता है। जड़ीसा में 2 लाख 27 हजार लोगों के लिए बैंक आफिस है जब कि केरल में 37,000 लोगों पर एक बैंक आफिस है।

आज देश में काश्तकार जो कर्ज लेता है वह कहां कहां से कितना कितना कर्ज लेता है यह भी देखिये। आज काश्तकार को अपरेटिव से 34 परसेंट कर्ज लेता है, कामशंल बैंकों से 5 परसेंट कर्ज लेता है और साहूकारों से 60 परसेंट कर्ज लेता है।

इसका मतलब यह है कि अभी तक पिछले बीस बरसों में भी हम आम जनता को साहूकार के पंजे में से बाहर नहीं निकाल पाये हैं। उसको हमने साहूकार के जबड़ों में जकड़े रहने दिया है। यह ठीक बात नहीं है। इसलिए बैंकों का राष्ट्रीयकरण बहुत जरूरी था। छोटे छोटे लोगों को कर्ज उपलब्ध करना बहुत जरूरी है। सोशलाइजेशन से काम नहीं चल सकता था। सोशलाइजेशन में देखा जाये तो ओनरशिप होता है वह प्राइवेट हाथों में रहता है। उस में डिबिडेंड मिलता है और शीयरहोल्डर्स को इंटरेस्ट भी मिलता रहता है। इस वास्ते सोशलाइजेशन से काम नहीं हो सकता था और नेशनलाइजेशन का पन उठाना बहुत जरूरी था।

जहां तक कम्पेसेशन का सम्बन्ध है, यह ठीक है कि पहले वाले कानून को सुप्रीम कोर्ट

ने इस आधार पर भी रद्द कर दिया था कि उस में कम्पेंसेशन काफी नहीं दिया गया था। यहां पर कुछ माननीय सदस्यों ने भाषणों के अन्त में जा कर कह दिया कि कम्पेंसेशन देने की कोई आवश्यकता नहीं है। लेकिन हमारे जो कानून बने हुए हैं और जो डेमोक्रेसी हमारे यहां चल रही है, उस में हम को कानून का पालन तो करना ही होगा। अब जो कम्पेंसेशन दिया गया है वह काफी है, ऐसा मैं समझता हूँ। उस से ज्यादा देने की आवश्यकता नहीं है। लेकिन एक बात मैं अवश्य कहना चाहता हूँ। सुप्रीम कोर्ट का एक तरीका बन गया है। वहां पर जब कम्पेंसेशन का मामला उठाया जाता है और सुप्रीम कोर्ट समझती है कि कम्पेंसेशन कम दिया गया है तो वह निर्णय दे देती है कि कम दिया गया और इसको बढ़ाया जाना चाहिए। कितना कम्पेंसेशन दिया जाना चाहिये, यह वह बतलाती है। मैं समझता हूँ कि वह भी उसको बताना चाहिये।

अब आप देखें कि इम्पीरियल बैंक को जब नेशनलाइज किया गया था तब क्या कम्पेंसेशन दिया गया था और अब चौदह बैंकों को जब नेशनलाइज किया गया है तब क्या कम्पेंसेशन दिया जा रहा है। इंपीरियल बैंक का जब नेशनलाइजेशन किया गया तब उसके डिपॉजिट 208 करोड़ के थे और इन चौदह बैंकों के डिपॉजिट 2626 करोड़ के हैं यानी तैरह गुना इंपीरियल बैंक की ब्रांचिज 355 थी और इन चौदह बैंकों की ब्रांचिज की संख्या 4168 थी यानी ग्यारह गुना। इस तुलनात्मक रीति से देखा जाए तो भी ऐसा नहीं लगता कि कम्पेंसेशन ज्यादा दिया गया है। जो दिया गया है ठीक ही दिया गया है और इसको और ज्यादा नहीं बढ़ाया जाना चाहिए। इंपीरियल बैंक को जो कम्पेंसेशन दिया गया था वह 19.72 करोड़

दिया गया था जबकि इन चौदह बैंकों को 87.40 करोड़ दिया जा रहा है यानी साढ़े चार गुना दिया जा रहा है। हम डिपॉजिट्स को लें, ब्रांचिज को लें या किसी और भी रीति से इसको देखें तो हम इसी निष्कर्ष पर पहुंचेंगे कि जो कम्पेंसेशन दिया जा रहा है वह ज्यादा नहीं है, ठीक ही है।

इन नेशनलाइज्ड बैंकों ने जो कर्ज दिये हैं जून, 1969 से दिसम्बर, 1969 तक उनको देखा जाए तो पता चलता है कि पहले के मुकाबले में छोटे छोटे लोगों को ज्यादा कर्ज मिले हैं, वास्तुकारों इत्यादि को ज्यादा कर्ज मिले हैं। गरीब लोगों को ज्यादा कर्ज मिले हैं। बैंक मैनेजर कोशिश करते हैं ज्यादा कर्ज इन लोगों को देने की। मैंने कोल्हापुर, शोलापुर आदि में देखा है कि गरीब लोगों को इन बैंकों से पैसा मिला है और मिल रहा है। उस से उनको रोजी भी मिली है और अपनी आय बढ़ाने के अवसर भी। मेरी सरकार से और बैंकों से बिनती है कि ज्यादा से ज्यादा संख्या में ब्रांचिज खोली जायें और गरीब आदिमियों को देहातों में सुविधाएं प्रदान की जाए, वास्तुकारों को सुविधाएं प्रदान की जाए। सैल्फएम्प्लायड आदिमियों को भी इन से फायदा पहुंचे इसकी पक्की व्यवस्था आप करें। बैंकों का काम ठीक रीति से चलाया जाना चाहिए। इस काम को आप मैनेजरों और कस्टोडियनों आदि पर ही न छोड़ें। एक स्टेट कमेटी आप एप्वाइंट करें और वह उस स्टेट में इनको गाइड करे। लोगों के प्रीबेंसिस भी होते हैं, उनको दूर करे। मेरा अनुभव है कि कुछ बैंक मैनेजर होते हैं जो ठीक वरताब नहीं करते हैं और गरीब लोगों को सहारा वहां नहीं मिलता है। इसको देखा जाना चाहिए। प्रधान मंत्री तो बड़े बड़े एलान करें लेकिन अमल में वह चीज न आए तो इसका बहुत बुरा असर होगा। जो हेतु है वह ठीक रीति से पूरा हो,

[श्री तुलशी दास जाधव]

गरीब लोगों को सुझावों मिलें, ऐसी प्रवृत्ति आ जाये, यही मेरा निवेदन है।

MR DEPUTY SPEAKER: It was earlier agreed that the minister will reply at 2.30, but there are a number of parties who have not spoken yet like PSP, BKD, UIPG, etc. I will leave it to the House to decide whether it will sit late, how long, etc.

SHRI TENNETI VISWANATHAM (Visakhapatnam): The time should be extended by a reasonable extent, not less than 1½ years.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH): Time for general discussion may be extended but to that extent the time for clause by clause consideration will be curtailed. The ceiling time should not be increased.

SHRI S. S. KOTHARI (Mandsaur): No, Sir, The time for Second reading should not be curtailed.

SHRI RAGHU RAMAIAH: Even as it is, it will take us till 8 o'clock. Unless members want to sit later than that, it is better not to extend the time. I am entirely in the hands of the House. I was suggesting that you can have some more time for general discussion, which can be adjusted from the time for clause-by-clause considerations so that the ceiling time may not be increased. But I am in the hands of the House.

MR. DEPUTY-SPEAKER: Let us go on. Let the other parties who have got time left speak. After that, we shall see.

SHRI S. KUNDU (Balasore): Last time when the Bill was discussed here, we on behalf of our party welcomed it, gave limited support and said that foreign banks and other banks also should be nationalised. At that time, we pointed out that there was a possibility of that Bill, which was discussed and passed in a hurry, being struck down by the Supreme Court. Our fears came true. Now again this Bill is here before us. I have again the same fear that this Bill also might be struck down by the Supreme Court. I do not agree with the principles laid down by the majority judgment of the Supreme

Court nor do I pardon the sense of complacency exhibited by Mr. Govinda Menon. He says, since we have fixed the question of compensation, it is not illusory and the Supreme Court is not going to strike it down.

It is time we went into the essence of the matter. The essence of the matter is, now do the fundamental rights and other rights given in the Constitution come into conflict with any legislation we bring forward, which is oriented for the upliftment of the people? In different ways, the Supreme Court is trying to hamper the various progressive measures we are going to take. As I said, I have my fear that even this Bill according to the judgment of the Supreme Court, may be struck down again, because the Supreme Court has said that any principle you may lay down for compensation, whether it is illusory or not, "appropriate" or not, to quote their words, would be called into question. I would like to read a few lines from the judgment of the Supreme Court:

"...the amount of compensation shall be deemed to be a single compensation, compensation being the equivalent in terms of money of the property compulsorily acquired. The principle of determination of compensation is not only to award the expropriated owner the value of the property acquired..."

Then comes another important portion:

"We are unable to hold that the principles specified by Parliament for determining the compensation of the property to be acquired as conclusive. If the view is accepted that Parliament will be invested with a charter of arbitrariness and all abuse of legislative process, the constitutional guarantee of the right to compensation may be severely impaired."

Then come the most important words:

"The principles specified must be appropriate to the determination of compensation for the particular class of property sought to be acquired."

The Supreme Court have said it in so many words that they would reserve the right to decide the compensation, Shri Govinda Menon has increased the compensation amount from Rs. 75 crores to Rs. 87 crores and odd, hoping that the Supreme Court would be satisfied with it. I am sure the Supreme Court judges are not going to favour him. They will say that the compensation is not 'appropriate' because Government have not taken into consideration the value of shares involving thousands of crores. Therefore, it would be appropriate for Shri Govinda Menon to explain to this House how he feels that this Bill is not likely to be questioned by the courts, for he says :—I am quoting from his speech—

"...and once the compensation is fixed, it becomes not subject to judicial review. This is the line which we have adopted in the Fourth Amendment to the Constitution."

Now he is called upon to explain how it is not subject to judicial review when the Supreme Court judges themselves say that the principle determining compensation should be appropriate and Parliament cannot act arbitrarily and usurp the rights which have been given to them by the people through the Constitution?

14 32 hrs.

[SHRIMATI SUSHILA ROHATGI *in the chair*]

Though the reasoning may be different, Shri Govinda Menon agrees with the idea of the Supreme Court for in the subsequent lines of his speech he is feeling for the bankers, the rich people; whose shares have been expropriated or taken over. He says :

"When such a responsibility is vested in Parliament, Parliament has also to see that in fixing the compensation there is no element of unfairness involved because, after all, though these sector banks being to the corporate called limited companies, ultimately the owners are the shareholders and when we are taking over these undertakings in the interest of the common people, we should also see to it that the interests of the shareholders, who

are also common people, are not effected in any way."

Thanks to the genius of Shri Govinda Menon, the bankers who hold shares worth crores of rupees and who dominated important trade, commerce and industry of India for the last so many years are equated with the weak teeming common people of India in the matter of compensation. In other words, there is no basic difference between the attitude of the Supreme Court and the attitude of the party to which Shri Govinda Menon belongs.

In order to have a proper understanding of the situation we must have a clear concept of property. Who gave this property to whom? When the Britishers occupied this country, in order to ensure their permanent settlement they accommodated many people with large chunks of property. When the British people came here and created many semi-sovereign State within a sovereign State, a monarchy within a monarchy, in order to perpetuate British imperialism, they also created new rights to property. Is it because God gave the bankers or the Britishers gave them the right which is enshrined in the Constitution? It is very vital. The time has come when we have to discuss this aspect of the matter dispassionately provided we are really going to effect some real good changes for the common people.

It is correct as one Judge has said—I think, perhaps Shri Govinda Menon has quoted that—that Judges are behind the people by three generations or three decades. Sometimes I feel that the duration of this Parliament should be cut down from five years to four years so that younger people come with new ideas who can correctly reflect the hopes and aspirations of the people. Since Judges and advocates are backdated and the people who pilot such Bills do so under compulsion of circumstances—there is no will on the part of Government to bring forward this sort of a Bill; they have been forced to take this decision because it is a question of survival...

MR. CHAIRMAN : The hon. Member's time is up.

SHRI S. KUNDU : Kindly give me two or three minutes more. I thought, the time allowed to our party was 17 minutes.

MR. CHAIRMAN : I am sorry; it was nine minutes. Anyway, you can have another two minutes.

SHRI S. KUNDU : Since time is so short and the subject is so big, I shall drop this point here.

Having said all this, I would touch upon a few points quickly. It is good that Shri Govinda Menon gave us some statistics and figures about the achievements of these banks during this period. These achievements are that for small-scale industries the amount rose from Rs. 143 crores to Rs. 169 crores and for agriculture from Rs. 26.96 crores to Rs. 57.94 crores. But can he say to which sector of the community this money has gone? I have tried it as a test case with two people, one Harijan in my constituency and one poor Muslim. I certified the Muslim who had a small shop and told him to go and get Rs. 1,500 from the bank. He could not get it. I told a Harijan who wanted to establish brick business to go and get Rs. 5,000. He could not get it. It is because you have not discarded the traditional concept of creditworthiness. The bank asked him to give surety. He has no land; sometimes he gets Rs. 2 or Rs. 3 through saving. How can he have creditworthiness? If you do not evolve any credit policy, if you do not reorient the credit policy to meet the needs of the common people, the entire thing will be frustrated. This is the greatest challenge.

In the rural sector you see how these moneylenders, the vested interest, act to corrode the rural life of the country. They suck the blood of the poor people. The rate of interest is 200 per cent. Can you stop this vested interest? For that you have to take to a dynamic approach. Ask your boys who with their neckties on sit in air-conditioned rooms to go to the villages, money lenders open rural banks and fight against freeze. Bring a law by which you freeze all sorts of deals which have given rise to private lending. If you do not do that, the benefits out of it will still be illusory. The money will flow to the big businessmen and you cannot stop it because in the priority sector there will be demand and the money will not be available for the sector. Please do not forget the report of the Industrial Licensing Committee. They have said specifically that you have to develop

certain norms to see that the money goes to the small traders and the small businessmen. The man does not know how to fill up the form, how to get the money and whom and where to approach.

Unless you create this new awareness among the people, all that you are singing is a swan song. You may please yourself for the moment but you will find after a few years that you have also displeased yourself because the angry young generation will not forget you and forgive you.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : Madam Chairman, may I congratulate the Government on the quickness with which they have brought this legislation although it is not an adequate piece of legislation? May I take this opportunity to congratulate the Supreme Court also on their success in couching a political judgment in fine judicial language?

When we read the judgment, we find that whatever remarks they made while the case was being heard were all carefully screened and only judicial language was actually inscribed in the judgment. But, Madam, may I point out this? Although there are no writ petitions immediately on the present Bill the Supreme Court has indicated many points on which this legislation could be further scrutinised.

The points were raised by the parties but the Court chose to say, 'We shall not express an opinion because we are going to decide the petitions upon another point. We shall not express our opinion on this point.' Some four or five points were left like that. The very first point was whether there was hostile discrimination on the ground that there is no nexus between the object and the Act. May I quote from the judgment?

"It is apparently claimed that the object of the Government—not of the statute—is to acquire ultimately all banking institutions."

I believe the Counsel for the Government said it. Otherwise, the judgment would not have indicated it. I submit now it is

time for the Government to have taken the due from what has been said there and included all the banks even now. The Court says :

"It is apparently claimed that the object of the Government—not of the statute—is to acquire ultimately all banking institutions, 14 named banks are selected for acquisition because they have 'larger business'..."

Now these grounds 'larger business' etc. "are primarily grounds for a classification and not for explaining the relation between the classification and the object of the Act". That is most important. It has not been met in this Bill which is now here under discussion. The judgment further says :

"In the absence of any reliable data we do not think it necessary to express an opinion on the question whether selection of the undertakings of some out of the many banking institutions, for compulsory acquisition, is liable to be struck down as hostile discrimination on the ground that there is no reasonable relation between the differential and the object of the Act which cannot be substantially served even by the acquisition of the undertakings of all the banks out of which the selection is made."

Elsewhere it points out that even if all the banks are nationalised, still they would not be able to give the necessary resources for the Government with which the Government wanted to capture the heights of the Indian economy and still the nexus would not be present between object and the Act. This is a point which has not been met in the present Bill also. I submit the Government must take some care about it.

Also at another place the Supreme Court left another point open whether cash and choses in action can be subject matters of acquisition. The point was raised while looking at Part I of the Schedule ; whether cash could be subject matter of acquisition, there also the Supreme Court says, "We

leave it without expressing an opinion." Perhaps the Government might say that now in the present Bill the principles are not in question. Compensation was provided as a specified amount. Therefore, perhaps, the question may not be taken up by the Supreme Court. But there also the Supreme Court has again said, 'Although it is true that the Constitution says that when a cash is fixed, it will not be justiciable', still it has said, 'If the amount is illusory in our opinion, we shall go into it.' What is 'illusory' or not—God alone knows. It is a matter of relative understanding depending upon the circumstances, depending upon the social, political and economic atmosphere prevailing in the country at the time when it comes up for decision. That is another lacuna.

Now, another point was raised,—this is about banking business and other business. The Court said : "We shall not express our opinion". Also, on the point when there are two lines of business and only one is acquired, whether it is valid with regard to the other. So, with regard to the other line of business, the Court has kept it open.

Another question was raised under Article 301 of the Constitution—whether this nationalisation affects the guarantee given for freedom of trade under Article 301. On that also again the Court said "We shall not express any opinion."

Now, I am submitting these things, only to show that this Bill does not seem to be the *finale* of all our troubles. The Supreme Court has decided finally on only one question and that relates to Article 31 (2) and even there what is it that they have said? They have said, the principles adumbrated in the impugned Act are not relevant. What we see is, now the word 'relevancy' has been given a new meaning. Altogether, all these years, we were understanding the word 'relevancy' in Courts in a particular way and what is the meaning which they have now attached to this word 'relevancy'? Two things were not included in the calculation of the compensation as adumbrated in Part-I of the Bill. One is Goodwill. And, God alone knows what they mean by goodwill. And the other is the long-term leases, the unexpired leases—they were not taken into account. Why they should be taken into account, I do not understand. The new

[Shri Tenneti Viswanathan]

banks will have to pay the lease amounts as long as the leases last and the new Banks will be subjected to other liabilities under these leases. Why should these be taken into account and be paid for? We do not see the reason. Previously we saw goodwill was not taken into account. I want to know whether goodwill was given any particular value when the State Bank was created. We do not know that, whether that is the practice. If that is not the practice, we do not know what is the exact explanation from the argument given by the Counsel for the petitioners. We do not know why this 'goodwill' has suddenly come as a bolt from the blue.

Now, what is "relevancy"? All the points in Part I of Schedule to the Act are justiciable they said. What is the difference? In the previous Act the long-term leases were not included; goodwill was not included in the valuation. Could these two omissions make the principles irrelevant? So, what I submit is this: The scheme was bogged by a particular process of thinking by the judges, but it has been couched in correct judicial language. But, as I have said, there are other points on which the Court was perfectly right and the Government should have taken care of them. I have already read from the judgement. Is there not enough discrimination even now under this Bill? If you want to nationalise banking what is the difficulty in taking the other Banks also? Nasser had to difficulty in taking over Suez Canal in a trice. What is the great difficulty in taking over the management of the few other remaining banks? They do not count for more than one-fourth of the business. Nationalising them won't throw a very high burden on the exchequer. But on this point of classification the Supreme Court has said that they reserve the opinion for themselves. They said in effect: We shall see; there is no doubt some intelligent litigant or somebody else may come to us and then we can think about it. So what I ask is this: Why should not the Government think beforehand? Why did they leave the whole matter in a nebulous condition? The Government simply say, we shall specify the amount and be done with it. What is the amount they would pay? Rs. 20 crores extra on goodwill basis. They say, the Supreme Court has no right to go into the 'amount'. If we fix the amount the

Supreme Court has no right to go into the adequacy of the amount. But the Government should take us into confidence and they should say, on what basis they came to the amount of Rs. 67 crores and now to the amount of Rs. 89 crores.

What is the basis we do not know. The very purpose of the constitutional reading is that we say that Parliament cannot go into it. It is based upon the assumption that Parliament has duly considered it that after knowing all the full facts have we fixed the amount or have the Executive fixed that? The Parliament should know the basis on which it fixed this figure of Rs. 89 crores. Would you give Rs. 20 crores extra for the so-called goodwill and for the unexpired leases which are still a liability upon the new banks? Is the goodwill worth Rs. 20 crores? Please let us understand on what basis we have done that.

SHRI P. GOVINDA MENON :
Wherefrom did you get the figure of Rs. 20 crores? I think it was from Rs. 67 crores to Rs. 80 crores.

SHRI TENNETI VISWANATHAM :
If that is so, I stand corrected. Is it the cost of the goodwill which you are giving? Have you stated it? Let us understand that if you have done it. It is only after due consideration of all the factors that we can arrive at a particular figure. When we say that the Constitution does not permit the Supreme Court to go into inadequacy of it, it does not mean we are barred from scrutinising it. If we do not scrutinise the figure, I do not think that we will be doing justice to the spirit of the Constitution. On this question—I will not take much more time on this—it is liable to be struck down again on the ground of hostile discrimination because that point has been left specially open. You nationalised fourteen banks. The point now is that you still persist on nationalising only the fourteen banks and therefore please take the consequence.

श्री प्रकाशवीर शास्त्री (हावुड़) : सभा-
ध्यक्षा जी, राष्ट्रीय सम्पत्ति चन्द हाथों में न
रहे और राष्ट्रीय सम्पत्ति का उपयोग चन्द
व्यक्ति ही न करें इस में दो रायें नहीं हो सकती

हैं। इसी दृष्टि से सरकार बैंकों के राष्ट्रीयकरण की ओर जा रही है। मैं भी इसी सिलसिले में अपने कुछ सुझाव प्रस्तुत करना चाहता हूँ। पहली बात तो मैं सरकार आपके माध्यम से यह कहना चाहता हूँ कि बैंकों का नेशनलाइजेशन हो, लेकिन बैंकों का व्यूरोक्रेटाइजेशन या पोलिटी-कलाइजेशन न हो। इस से मेरा सीधा अभिप्राय यह है कि जिन बैंकों का राष्ट्रीयकरण किया जाय उन के ऊपर अफसरशाही न छा जाय या उन के ऊपर राजनीतिक पाटियाँ न छा जायें। सरकार जिन लोगों को सुविधायें देने की दृष्टि से पग उठाने जा रही है उनके बारे में अभी से कानों में उलटी बातें आने लगी हैं। कुछ दलाल इस प्रकार के बीच में घाने लगे हैं जो सीधे-साधे अनपढ़ किसानों के पास पहुँचते हैं और उन के पास जा कर कहते हैं कि हम तुम को इतना ऋण देना देंगे लेकिन तुम को इतने प्रतिशत हम को देना होगा और इन लोगों का सम्बन्ध उन अफसरशाहों के साथ होता है। हमारे यहाँ एक कहावत है अभी तो पैठ भी नहीं लगी, गठकटे पहले ही आ गये। अभी राष्ट्रीयकरण प्रारम्भ भी नहीं हुआ, इन दलालों ने अभी से उस की भावना पर आघात करना शुरू कर दिया है। राष्ट्रीयकरण का यह दुरुपयोग नहीं होना चाहिये।

दूसरी बात मैं यह कहना चाहता हूँ अभी पीछे एक प्रश्न में यह बात यहाँ आई थी कि किस राजनीतिक पार्टी को कहाँ कहाँ से चन्दा मिला? इस में कुछ बैंकों के नाम भी थे। उन्होंने सत्तारूढ़ पार्टी को इतने लाख रुपये दिये। मैं चाहता हूँ कि राष्ट्रीयकरण होने के पश्चात् राजनीतिक पार्टियाँ अपने लिये कुछ आचार-संहिता बनायें और वह आचार-संहिता इस प्रकार भी हो कि जिससे राष्ट्रीयकरण की जो शुद्ध भावना है, उस का दुरुपयोग न हो सके।

तीसरी बात मैं यह कहना चाहता हूँ कि इन बैंकों के पास जितना पैसा है, वह बड़े बड़े पूंजीपतियों का तो है नहीं, वे लोग तो और दूसरों के पैसों को लेकर अपने संगठनों में लगाना चाहते हैं। न ही यह उन का है जो सुबह कमाते हैं और शाम को खाते हैं, आम तौर से मध्यम श्रेणी के लोगों का पैसा इन बैंकों में जमा है। मेरी यह इच्छा है कि जहाँ खातेदारों के पैसों को सुरक्षा होनी चाहिये, वहाँ मैं यह भी चाहता हूँ कि ऋण देने की जो परम्परा है उस में जहाँ किसी की स्थायी सम्पत्ति देखी जाय, या किसी की ग्राधिक स्थिति देखी जाय, वहाँ साथ ही साथ जो व्यक्तित्व की पृष्ठभूमि है, उस को भी आँखों से ओझल न किया जाय। ग्रंथों के समय में यह बात थी—कौन आदमी कितनी मालगुजारी देता है, कौन कितना इन्कम टैक्स देता है, इस से उस के व्यक्तित्व को भी आँका जाता था। लेकिन स्वतन्त्र भारत में वह पद्धति क्यों जारी है यह सभस में नहीं आता है। अगर किसी का व्यक्तित्व इतना ऊँचा है, लेकिन उस के पास सम्पत्ति नहीं है, इसी लिये वह ऋण नहीं ले सकता है—यह समाप्त होना चाहिये।

मेरा चौथा सुझाव उस डिस्क्रिमिनेशन के बारे में है जो विदेशी बैंकों के सम्बन्ध में इस सरकार ने किया है। मैं चाहता हूँ कि जहाँ विदेशी बैंकों के सम्बन्ध में सरकार निर्णय ले, वहाँ आपने जो यह सिद्धान्त अपनाया है कि 50 करोड़ से अधिक जिन बैंकों की पूंजी होगी उन का राष्ट्रीयकरण किया जायगा, उस बारे में श्री गोविंद मेनन से मैं पूछना चाहता हूँ कि इन 14 बैंकों के अतिरिक्त क्या कोई एक ऐसा बैंक भी है कि जिस समय पहले पहल यह बिल लाया गया था, उस से पहले 50 करोड़ की पूंजी नहीं थी, लेकिन विवेक के लाने के बाद उस की पूंजी 50 करोड़ हो गई। क्या इस की जानकारी आपको है और यदि है तो इस बैंक के सम्बन्ध में आपकी क्या नीति रहेगी। मैं चाहता

[श्री प्रकाशवीर शास्त्री]

है कि एक सिद्धान्त निर्धारित किया जाय और वह सब के ऊपर समान रूप से लागू हो चाहे देशी बैंक हो या विदेशी बैंक हों। इस में ऐसा न किया जाय कि इस को तो हम लेंगे और इस को नहीं लेंगे।

पांचवीं बात में कहना चाहता हूँ कि सर्वोच्च न्यायालय के सम्बन्ध में। मेरे मित्र जो मार्क्सिस्ट कम्युनिस्ट पार्टी के हैं वे यदि उस की आलोचना करें तो बात समझ में आती है। कारण यह है कि वे पियुपिज—कोर्ट के भादी हैं, जो चीजें पीकिंग या दूसरे ऐसे ही देशों से चलती हैं, वे उन का पालन करते हैं। लेकिन जहाँ तक हमारी स्थिति है उसमें मैं चाहता हूँ कि लामिनिस्टर महोदय उत्तर देते समय अपने कथन में इस बात को भी अवश्य सम्मिलित करें। आपके सरकारी बैंकों पर बैठने वाले मिनिस्टर लोग जब सर्वोच्च न्यायालय के निर्णयों की आलोचना करते हैं और उस पर सरकार अपने होंठ बन्द कर लेती है तो इस पर देश के अन्दर प्रतिक्रिया होनी स्वाभाविक है। इस प्रकार के व्यक्ति जो अर्ध-परकारी के संगठनों के बड़े बड़े पदों पर हैं जैसे मोहनकुमार मंगलम जैसे लोग या सरकारी बैंकों पर बैठने वाले श्री खाडिलकर जैसे लोग जब आलोचना करें और सरकार श्रुप रहे तो ऐसा लगता है कि सरकार की भी इस के अन्दर सहमति है।

सभाध्यक्षा जी, जिन दिनों सर्वोच्च न्यायालय का निर्णय आया, उन दिनों में सिगापुर में था। उस निर्णय को देख कर वहाँ के लोगों के मन में यह भाव पैदा हुआ कि भारत वर्ष में आज भी सर्वोच्च न्यायालय सरकारी प्रभाव से मुक्त हो कर कार्य कर रहा है। लेकिन यदि इसी प्रकार से सर्वोच्च न्यायालय की आलोचना की जाने लगेगी तो मैं समझता हूँ कि यह हल्की राजनीति वहाँ भी प्रवेश कर जायगी। अब

सुना तो यहाँ तक गया है और मैं चाहता हूँ कि गोविन्द मेनन इस बात का स्पष्ट उल्लेख करें कि पीछे सत्तारूढ़ पार्टी के कुछ लोगों ने सुप्रीम कोर्ट के जजेज के इम्पीचमेंट के सम्बन्ध में हस्ताक्षर कराने प्रारम्भ कर दिये थे। मुझे पता नहीं आज वह बात कहाँ है या किस स्थिति में है? लेकिन दिल्ली में यह चर्चा बहुत जोरों से सुनाई पड़ रही है कि चीफ जस्टिस के एप्वाइन्टमेंट में सोनियोरिटी को काउन्ट न किया जाय। उन की सेवाओं को आधार न माना जाय बल्कि बाहर से किसी व्यक्ति को उस पद पर डायरेक्टली एप्वाइन्ट किया जाय। अगर इस प्रकार की स्थिति होगी तो मैं चेतावनी देना चाहता हूँ कि जनतन्त्र की रक्षा का जो सब से बड़ा मन्दिर है, उस की नींव हिल जायगी। देश के अन्दर इस की व्यापक प्रतिक्रिया होगी। मैं चाहता हूँ कि इस के सम्बन्ध में स्पष्ट उत्तर दें।

आखरी दो बातें जिनको मैं संकेत में कह कर समाप्त करना चाहता हूँ वह यह हैं—जब आप बैंकों का राष्ट्रीयकरण करने जा रहे हैं और उन लोगों के लिये करने जा रहे हैं जो साधारण स्थिति के हैं तो आपके निर्णयों को वे समझ सकें, इस के लिए आप क्या व्यवस्था कर रहे उन की भाषाओं में भी ये सारी चीजें आनी चाहिये जिसे वे इसका लाभ उठा सकें। अभी आपके बैंकों पर अंग्रेजी का प्रभाव बुरी तरह से छाया हुआ है और आपके निर्णय जनसाधारण तक नहीं पहुँच पाते हैं। मैं यह नहीं कहता हूँ कि बैंकों का सारा कारोबार हिन्दी में हो, लेकिन मैं चाहता हूँ कि सभी भारतीय भाषाओं में हो। सभी भाषाओं के लोग आपके निर्णयों से परिचित हो सकें। इस के सम्बन्ध में आपको शीघ्र निर्णय लेना चाहिये। प्रधान मंत्री जी ने अभी पीछे कहा था कि उन्होंने बैंकों के प्रतिनिधियों की जो बैठक बुलाई थी, उस में भी

उन्होंने इस बात का संकेत भी किया था। लेकिन अभी तक उस को कोई व्यावहारिक रूप मिल पाया है, इस में मुझे सन्देह है।

conditions when democracy may not survive.

15 hrs.

आखरी बात वह है कि आपने गांवों के अन्दर शाखाएँ खोलने का जो निर्णय किया है उस के सम्बन्ध में मेरा कहना यह है कि आप कुछ सिद्धान्त निर्धारित कीजिए। उन सिद्धान्तों में अपनी ओर से मैं एक सुझाव यह देना चाहता हूँ कि जहाँ जहाँ ब्लाक डेवलपमेन्ट के आफिस हैं या विकास—खण्डों के कार्यालय हैं, वहाँ वहाँ इन बैंकों का शाखाएँ खोलें। मैं समझता हूँ कि सारे गांवों के लोग विकास खण्डों के कार्यालयों में आते-जाते हैं, बैंक की शाखा वहाँ होने से वे भी उस को लाभ उठा सकेंगे।

After all, our judiciary is composed of human material, and it is quite possible that judges may also be carried a way by their own predilections and biases in social, political and economic matters. This supreme Parliament of this country cannot, therefore, overlook this eventuality and has to guard against it. Shri M. R. Masani warned this House that probably the present Bill also would be struck down because of the hostile discrimination ground upheld by the Supreme Court and also because of the compensation not being adequate. But I warn this country through you that that will create a condition when the judiciary will be accused of bringing about a revolt in this country. When a legal system cannot do social or economic justice to the people, then that legal system has outlived its utility in the present set-up.

मैं समझता हूँ कि मेरे इन सुझावों को भी निश्चित रूप से आप अपने निर्णयों में सम्मिलित कर लेंगे।

Therefore, we feel that Parliament is supreme. In a democracy, the will of the people is supreme. Therefore, the time has come when we shall have to take a quick decision to assert that the will of the people will be supreme and the judiciary will have to function accordingly.

SHRI KRISHNA KUMAR CHATTERJI (Howrah) : After the Supreme Court struck down the Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1969, the Law Minister has brought forward this present Bill formulated in the light of the Supreme Court judgment.

SHRI LOBO PRABHU (Udipi) : Nationalise the Supreme Court.

Our judiciary in this country has a distinguished place. There is no doubt about it. But the time has come when with the political, economic and social changes in the country, our judiciary has got to function in a different way altogether. Justice demands it that any Act of Parliament passed as a very verdict given by the people in a legal and a constitutional form ought to be accepted by the judiciary in that spirit. Military is not the only instrument which can destroy democracy and the democratic way of life. Sometimes, purported rule of law may also bring about

SHRI KRISHNA KUMAR CHATTERJI : I yield to none in my respect for the judiciary. But I do feel that when the judicial system takes to perversion, it is high time that this Parliament sends into the heart of the judiciary the feeling that they have to move with the time and with the changes of time.

The nationalisation of the banking institutions was a demand from all sections of the people of this country, except, of course, a few monopolists and vested inter-

[Shri Krishna Kumar Chatterji]

rests. Therefore, when this 1969 Act was struck down, the whole country mourned this catastrophe, and the entire country mourned it. This nationalisation had brought about a new heart into the people. The weaker sections of the community felt that they would get justice. Sir, I represent a constituency where medium-sized and small-scale industries are there; there are engineering factories and other industrial concerns. They were gasping for their rights because of the hostile discrimination practised on them by the big banks. As soon as the banks were nationalised, it put a new heart into them, and they have again been brought into life and they feel that now they will get justice. I am one of those who are connected with the automobile organisation. I know that because of the new credit policy with regard to transport, buses, trucks and taxis, a new life has come into the transport system itself and it has pulsated the transport operator with a new sense of venture and he will now see that the transport system reaches the remotest villages and thereby establish quick communication with the poorest sections of our people. We feel that this bank nationalisation will bring about a situation when even the Adibasis and the Scheduled Castes People who have been neglected for so long and who had been bled white by the boarders and the moneylenders and the unscrupulous traders would be saved from their clutches.

Even if this Bill faces the danger of being struck down by the Supreme Court judgment, I would urge upon this House that if the Supreme Court takes that attitude, then this Parliament will have to face this challenge and see that nationalisation of not only these 14 banks but of all the banking institutions in the country and credit institutions in this country is brought forward to serve the people's cause and the cause of the weaker sections of the community.

SHRIMATI TARKESHWARI SINHA
(Barh): I think you for giving me time to speak.

This enactment was from the very

beginning not only a piece of social legislation, but it has very important economic and legal connotations too. I remember when we are discussing the original Bill, some of us had persistently made effort and requested Government to give a little more time to it by referring it to a Select Committee for a few days so that all its legal complications could be examined overcome. But the attitude of Government seemed to be completely one of obstinacy and they wanted to make the best propaganda use of bank nationalisation. Hence they did not agree to it.

Many members were at that time apprehending that it would be struck down. So as it has happened, it has not come as a surprise to anybody. It could not be discussed in its proper perspective because of the political emotion and political overtones. I am glad this time when Government brought forward the Bill, they were also aware of the damage that they did not only to the prestige of Government but of Parliament also, because I think this is the first time in the history of the country that an Act has been struck down, by the Supreme Court lock, and barrel.

They have rectified some of the mistakes that were made. In doing so, some cleverness was also noticeable. Shri Govinda Menon has interpreted the objection concerning discrimination and has sought to get over it by saying that by providing for facilities for these banking companies also to do banking business, this has been taken care of. Yes, it is a fact that in words a clever method has been adopted—I think cleverness has become the by-word of this Government, not propriety. Anything that is clever for the moment is acceptable.

I do not think they have managed to plug the legal loopholes by providing that those banking companies could go in for banking business, knowing full well that these companies would have to go to the Reserve Bank for getting permission and naturally, there the discretionary power of

the Reserve Bank would be applied. So it will be a denial through the backdoor which will be legal, which will not come under the purview of the law.

I do not understand why so such is being said about the judgment itself. Many persons have been saying that a particular article of the Constitution has been applied while another has not been properly applied. The case of Shri Gopalan was cited a number of times. I would like to say that the Court in its present judgment has taken great care to see that no article of the Constitution should be contradictory to another, and the rule of compatibility and harmonious construction should be applied in the interpretation of one fundamental article with another.

Take the articles of the Constitution themselves. Art. 14 certainly says that no discrimination will be permitted against anybody. It is absolute. There is certainly art. 19 (6) under which partial nationalisation can be done. Sometimes art. 19 (6) has been applied *in toto*; sometimes art. 19 (6) has been applied *in toto*; sometimes article 31, and article 31 (2) have been applied *in toto*. In the judgment itself, there have been same contradictions. That was primarily due to the faulty drafting of the articles. Art. 14 is absolute in its terminology and gives a blanket power for interpretation. I was surprised when Shri S. R. Das in one of his talks at the Institute of Constitutional and Parliamentary Studies said that different interpretations have been put by the present judgment on the basis of the articles themselves. Thus the articles themselves have provided ground for different interpretations in the judgments. That is why there have been differences in judgments in the past. The present judgment is an absolutely fool-proof one because it has been taken care to represent the totality of the articles. I am surprised why so much blame is being put on the judgment itself, because what has the Supreme Court said? They have said that the compensation was not fair and

proper. The Supreme Court has not decided the quantum of compensation. Article 31A says :

"Notwithstanding anything contained in article 13, no law providing for—

- (a) the acquisition by the State of any estate or any rights therein or the extinguishment or modification of any such rights, or
- (b) the taking over..."

But article 31 (2) itself says :

"No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given ;"

This is the article which has been interpreted by the Supreme Court, and what else could they have done? It is Government which came to this House with the original Bill giving a large amount of compensation. They had provided Rs. 70 crores on the basis of certain principles, so called principles which were not principles, and that Act went before the Supreme Court. The Supreme Court said that this article has not been interpreted in its true spirit because while you have fixed compensation on certain principles which you have decided, which Parliament has decided, this compensation leaves grounds for so many omissions and they said you have not taken into account the assets, goodwill another things. They have never questioned the right of Parliament to nationalise. It is unfair to criticise the Supreme Court judgment on this issue because they have not questioned the right of Parliament to provide compensation. It is only a political propaganda

[Shrimati Tarkeshwari Sinha]

which is being made with some ulterior purposes. If the fault is that of anybody, let the Leftist Members on this side realise that the fault is that of the Government which originally provided Rs. 70 crores by laying down these principles.

A better thing could have been done, but in those days before the political propaganda, no sensible words could be heard. The Government was so blind and deaf that nothing could be said. In this House we had raised these objections, we said that 41 per cent of the shares belonged to Government agencies, 31 per cent to LIC and 10 per cent to the Unit Trust, and pointed out that nationalisation should be done in the way that Mr. C. D. Deshmukh did by buying the shares of Insurance companies and making the Government the owners of those companies. They had only to buy 10 to 11 per cent of the shares of the Banks and the Banks would have come to Government without any upsetting, any reflection on the enactment, any embarrassment to the Government, but naturally in those days if this sensible method had been adopted, where would have been the propaganda material for Mrs. Gandhi, the tinned, canned propaganda material which has been released through bank nationalisation would not have been available to Mrs. Gandhi to wear the mask of a socialist personality, and that was the very purpose. This was done with a definite purpose, and if anybody is to be blamed for higher compensation, it is the Government and the Government alone, and not the Supreme Court. The Supreme Court has only said that whatever may be the amount of compensation fixed, the correct principles have not been taken into account.

Now, I would like to say why we have demanded nationalisation of foreign Banks. Apart from the legal connotation, this Bill may again go before the Supreme Court. To me there seems to be total discrimination. One may say that partial nationalisation is permissible under article 19(b). They have said that any bank with 50 crores or above will be nationalised. The foreign banks are banks which have got more than Rs. 50 crores. How can you say that you will

nationalise one set of banks with 50 crores and not nationalise another set of banks with more than Rs. 50 crores? Out of 67 banks which had not been nationalised, fifteen are foreign banks with a total deposit of Rs. 478 crores, while the deposits with the non-nationalised Indian banks amount to Rs. 324 crores. I do not understand how any Government can say that this is not discrimination.

The President of All India Bank officers association, Mr. R. C. Chakravarty—who probably knows more about banking than the hon. Ministers sitting on that side—has in a press conference referred to this matter and he says that foreign banks mainly help foreign industries with Indian money; he says that they are here just to take away their capital which they had been repatriating with huge profit all these years and that they could easily be taken over as no money was to be paid for their share capital and only the land and buildings whose book value was almost nil would require to be paid, which would come to a small amount of compensation which will amount to a negligible sum. This is what he says.

A country like Malaysia which does not pretend to be socialist had created a kind of feeling in their mind; look here, you cannot get away with what you do; you have to accept our law. They say that they will not permit nationalised sector banks to operate in their country. So, our Government are compelled to leave these banks in non-nationalised sector to operate as private banks. They do not have the guts to operate our own laws in our country. After all who are the depositors? Our own people. Let the foreign banks realise that they have to function in this country and that their will cannot be superimposed; they have to function under the law of this country. I see no justification for not nationalising foreign banks.

15.18 hrs.

[MR. SPEAKER *in the Chair*]

No efforts had been made to mobilise savings or to run regular specialised savings

banks. According to the figures of the Reserve Bank the bank deposits in our country represent 15 per cent of the gross national product compared to 85 per cent in Japan or 60 per cent in the United Kingdom. We are the lowest. Unless some special efforts are made, the position will not improve.

A sense of participation must be created among the workers. Big slogans were given about workers' participation in management. But nothing has done to implement it. They should not raise these slogans to make a fool of everybody. If they mean business, they must do it. I want that there should be membership for the workers, right now, in the board of directors of banks. There is no legal difficulty; it was an internal matter coming under the management of the banks. It had nothing to do with the case pending before the Supreme Court. But Mrs. Gandhi said: we cannot do anything because of the case before the Supreme Court. Were the deposits prevented by the Supreme Court? It is really a falsehood to say that deposits were prevented because of the case pending before the Supreme Court. Representation of workers in the board of directors was not a matter before the Supreme Court and there was no ban on it. I think it is a misnomer; it is falsehood: the propaganda that the Government has been making that they have not been able to do anything because the matter is pending in the Supreme Court. I would submit that better late than never, do give representation to the staff in the management, and make at least a token gesture of what you have in mind and if you really want to have the participation of the workers in the management, start with the public sector.

With these words, I thank you.

MR. SPEAKER: The Minister was to reply at 2.30.

SOME HON. MEMBERS: The time was extended.

SHRI M. R. MASANI (Rajkot): It

would not be possible to finish discussion today. Four hours were allotted for clause-by-clause consideration and one hour for the third reading. (Interruption) We have committed ourselves for these hours. We want them because a lot of amendments have been tabled.

SHRI LOBO PRABHU: The Bill should not be struck down for want of proper consideration.

SHRI BAKAR ALI MIRZA (Secunderabad): You have extended the time.

MR. SPEAKER: It must be passed today.

SHRI M. R. MASANI: The Business Advisory Committee had given four hours for clause-by-clause consideration and one hour for the third reading.

MR. SPEAKER: The time was taken on some other item. The other day, unfortunately, Shri Jaipal Singh died, and the House was adjourned. We decided that the Bill will be passed today. Anyway, the time is up to 7 p. m. There is enough time.

श्री मधु सिमये (मुंजर): एक बात यह है कि सुप्रीम कोर्ट का जो फैसला हुआ है उस पर भी बोलने की आवश्यकता है। यह केवल बैंक बिल कि ही सवाल नहीं है। सुप्रीम कोर्ट ने जो फैसला दिया है उस में बहुत बड़े बड़े संवैधानिक और कानूनी मामले घा गये हैं। इस लिए हम लोगों को इस पर बोलने का मौका जरूर दिया जाना चाहिए। इस लिए इस पर समय बढ़ाया जाय और 10 बजे तक इस विषयक को पास किया जाय।

अध्यक्ष महोदय: मिनिस्टर साहब को 2.30 पर जबाब देना था।

SHRI JYOTIRMOY BASU (Diamond Harbour): You promised to give me a few minutes.

MR. SPEAKER : I thought you had already spoken.

SHRI JYOTIRMOY BASU : No, Sir. I have not yet spoken.

MR. SPEAKER : All right; please take just a few minutes only.

SHRI BAKAR ALI MIRZA : I was also promised.

MR. SPEAKER : He has certain constitutional objection to this Bill. So, I thought he might speak.

SHRI JYOTIRMOY BASU : Sir, this is the fourth attempt and if one goes through the first ordinance, the ordinance No. 8/1969 and side by side the Act, that is, Act 22 of 1969, one will be convinced that the job has been handled either most inefficiently and with no heart to it or with a mind where loyalty to the cause was not there. Is it the hidden hand of a sophisticated sabotage for a consideration? I regret to say that I apprehend the latter.

I wish to level a charge against the Law Minister and his officials who are responsible for drafting the banking law, Act 22 of 1969, certain provisions of which have been struck down by the Supreme Court. I am convinced that those provisions were introduced which were not in the first ordinance and which, to the best of their knowledge, were sure to be struck down by the Supreme Court. By introducing the more contradictory provisions in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969, they provided for the whole Act to be struck down.

14 banking companies were acquired by Ordinance 8 of 1969. The Ordinance was followed by an Act, Act 22 of 1969. The Act made serious departures from the ordinance. Both the ordinance and the Act were challenged. The Act was struck down by the Supreme Court by a majority of ten to one. The main grounds on which the Act was struck down were two, namely, first, hostile discrimination against the acquired banks and they were forbidden to carry on banking business which, even a child will understand, is against the so-called funda-

mental rights that you have in the Constitution today. Secondly the method prescribed for determination of compensation was defective and contrary to the provisions of the Constitution. Surprisingly, the provisions objected to by the Supreme Court did not find any place in the Ordinance and were incorporated later in the Act. In the ordinance there was no prohibition whereby acquired banks could carry on banking business. Section 20 of the Ordinance empowered the Government to dissolve these banks by a notification. Section 20 of the Act is different.

In the Act, by section 15(c) it provided for the banks to carry on any business other than banking business.

With regard to the mode of ascertainment of compensation, the same was provided in section 6 of the Ordinance and the Act. Under that section, compensation was to be determined as provided in the Second Schedule. In addition in the, Second Schedule, there is a substantial departure made from the ordinance by adding two explanations to the sub-clause. It was principally these additions which were adversely commented upon by the Court, for which the Act was struck down.

The Law Minister should make a clear and categorical statement on the charges I have levelled just now.

MR. SPEAKER : The hon. Law Minister.

SHRI BAKAR ALI MIRZA : On a point of order, Sir. The time was extended and I was promised that I will be given a chance. This kind of hostile discrimination should not take place here also.

SHRI M.R. MASANI : We cannot finish the Bill today. There is no harm if it is passed tomorrow.

SHRI RAGHU RAMAIAH : It has to be passed today. The House has agreed to it.

MR. SPEAKER : The time allotted by the Business Advisory Committee finishes at 7 o'clock. We can extend it by another hour.

The time allotted is already there available today.

SHRI M. R. MASANI : It is an important Bill and the time allotted for clause by clause consideration cannot be reduced.

SHRI D. N. PATODIA (Jalore) : Four hours must be given for clause by clause consideration.

MR. SPEAKER : Mr. Bakar Ali Mirza. Please conclude in two minutes.

SHRI BAKAR ALI MIRZA : Sir, a great deal has been said about the Supreme Court. It was used as a sort of diversion and a lot of motive has been attributed to the judgment. We should avoid that. What exactly the court said was, there is hostile discrimination. One way of meeting it is to nationalise all the banks. I do not know what valid reason the Finance Minister or the Prime Minister or the Law Minister have for not doing it. By providing a few crores more, they could nationalise all the banks. After all, nationalising part of the banking industry does not lead to socialism. Even a man like Mr. Masani said, "Let there be competition. Let one part of the industry be in the public sector and the other part in the private sector." That is exactly what the Government proposal means.

Sir, the foreign banks must be nationalised. You know the case of Bank of China. So many allegations were made about foreign money flowing into our elections. The foreign banks are the channels of inlet of foreign money into our country. This can be stopped by nationalising foreign banks. It is only a question of only Rs. 20 crores or 30 crores.

It is high time we stopped talking of socialism and started taking really socialist action. You talk about the will of the people. Mr. Menon says that the people have already been benefited in the few months of nationalisation, in spite of the Supreme Court's judgment; if that be so, why not nationalise all the banks and extended the facility to the whole country? Therefore,

I demand that the Prime Minister should take courage in both hands and see to it that at least one industry in the country is completely socialised, completely in the hand of the Government and not go piecemeal from industry to industry and waste our time.

The will of the people is supreme. I have been pressing for Telengana month after month because the will of the people is for it. But Government do not agree even to discuss it. So, if the will of the people is supreme, the will of the people demand that all the banks in this country must be nationalised, including foreign banks.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : Mr. Speaker, Sir, I find a completely different atmosphere in the House this time when the Bill is being discussed than last year on a similar occasion in 1969, when the opposition was against the idea of nationalisation itself.

SHRI M. R. MASANI : They still are.

SHRI GOVINDA MENON : My friend, Shri Masani, was so impatient about the step of nationalisation that even against the Ordinance he rushed to the court with a writ petition.

SHRI M. R. MASANI : And won.

SHRI GOVINDA MENON : This time when Shri Masani spoke, he was speaking about the inadequacy of compensation and today about the inadequacy of time allotted to the debate. So, from opposition to nationalisation things have gone to a case of inadequacy. And I am glad there were not many others who spoke about the adequacy or otherwise of compensation. But when I heard Shri Masani speak about it, I was reminded of a line from Shakespeare in *Merchant of Venice*, where it is said: "the pound of flesh which I demand for me is dearly bought; it is mine and I will have it; if you deny me, fie upon your law". That seems to be the attitude of Shri Masani.

SHRI S. S. KOTHERI : Who selects these quotations? Ask them to find better questions.

SHRI GOVINDA MENON : If you do not like the quotations, please forget it.

Most of the members who spoke on the Bill supported the idea of nationalisation, but there were varying views whether we should not have nationalised all the banks, whether we should not have nationalised the foreign banks also etc. Otherwise, I found an almost unanimity of opinion in the House regarding the need for nationalisation.

There are some friends here who took the opportunity to speak about the Supreme Court and the way in which the Supreme Court decided the case, I do not think that it would be proper on the part of this House to refer to the Supreme Court decision because we have consciously, under our Constitution, constituted a Supreme Court which has got a right of review over parliamentary legislation. It is in anticipation of criticisms of this type that in my opening speech I quoted from what Pandit Nehru said with respect to the Fourth Amendment to the Constitution.

SHRI TENNETI VISWANATHAM : May I know what is meant by the right of review?

SHRI GOVINDA MENON : That is usually referred to as judicial review. Pandit Nehru then said that we give the greatest respect to the Supreme Court and that it is one of the pillars of our democracy.

SHRI KRISHNA MENON (Midnapore) : He also said that it is not a third chamber.

SHRI GOVINDA MENON : In my opening speech I stated that we should stick to that view of Pandit Nehru. Now Shri Krishna Menon reminds me that Pandit Nehru also said that the Supreme Court cannot be a third chamber.

That was also there and that too was quoted by me. In other words, with respect to legislation of this type the right should be with the Parliament and the Legislatures to fix compensation.

I also referred to a decision rendered by the Supreme Court in January 1969 when article 31 (2) was interpreted. It is under the belief that the rule laid down in that law would prevail that the Ordinance was framed and the Bill was brought before the House on the last occasion. But the Bill had been struck down. Many friends like Shri Viswanatham, Shri Kundu and others said today that the matter may again be taken to the Supreme Court and may again be struck down; what am I to say about this.

SHRI BAKAR ALI MIRZA : Nationalise all banks.....(Interruption)

SHRI GOVINDA MENON : I do not think nationalisation of all banks will be a cure... (Interruption)

Regarding the result of litigation, nobody can foresee what is going to happen. All that the legal advisers of Government can do is to study the law and try to plug all loopholes and bring forward a law that will pass the test of review by the Supreme Court. It was what we have done here.

I do not know whether I would be found fault with again for quoting from Shakespeare but I remember in Shakespeare's *Coriolanus* the mother of Coriolanus told him, "The end of war, my son, is uncertain." Similarly, the end of litigation is always uncertain. But this Parliament has taken the decision that they would nationalise the more important among the private banks and that decision will prevail because a loss of one battle is not the result of the final war. I am sure, the elected representatives of the people of India sitting in the Lok Sabha and the representatives of the States in the Rajya Sabha have decided last year under the Act which was passed and this year again under this Bill, which I hope would be passed, that the bigger banks in the private sector should be nationalised. That is what we have done.

Why not all the banks, that is the question. We wanted a classification. There is a twofold classification which is referred to in the long title of the Bill itself as to why we go in for only these 14

banks. The long title of the Bill this time is different from what it was last time. We have described this as—

“A Bill to provide for the acquisition and transfer of the undertakings of certain banking companies, having regard to their size, resources, coverage and organisation, in order to control the heights of the economy and to meet progressively, and serve better, the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto.”

Existing bank is defined as—

“a banking company specified in column 1 of the First Schedule, being a company the deposits of which, as shown in the return as on the last Friday of June, 1969, furnished to the Reserve Bank under section 27 of the Banking Regulation Act, 1949, were not less than rupees fifty crores;”

It is a well-known rule which every lawyer is aware of that if there is a proper classification, Art. 14 will not stand in the way and in the judgement which was delivered by the Supreme Court on the 10th February, the Bill was not struck down on the ground that only fourteen banks were nationalised. It was struck down for quite another reason and it is better that we understand...

SHRI MADHU LIMAYE : This is an open question. It has been left open.

SHRI GOVINDA MENON : It is good that we understand what it is that the supreme Court said is the defect with the last Act. I am referring to page 90 of the cyclostyled copy of the judgment which I saw in the hands of many hon Members.

“Compensation to be determined under the Act is for acquisition of the undertaking, but the Act instead of providing for valuing the entire undertaking as a unit provides for deter-

mining the value of some only of the components, which constitutes the undertaking, and reduced by the liabilities. It also provides different methods of determining compensation in respect of each such component. This method for determination of compensation is *prima facie* not a method relevant to the determination of compensation for acquisition of the undertaking. Aggregate of the value of components is not necessarily the value of the entirety of a unit of property acquired, especially when the property is a going concern, with an organized business. On that ground alone, acquisition of the undertaking is liable to be declared invalid, for it impairs the constitutional guarantee for payment of compensation for acquisition of property by law.”

This is what they said and if they had stopped there, that would have meant striking down the law but they have said many other things later which under the circumstances would be *abiter dicta*. They said that when you are taking over a going concern, this method of dissecting the different components of the assets of the undertaking and reducing the liabilities is not the proper method. Treat it as a going concern and fix a price for it. That, according to me, the reason why the Act was struck down. What we have done in this case is to take another rule in Art. 31(2) and with respect to Art. 31(2) there have been many statements here regarding right to property, compensation payable to property, etc. Now, Sir, the right to property for the Indian citizen is given not by Art. 31 but by Art. 19(1)(f). That is the Article which grants the right to property. What has been done in Art. 31 and in Art. 265 coming later in another Chapter is this. Every State has got certain fundamental powers. They are taken for granted and among these powers are the power of eminent domain and the power of taxation. In Art. 265 it is said that no tax shall be levied unless it is sanctioned by law. So the right to levy tax is implied. But a restriction is imposed by the Constitution that it shall be only by law. Similarly, in Art. 31(2) it is said that no property can be acquired without paying compensation.

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The right to acquire eminent domain is conceded to exist. It need not be stated. No modern government can get on unless it has the power to tax and unless it has the power to expropriate to use the English word or the right to eminent domain. These are the principles which are there in Art. 31(2) and Art. 265. With respect to Article 31(2) when we found that in very many important social reforms the compensation determined by the Court is likely to be too heavy on the State, this House and the other House sitting together.

SHRIMATI TARKESHWARI SINHA : Compensation will be determined by Parliament. We have to determine them. They have never said this will be determined by Court. You have determined.

SHRI GOVINDA MENON : I am extremely thankful to the hon. Member for the legal knowledge she is supplying me.

SHRIMATI TARKESHWARI SINHA : It is not knowledge that I am giving. You are trying to side-track the issue in a clever way. That is why my remark!

SHRI GOVINDA MENON : In Article 31(2) it is said that the right to fix compensation is given to Parliament. And, once compensation is fixed by the Parliament the courts cannot look into that matter. We stick to that position.

SHRI KRISHNA MENON : On grounds of adequacy.

SHRI GOVINDA MENON : Because, just as this House is subject to the Constitution, just as the Executive is subject to the Constitution, so also, the Supreme Court is subject to the constitution. In our constitution it is said, when Parliament has fixed the compensation, it shall not be justiciable. That is, Article 31(2), after the amendment made, by the fourth amendment of the Constitution. Now in the earlier Bill, we thought that we would lay down the principles: that was one of the methods. The Supreme Court said that all the elements have not been enumerated in the Schedule. Where the assets are given the Supreme Court has said that the method chosen is not relevant. That is a

matter on which some of us may agree with the Supreme Court and some of us may disagree with the Supreme Court. That is a different matter. But we have a Constitution, under which it is said, what Supreme

Court is laying down will be binding on all the courts. It does not become a law of the country, in the sense that it cannot be altered. It is binding on all the courts. That is what our Constitution in Article 141 says. Therefore, when we found that in the last attempt we did not succeed, we gave up that principle of valuing the undertaking by taking the assets one by one giving a value to the assets and then subtracting the liabilities out of it. That did not appeal as correct to the Supreme Court. Now, therefore, we are fixing this amount in the Bill. Now, there have been statements that in doing so we have enhanced the value considerably. In this House there were comments that the value was too low, compensation was too low and there were comments that it was too high. And, there has been a comment that we added a few crores to what we fixed last time in order to see that the Act passes through the Supreme Court. In the last Bill it was not said that the compensation payable will be Rs. 75 crores. Under the law, when a Bill of this type is brought to Parliament, we have to have a financial Memorandum in which an estimate has to be given of the expenditure and this estimate we said that it is believed to be of the order of Rs. 75 crores—it would have been more; it would have been less.

As a matter of fact I remember how Shri Madhu Limaye caught hold of an issue of the Magazine Commerce from which he read out saying that under the principles laid down in the Bill which was passed last year, the compensation may go up to Rs. 150 crores. Last time he corrected me by saying that it was not his opinion but that he was relying upon Commerce. From that point of view what is it that we have done? We have fixed compensation and I believe, Sir, that the Supreme Court will, when this House has fixed the compensation, not interfere with it on account of the reason of the wordings of Art. 31(2).

Shri Viswanatham raised a very relevant point. So, also some hon. Members. If

Parliament should fix the compensation this Parliament should know how the compensation was fixed. We do not leave it to the Court. We leave it to the Parliament and therefore, with your leave Sir, I just read out a statement which will show the principles that we took in view in fixing the compensation as given in this Schedule. Several Members opposed.

SHRI S. S. KOTHARI : Now you are on the right track.

SHRI GOVINDA MENON : Sometimes I am on the right track and sometimes I am on the wrong track. That applies to all of us.

I am reading it out. I want to be exact on the question how compensation should be given for property acquired for a public purpose. Article 31 (2) of the Constitution lays down two alternative ways either of which can be followed to the exclusion of the other. One way is that the amount of compensation should be fixed in the law itself which is made for acquisition of property. The other way is that the principles on which and the manner in which the compensation is to be determined and given should be laid down in the law. In the Act passed in August 1969 for the acquisition of the fourteen banking undertakings the second of the two alternatives was followed. That act was struck down by the majority judgment of the Supreme Court. In the Bill now before Parliament the way followed is the first one namely fixing the amount of compensation in the law itself. It is clear that in following this way which is authorised by the Constitution, there need not be any description of principles of determination of compensation. We just fix it. Nevertheless, it is essential that the Sovereign Houses of Parliament should satisfy themselves that the amounts of compensation shown in the Second Schedule of the Bill are fair and reasonable arrived at after judicious and careful calculation.

The figures of compensation for the fourteen banking undertakings shown in the Second Schedule to the Bill have been calculated by Government after taking into

account diverse factors relating to each of the fourteen banks as on July 18th, 1969 as well as on the date of the promulgation of the ordinance, namely, February 14, 1970. It would be an unfair demand on the time, attention and patience of hundreds of Members in this House if the Government goes into an elaborate description of many complicated details from various aspects, which have individual or interlinked significance and expect the Members to verify these individually. Among the many factors, figures and projections to which very careful attention has been paid by officers of the Government and officers of the Reserve Bank who sat together for many hours doing very detailed calculations before reaching the particular figures of compensation, the more important ones deserve special mention.

SHRI S. M. BANERJEE (Kanpur) : How many are there ?

SHRI GOVINDA MENON : These are : the profits made by each of the 14 banks which happen to fluctuate from year to year : the profits which the banks could reasonably be expected to make in future years had they remained in the private sector, after taking into account their increasing expenses on items like salaries, wages, bonuses, gratuities etc. and other factors like opening of branches maintaining satisfactory liquidity of resources, raising fresh capital and so on. Account was also taken of other factors, for example, the paid-up share capital of each bank, the net surpluses of each bank which after meeting all the customary appropriations have gone into accumulation of reserves over the years in the published accounts, the portion or portions of net surplus which according to practices customary among bankers do not always have to be shown as accumulation of reserves or as surplus carried over in the published accounts, the extent to which the reserves published and secret are *prima facie* matched by cognisable assets.

The ultimate result in respect of compensation for each bank is inextricably connected with the secret reserves, if any, of that bank, and secret reserves vary from bank to bank. The same treatment has been

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accorded to each one of the fourteen banks. Members may like to apply their own test to judge whether the figures of compensation shown against the banks in the Second Schedule to the Bill are unduly high or unreasonably low. It will be seen that on the face of it, the aggregate of the compensation figures that is, Rs.87.40 crores for the 14 components, which as I stated earlier, have been arrived at on the same basis of treatment as between one bank and another is neither unduly high nor unreasonably low.

First, I shall say a few words about whether the compensation of Rs.87.40 crores can be regarded as unduly high. For this purpose, a comparison of the proposals in the Bill with what happened when the Imperial Bank of India was taken into the public sector in 1955, a few days after the Fourth amendment to the Constitution took effect, would be relevant. No doubt, the compensation paid was relatable to the average market prices of shares, but when crores of rupees are paid out of public exchequer, it is the substance of the payment that really matters.

At the time of take-over that is June 30, 1955, the Imperial Bank had deposits of about Rs. 208 crores and offices numbering about 355. At the time of the take-over of the 14 banks, their deposits were about Rs. 2,626 crores and their offices numbered well over 4150. The compensation shown as payable in the case of the Imperial Bank was Rs. 19.72 crores. The total compensation payable to the 14 banking companies is proposed to be Rs. 87.40 crores. In other words, by giving a compensation of a little less than four and a half times, the public sector is getting deposits of about 13 times and bank offices about $11\frac{1}{2}$ times.

The other test which the Members may like to make is, as stated earlier, whether the compensation proposed of Rs. 87.40 crores is unreasonably low. One need not go into this question at any length. The broad public reactions are well known. The Members would also like to bear in mind that unreasonably low compensation would in the ultimate analysis hit the vast majority, who belong to the middle-classes and

not the wealthy categories, out of nearly 1,46,000 shareholders of the 14 banks, and particularly the LIC which looks after the interests of about a crore and a half of policyholders and the Unit Trust of India which counts over a lakh and a half of unit-holders. The LIC and the UTI between them hold about 22 per cent of the total paid-up share capital of the 14 banks.

The compensation figures shown in the second Schedule to the Bill have been arrived at after a judicious consideration of the many relevant aspects of the total situation in respect of each bank. Everyone of the 14 banks has been treated on the same basis.

I read out this long statement so that it may go on record.

16 hrs.

SHRI TENNETI VISWANATHAM :
Where is goodwill ?

SHRI S. S. KOTHARI : It conveys nothing.

SHRI GOVINDA MENON : Nothing to him, because he wants something more.

I read this out so that it should be on record that Parliament fixed these amounts in the Second Schedule after knowing what the principles were which were taken into consideration. Once it is done, I believe under the Fourth Amendment which changed art. 31 (2) to its present form, it will not be open to the Supreme Court to look into this matter. It is in that belief we have framed the Bill in the manner we have done it.

I do not want to say much further than to say something about the foreign banks which have not been taken over. Last time also, we gave some reasons. Apart from what I give now, I wish to put to the House whether we would like to have in India a closed economy under which we shall have no financial relations with other countries. Would we like to have our banks run branches in other countries of the world ? Today we have about 50 branches of Indian banks functioning in

foreign countries, two or three of them in the UK. Can we nationalise the UK banks working in India and at the same time expect that the branches of our banks will be allowed to work in that country ?

SHRI UMANATH (Pudukkottai) : When UK nationalises its entire banking industry, our banks will also join.

SHRIMATI TARKESHWARI SINHA : Is he not following the same practice in regard to Malaysia? Malaysia has made it clear that the nationalised banks will not operate. He has accepted that.

SHRI GOVINDA MENON : I heard her speak. We have no Malaysian bank in India.

SHRIMATI TARKESHWARI SINHA : Does not matter. What are the deposits ?

SHRI GOVINDA MENON : The reasons why foreign banks have not been nationalised are as follows. It has been done in the national interest of India (*Interruptions*). Foreign banks are part of a world-wide organisation. Their international connections enable them to give better facilities in regard to foreign trade than most Indian banks can.

SHRI YOGENDRA SHARMA : Eighty per cent of the foreign trade is through Indian banks.

SHRI GOVINDA MENON : Certain foreign banks have various items of business of a specialised nature. For instance, the Bank of Netherlands specialises in financing exports of jewellery and in imports of uncut diamonds for processing in India.

AN HON. MEMBER : Very lame defence.

SHRI GOVINDA MENON : In the matter of export of cotton, Japanese banks claim to be in a position to render certain special facilities.

SHRI KANWAR LAL GUPTA : Let us Indianise him.

SHRI GOVINDA MEMON : Foreign banks also assist in raising foreign currency loans and help entrepreneurs to contact parties overseas equipped with the technical know-how. Several foreign firms have long-standing and close relationship with offices of foreign banks operating in India. There is also the question of reciprocity in the matter of foreign banks because several Indian banks have branches in the countries of the foreign banks, origin like UK and Japan.

SHRI BAKAR ALI MIRZA : Is there a Russian bank here ?

SHRI GOVINDA MENON. No.

SHRI BAKAR ALI MIRZA : How do we get business done ?

SHRI GOVINDA MENON : We are not having branches of our banks in Russia either.

Government have for the first time made an attempt to nationalise 14 of the bigger banks; after stabilising that, there is no reason why Parliament should not proceed to nationalise the entire banking industry itself. I even now remember what Mr. Krishna Menon said when this Bill was being discussed last time. He welcomed the Bill, but he pointed out that this was not a Bank Nationalisation Bill but a Bill to nationalise certain Banks. That is the purpose with which this has been brought. We have been in possession of these Banks only for about six months, and during those six months we were restrained by a stay order from the Supreme Court from giving directions, etc. to the Banks, but even so during this six months period, the 14 nationalised Banks opened 475 new branches. That works out on the average to 80 per month. During the same period, the State Bank of India and its subsidiaries together opened 124 branches. Therefore, the object of the Bill, let it be understood first, is not to nationalise the banking industry, not that there is anything wrong in nationalising the banking industry. It is just to come into possession in the public sector as statutory corporations of 14 of these bigger Banks, so that we may, by appropriate policy emanating from the Finance Ministry, see to it that the sections of the community

[Shri Govinda Menon]

which have not been getting banking facilities upto this time may begin to get them.

In my opening speech I referred to certain statistics, and those are creditable achievements considering the short period for which the Banks were being managed and considering the restraint under which we were placed. We did not know what the ultimate result would be, but this time I find that there is much larger support from the House for this Bill, and even such opposition as comes seems to be rather feeble. That is to say, it would look as if those who oppose nationalisation of these Banks have resigned themselves to the fate of these Banks going into the public sector. I would, therefore, take this opportunity to request the House to give its unanimous support to this measure.

Mr. Basu in his speech referred to certain changes which were made in the Bill last time over the Ordinance, but as I have read out the reason why the Bill was struck down by the Supreme Court, it would show the changes in the Bill over the Ordinance did not affect the matter at all. In clause 20 of the Ordinance we said that after the undertaking is acquired and after the existing Banks receive the compensation those Banks shall be wound up by a Notification of Government. As soon as the Ordinance was issued on the 19th July and the House met on the 21st July, objections began to be raised regarding the Bill, and the Supreme Court thought that there was *prima facie* something in the Bill which had to be gone into, and therefore issued the stay order. Unless they were satisfied that there was a *prima facie* matter to be looked into, they will not issue a stay order. Therefore after the Ordinance was issued we had a second look at the provisions of the Ordinance and thought we were improving the Ordinance by introducing certain provisions. For example, in the Schedule the market value of buildings was considered payable to these Banks as part of their assets, but the market value of buildings, if you use the words 'market value' in its correct sense, would have gone much beyond the amount which they would have spent for putting up these buildings. Therefore, we said that regarding buildings, it will be the

ascertained value. We did not provide for good will although I remember some Members opposite said that some value should be given to good will. The advice which we received was that with respect to joint stock in India, their growth having been supported by the Reserve Bank of India and by the Banking Companies Regulation Act, good will, if at all, should go to the Reserve Bank and the Banking Companies Regulation Act...

SHRI PILOO MODY : You should go to the circus.

SHRI GOVINDA MENON : Therefore, we have followed the other method suggested in article 31 (2). I hope and trust that, this Parliament having resolved by its sovereign will that these bigger joint stock banks should become public statutory corporations in the interest of the weaker sections of the community the attempted nationalisation of these banks will succeed. It cannot but succeed as the will of the people will be supreme... (Interruptions). With this end in view I should request this House to give unanimous support to this Bill and to get it passed even today, before it is too late. Sir, I move.

श्री बेनी शंकर शर्मा (बांका) : अध्यक्ष महोदय, इस सदन में जो बहस हुई है उसका संबन्ध दो हिस्से से है—यहला हिस्सा है मेरा प्रस्ताव जिसके द्वारा मैंने आर्डिनेंस को डिस्-प्रूव करने की सिफारिश की है और दूसरे बैंक नेशनलाइजेशन के सम्बन्ध में ला मिनिस्टर ने जो बिल पेश किया है। मुझे बहुत अफसोस है कि मैंने अपने प्रारम्भिक भाषण में आर्डिनेंस के विरोध में जो बातें उठाई थी उनमें से एक का भी जवाब माननीय मंत्री जी ने नहीं दिया है। मेरा कहना था कि जब दस फरवरी को सुप्रीम कोर्ट का जजमेंट हुआ तब 14 फरवरी को आर्डिनेंस निष्काटने की क्या जरूरत थी क्योंकि 20 फरवरी को हाउस भीट कर रहा था? जिस तरह से आरने यह कानून हाउस में पेश किया है उसी तरह से उस समय भी उसको पेश कर सकते थे—उन्होंने इसके सम्बन्ध में कोई कारण

नहीं दिखाया है ? मैं समझता हूँ जहाँतक पहले आर्डिनेन्स का प्रश्न है उसके अन्दर राजनीतिक या वैयक्तिक कोई कारण रहे हों लेकिन जहाँ तक दूसरे आर्डिनेन्स का सम्बन्ध है उसमें वैसा कोई भी कारण नहीं था क्योंकि मोरारजी भाई जैसे किसी व्यक्ति को हटाने की आवश्यकता नहीं थी, उनके सारे भाई विरादर वहाँ से हटाये जा चुके थे। इसलिए उसके पीछे कोई राजनीतिक या वैयक्तिक कारण भी दिखाई नहीं देता। फिर ऐसे अहम सवाल पर जिसका संबंध देश के करोड़ों लोगों से है, इतनी जल्दबाजी से कोई काम करना मैं समझता हूँ खतरे से खाली नहीं है। जल्दबाजी शैतानों का काम होता है। जल्दबाजी में हम किसी भी चीज पर अच्छी तरह से काम नहीं कर सकते हैं। माननीय मंत्री जो ने पहले और अभी भी कहा कि जहाँ तक सुप्रीम कोर्ट का सवाल है, उसने पहले भी कई कानूनों को रद्द किया है और अगर अब इस कानून को भी रद्द कर दिया तो इसमें कोई आश्चर्य की बात नहीं है। मैं इस बात को मानता हूँ लेकिन अगर एक बार कोई कुयें में गिर जाये तो यह कोई वजह नहीं है कि बार बार वह कुयें में गिरे। हमें अपने पुराने अनुभव से लाभ उठाना चाहिए। आगे हम वैसी कोई भूल न करें इस बात पर विचार करना चाहिए।

अभी हमारे बहुत से मित्रों ने कहा है कि इस बिल में बहुत सी बातें हैं और यद्यपि सुप्रीम कोर्ट के सामने बहुत से प्वाइंट लाए गये लेकिन सुप्रीम कोर्ट ने उन पर कोई फैसला नहीं दिया है। बहुत से ऐसे प्वाइन्ट्स ऐसे हो सकते हैं जिनमें इस कानून को फिर से नए एण्ड बायड करार दिया जा सकता है। इसलिए मैंने प्रारंभ में निवेदन किया था कि इसमें कोई आसमान टूट नहीं जाता और हिमालय अपने स्थान से हट नहीं जाता अगर आप जल्द बाजी में काम न करके शान्ति के साथ इस पर विचार विमर्श

करें। मैं आपके माध्यम से मन्त्री महोदय से प्रार्थना करूंगा कि इस बिल को कम से कम सेलेक्ट कमेटी के सुपुर्द करें ताकि वहाँ पर इस के सभी पहलुओं पर अच्छी तरह से विचार किया जा सके। मन्त्री महोदय ने अभी भी अपने बैंक नेशनलाइजेशन एक्ट की सफलता के संबन्ध में कुछ बातें कही हैं। पहले उन्होंने अपने वक्तव्य में कहा था :

“The number of accounts at the end of June, 1969 in all the 14 banks together was 4,047 and at the end of the year it went up to 14,053”.

इस ठीक है कि इसमें कुछ तरक्की हुई है। आगे चलकर उन्होंने कहा है :

“One of the objectives of nationalisation would be to provide finance to sectors of our community which did not usually get support from finance institutions. One such sector was agriculture. I find that between the end of June, 1969 and the end of December, 1969, the finance supplied by these banking corporations to agriculture exceed the previous figure by Rs. 1,14,950.”

ये जो कुछ इन्होंने तरक्की की बातें कही हैं यही बातें, जब पहले सोशल कंट्रोल या तब भी हो सकती थीं और हुई भी हैं। श्री मोरारजी ने सोशल कंट्रोल के सम्बन्ध में जो वक्तव्य दिया था उसमें से एक छोटा सा उद्धरण देना चाहता हूँ :

“At the end of February, 1969, the figures show that the 20 leading commercial banks had sanctioned additional credit limits to agriculture and small scale industries over the June, 1963 level of the order of Rs. 130 crores and Rs. 84 crores respectively.”

अध्यक्ष महोदय, प्रगति समय का नियम है। सोशल कंट्रोल के अन्तर्गत जो प्रगति हो रही थी वही प्रगति बैंक नेशनलाइजेशन के बाद

[श्री वेणी शंकर शर्मा]

में हुई है इसलिए मैं इसमें बैंक नेशनलाइजेशन का कोई श्रेय नहीं मानता क्योंकि जैसा उन्होंने कहा है कि बैंक के राष्ट्रीयकरण के बाद जब सुप्रीम कोर्ट में मामला चला गया तो वे बैंकों को कोई डायरेक्शन नहीं दे सके और न उचित सलाह ही दे सके इसलिए जो कुछ भी हुआ है वह तो जो पहले का प्रभाव था उसी के क्रम में हुआ है। और इसी लिए मैं इसमें उनके लिए कोई प्रसन्नता की बात नहीं मानता।

जहाँ तक बिल का सम्बन्ध है, अभी श्रीमती तारकेश्वरी जी ने भी कहा और मैंने भी पहले कहा था कि अगर गुड़ देने से कोई मरे तो विष देने की क्या जरूरत है। बैंकों का राष्ट्रीयकरण करने से हम जो फायदा सोच रहे हैं वही फायदा अगर हम किसी और उपाय से कर सकते हैं तो फिर इस देश के गरीब लोगों को गाढ़ी कमाई का 87 करोड़ रुपया बर्बाद करने से क्या फायदा होगा? आज इन बैंकों के शेयर एल० आई० सी० के हाथ में हैं। आप बैंकों के 51 परसेंट शेयर गवर्नमेंट इंस्टीट्यूशंस के हाथों में लेकर आप जो बात बैंकों का राष्ट्रीयकरण करके करना चाहते हैं, वही बात 51 परसेंट शेयर्स को कंट्रोल करके भी कर सकते हैं। फिर मेरी समझ में नहीं आता कि इसमें सिवाय नारेबाजी के और क्या कारण हो सकता है?... (व्यवधान)...

मैं आपके द्वारा मंत्री जी से और इस सदन से एक प्रार्थना करूंगा कि देश की राजनीतिक और आर्थिक समस्याओं पर हमें गम्भीरता से विचार करना चाहिए। नारेबाजी दूसरी चीज है। पब्लिक सभाओं में नारेबाजी करके हम लोगों की भावनाओं को उभाड़ सकते हैं लेकिन जहाँ तक हमारे दूरगामी कानूनों का सम्बन्ध है, हमें बहुत ही शान्तिपूर्वक और धैर्यपूर्वक उन पर विचार करना चाहिए। अभी अभी मैंने श्रीराम मूर्ति के भाषण को सुना जिसमें उन्होंने तांडव

नृत्य की मुद्रा उपस्थित की, मैं उनकी भावनाओं की बहुत कद्र करता हूँ फिर भी मैं कहना चाहता हूँ कि जहाँ तक बिल्स और कानूनों का सम्बन्ध है हमें उसके ऊपर बहुत शांतिपूर्वक और धैर्यपूर्वक विचार करना चाहिए। इसलिए मैं प्रार्थना करता हूँ कि जहाँ तक इस बिल का सम्बन्ध है इसे एक सेलेक्ट कमेटी के सुपुर्द कर देना चाहिये जिसमें वहाँ बैठ कर बिल के सभी पहलुओं पर विचार किया जा सके और फिर कोई हम ऐसी गलती न करें जिससे यह मामला फिर सुप्रीम कोर्ट में जाये और हमारा यह कानून रद्द हो जाये और पार्लियामेंट को पुनः नीचा देखना पड़े।

MR. SPEAKER : The question is :

"This House disapproves of the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970 (Ordinance No. 3 of 1970) promulgated by the President on the 14th February, 1970."

The motion was negatived.

MR. SPEAKER : I will now put the motion for taking the Bill into consideration. The question is :

"That the Bill to provide for the acquisition and transfer of the undertakings of certain banking companies, having regard to their size, resources, coverage and organisation, in order to control the heights of the economy and to meet progressively, and serve better, the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. SPEAKER : We will now take up clause-by-clause consideration.

CLAUSE 2—(Definitions.)

MR. SPEAKER : I hope hon. members will keep in view the limited time. Now, hon. members may move their amendments to clause 2 one by one.

SHRI MADHU LIMAYE : I beg to move :

Page 2, line 15,—

Page 2,—

after "First Schedule" insert—

for lines 5 and 6, substitute—

"and foreign banks" (18)

'(b) "banking company" includes all the companies mentioned in the First Schedule' : (1)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 2, line 18,—

अध्यक्ष महोदय, मैं संशोधन नम्बर (2) को छोड़ रहा हूँ क्योंकि यह रिडन्डेंट है।

omit "were not less than rupees fifty crores" (27)

Page 2,—

SHRI S. M. BANERJEE : I beg to move :

for lines 14 to 18, substitute—

Page 2,—

'(f) "existing bank" means a banking company specified in column 1 of the First Schedule' ; (3)

for lines 5 and 6, substitute—

Page 2,—

after line 18, insert—

'(b) "banking company" means a banking company as defined in section 5(c) of the Banking Regulation Act, 1949 including a Foreign Company within the meaning of section 591 of the Companies Act, 1956 but excluding the Cooperative Banks.' (89)

'(ff) "rural area" means villages and small towns with a population of not more than ten thousand.' (4)

SHRI BHOGENDRA JHA (Jainagar) : I beg to move —

Page 2, line 5,—

Page 2,—

omit "not" (15)

for lines 14 to 18, substitute—

Page 2,—

'(f) "existing bank" means all Banking Companies.' (90)

for lines 14 to 18, substitute—

'(f) "existing bank" means any banking company, both Indian and foreign, as defined in section 5 of the Banking Regulation Act, 1949.' (16)

SHRI M. R. MASANI : I beg to move :—

Page 2, lines 7 and 8,—

SHRI KANWAR LAL GUPTA : I beg to move :

for "19th day of July, 1963" substitute—

Page 2,—

omit lines 5 and 6. (17)

"14th day of February, 1970", (130)

SHRI S. KUNDU : I beg to move :—

Page 2, line 11,—

add at the end—

“or any other banks which may be further specified by notification”. (165)

Page 2,—

for lines 14 to 18, *substitute*—

“(f) “existing bank” means all the banking companies whose deposit is not less than a crore of rupees at the time of vesting of the banks in the Central Government and any such banks which will be further specified in the First Schedule by notification within thirty days of the enactment of this Act, (166)

SHRI YOGENDR ASHARMA : I beg to move—

Page 2, line 5,—

for “does not include” *substitute*—
“includes”. (125)

SHRI BENI SHANKER SHARMA : I beg to move :

Page 2, lines 7 and 8,—

for “the 19th day of July, 1969” *substitute*—“appointed day”. (188)

Page 2, line 16, —

for “last Friday of June, 1969” *substitute*—“appointed day”. (189)

Page 2,—

for lines 17 and 18 *substitute*—

“were not less than rupees fifty crores. (190)

SHRI S. KUNDU :—I beg to move :

Page 2,—

for lines 5 and 6, *substitute*—

(b) “banking company” means and includes all banking companies as defined in the Banking Regulation Act, 1949 ; (202)

Page 2,—

for lines 9 to 11, *substitute*—

(d) “corresponding new bank”, in relation to an existing bank means the body corporate designated by the Central Government by notification in the Official Gazette in whom the undertaking of such a bank shall vest ; and in respect of the existing banks specified in column 1 of the First Schedule, the body corporate specified against them in column 2 thereof ; (203)

Page 2,—

after line 13, *insert*—

“(cc) “date of vesting” means the date on which the undertaking of an existing bank is transferred to and vests in a corresponding new bank under section 4 ;” (204)

Page 2,—

for lines 14 to 18, *substitute*—

“(f) “existing bank” means a banking company existing on the 19th day of July, 1969 ;” (205)

SHRIMATI TARKESHWARI SINHA :

I beg to move :

Page 2,—

for lines 5 and 6, substitute—

“(b) “banking company” includes a foreign company within the meaning of section 591 of the Companies Act, 1956 ;” (225)

श्री मधु लिमये : अध्यक्ष महोदय, मैं क्या एक संशोधन पर बोलूँ, या सारे क्लोज़ पर बोलूँ ?

अध्यक्ष महोदय : सारे पर बोलिए ।

श्री मधु लिमये : अध्यक्ष महोदय, संशोधन 1 और 3 का मतलब वही होता है। और उसके बाद संशोधन 4, इन दोनों विषयों पर मैं संक्षेप में अपनी बात रखना चाहता हूँ ।

अध्यक्ष महोदय, मंत्री महोदय ने अपने जवाबी भाषण में एक बात का उत्तर नहीं दिया सुप्रीम कोर्ट के निर्णय पर तो उन्होंने बहुत ही विद्ववान की तरह भाष्य किया। लेकिन एक सवाल मैंने जब यह बिल पेश हुआ था उस समय भी उठाया था और आज फिर मैं उठाना चाहता हूँ कि जहाँ तक बर्गीकरण का सवाल है, क्लासिफिकेशन का सवाल है, क्या यह बात सही नहीं है कि सुप्रीम कोर्ट ने इसके बारे में कोई निर्दिष्ट राय नहीं दी है और इसलिए यह मामला अभी भी खुला हुआ है। इसलिए सरकार को दोबारा विचार करना चाहिए कि बर्गीकरण को लेकर फिर इस कानून को असंवैधानिक घोषित न किया जाय ।

इनकी जानकारी के लिए मैं सुप्रीम कोर्ट के फैसले का एक अंश पढ़कर सुनाना चाहता हूँ। वह पूरा तो क्लासिफिकेशन के बारे में है, लेकिन उसमें उन्होंने यह कहा है कि

“But in the absence of any reliable data we do not think it necessary to express an opinion on the question whether selection of the undertaking of some out of many banking institutions for compulsory acquisition is liable to be struck down as hostile discrimination.”

इन्होंने कहा है कि बर्गीकरण का आधार तो हम ने बिल के प्रारम्भिक हिस्से में ही लॉग टाईटिल में ही बताया है। अब मैं इनके इस वक्तव्य का विश्लेषण करना चाहता हूँ कि क्या सचमुच इसमें बताया गया है, और 14 बैंकों को लेना क्या लॉग टाईटिल के अनुसार है ? इसमें एकतो यह बताया गया है कि आकार, इनके साधन, इनका संगठन एक आधार है और दूसरा आधार है :

“to control the heights of the economy and to meet progressively, and serve better, the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto”

अगर आकार और साधनों की बात हम ले लेंगे तो 50 करोड़ की कसोटी मानी जा सकती है। जैसे इन्कम टैक्स के लिए हम कहते हैं कि 5, 6 हजार ६० आमदनी हो। लेकिन जहाँ तक कमान्डिंग हाईट्स आफ़ दी इकोनॉमी का सवाल है, मैं उनसे जानना चाहता हूँ कि जो चार बड़े विदेशी बैंक हैं क्या उन बैंकों को यह छोड़ सकते हैं ? मेरा तो यह कहना है कि चार विदेशी बैंकों को इस वक्त न लेगा आपके लॉग टाईटिल में जो उद्देश्य दिया गया है उसके बिल्कुल विपरीत है। इसलिए मेरी आपसे यह दरखास्त है कि अगर 50 करोड़ आप फिलहाल नहीं रखना चाहते हैं तो कम से कम चार बैंक जिनके नाम मैंने अपने एक संशोधन में दिए हैं, जिनके नाम हैं—चार्टर्ड बैंक, मर्केंटाइल बैंक, नेशनल एण्ड प्रिन्डलेज बैंक और फर्स्ट नेशनल

[श्री मधु लिमये]

सिटी बैंक, ये चार बैंक हैं जिनके पास डिपॉजिट्स 50 करोड़ रु० या उससे अधिक हैं तो कम से कम इन चार विदेशी बैंकों का आप राष्ट्रीयकरण करें। वैसे मेरी तो राय है कि सभी बैंकों का राष्ट्रीयकरण करना चाहिए। और इसीलिए मैंने यह संशोधन नम्बर (1) और नम्बर (3) रखा है।

जहाँ तक इन्होंने कहा कि विदेशी बैंकों के द्वारा विदेशी व्यापार में सहायता होती है तो पिछली बार जब यह बिल धाया था तो मैंने इनको चुनौती दी थी क्या यह बात सही नहीं है कि देशी बैंकों के द्वारा 80 प्रतिशत आयात निर्यात व्यापार चलता है तो क्या वजह है कि 20 प्रतिशत इस आयात निर्यात का काम करने वाले बैंकों के लिए आप यह कहते हैं कि इन चार बैंकों का राष्ट्रीयकरण किया जायेगा तो आसमान टूट जायेगा।

यह होने वाला नहीं है। असल में मैं इस सरकार पर आरोप करना चाहता हूँ कायरता का कि यह सरकार विदेशियों से डरती है। यह रूसियों से डरती है, अंग्रेजों से डरती व अमरीकी लोगों से डरती है लेकिन यह जरा भारत की जनता से डरना शुरू कर दे तो क्या दा प्रच्छा हो जायेगा। इसलिए मेरा यह कहना है कि उनकी जितनी दलीलें हैं विदेशी बैंकों का राष्ट्रीयकरण न करने के बारे में वह सारी दलीलें धोधी व नकली हैं और बेबुनियाद हैं। इसलिए मैं सभी लोगों से अपील करूँगा, कांग्रेस पार्टी के लोगों से अपील करूँगा कि जरा वह अपने दिल और अन्तरात्मा की पुकार को सुना करें। उनके नेता ने इस संबन्ध में जो उनके सामने आदर्श रक्खा है उसके ऊपर अमल करते हुए हिम्मत करके हम लोगों के साथ वोट दें। जब जनता की इच्छा की बात आई और उसके ऊपर श्रीमती तारकेश्वरी सिन्हा

ने कहा कि इच्छा किस की, जनता की या शीप्स और गोट्स की तो मैं चाहूँगा कि आप अपने कर्म से साबित करें कि वह शीप्स गोट्स नहीं है अपितु एक स्वतन्त्र दिमाग से वोट देने वाले आप लोग हैं। इसलिए चाहे कांशंस कहिये अथवा आत्मा की पुकार कहिए या स्वतंत्र बुद्धि से काम करना कहिये, उससे काम लेते हुए इस बारे में आप हम लोगों के साथ वोट करें।

श्री पीलु मोडी (गोघरां) : स्वतंत्र बुद्धि तो इन को कभी आ ही नहीं सकती।

श्री मधु लिमये : अपना काम चलाना है तो थोड़ी तारीफ कर देनी चाहिए।

अब मेरा दूसरा सुझाव है कि जहाँ तक अन्य बैंकों का सवाल है उनमें से कई बैंक ऐसे हैं उनका व्यवहार इतना खराब है कि उन बैंकों को सबसे पहले हाथ में लेना जरूरी है। इस लिए आगे चल कर हमने यह भी एक सुझाव दिया है। अगर इसको वह मानने के लिए तैयार हों तो भी कोई बात नहीं है। वह सुझाव यह है :

“The Central Government may take over any other bank not mentioned in the First Schedule at any time on the basis of the same terms and principles by issuing a notification in the Gazette to that effect.”

इस तरीके का अगर आप उस में सुझाव मानेंगे तो भी काम बन सकता है। इसलिए एक तो मेरा यह कहना है कि सभी बैंकों का राष्ट्रीयकरण किया जाय। अगर सरकार इस के लिए तैयार नहीं है तो कम से कम विदेशी बैंकों में जो बड़े बैंक्स हैं उन का राष्ट्रीयकरण किया जाय।

अब मेरा एक दूसरा संशोधन है। ग्रामीण इलाके की परिभाषा के बारे में पिछली बार भी बहस हो चुकी थी और मैं यह चाहता हूँ

कि ग्रामीण इलाके की परिभाषा इस तरीके से की जाय कि 10,000 से जिनकी बस्ती, जिन की आबादी कम है ऐसे इलाकों को ही ऐसी बस्तियों की ही ग्रामीण इलाका माना जाय और उन ग्रामीण इलाकों में बैंकों की शाखाओं का विस्तार करने का प्रयास किया जाय।

अध्यक्ष महोदय, बैंकों के राष्ट्रीयकरण को लेकर रेडिया व अलबारों के द्वारा सरकार ने बहुत धुआधार प्रचार किया लेकिन मैं स्वयं अपने क्षेत्र में देखता हूँ कि तीन जगहों को छोड़ कर कहीं भी बैंकों की शाखें नहीं हैं। ऐसी हालत में बैंकों के राष्ट्रीयकरण की चर्चा जनता के सामने, किसानों के सामने कैसे कर सकते हैं? कोई भी आप ने ऐसा ठोस प्रोग्राम बनाया जिस से कम से कम 5000 और 10,000 के बीच में जितनी बस्तियाँ हैं उन बस्तियों में बैंकों की शाखें खुल सकें? इन शब्दों के साथ मैं सरकार से अपील करूँगा कि विदेशी बैंकों के बारे में और अन्य बैंकों के बारे में वृत्तों और ग्रामीण इलाके की जो परिभाषा है, ध्यास्या है उसे बदल दें।

श्री कंवर लाल गुप्त (दिल्ली सदर): अध्यक्ष महोदय, मैं भी कलाज 2 पर जितने मेरे संशोधन हैं, जो वे मेरे संशोधन हैं उन के बारे में संक्षेप में बोल कर अभी समाप्त करूँगा।

मेरा केवल एक ही प्वाएंट है और वह यह कि जितने भी विदेशी बैंक हैं उन का भी राष्ट्रीयकरण होना चाहिये। अभी माननीय मंत्री जी को मैं ने सुना और उन्होंने विदेशी बैंकों का राष्ट्रीयकरण क्यों नहीं होना चाहिए वह जो केष रक्खा तो वह एक बहुत ही कमजोर और भद्दा केष था। मैं कह सकता हूँ कि वह इस के बारे में कोई भी केष जिस में कुछ भी तद्रूप है जिस में बजन है, वह सदन के सामने नहीं रख पाये। वास्तव में उन्होंने कहा कि यह नेशनल इंटरस्ट में है कि विदेशी बैंकों

का राष्ट्रीयकरण न हो। मुझे आश्चर्य हुआ कि अपने आप को समाजवादी कहने वाले और हमेशा यह नारा लगाने वाले कि हम अपने पैरों पर खड़े होना चाहते हैं, जब विदेशी बैंकों के राष्ट्रीयकरण का सबाल आता है तो उन के पैर लड़खड़ाते हैं। कहते तो यह हैं कि जो फोरेन ऐड मित्रता है उस में पोलिटिकल स्ट्रिम्स नहीं होती लेकिन मेरा कहना यह है कि उन पोलिटिकल स्ट्रिम्स के कारण ही यह सरकार अपने आप को असमर्थ पाती है कि वह विदेशी बैंकों का राष्ट्रीयकरण करे। यही कारण है कि उन के पैरों में घोर भुजाओं में आज दम नहीं है और विदेशी सत्ता के डर के कारण यह सरकार इतनी कमजोर और दुबल है कि वह यह काम नहीं कर पाती है। उस को डर रहता है कि कहीं उनको पंचवर्षीय योजना के लिए विदेशी सहायता बंद या कम न हो जाय और इस कारण यह सरकार भ्रंशजों, अमरीकियों और रूसियों से डरती रहती है और विदेशी बैंकों का राष्ट्रीयकरण करने का साहस नहीं कर पाती है.....

एक माननीय सदस्य: देश को आजाब किस ने कराया है ?

श्री कंवर लाल गुप्त: देश की आजादी जब ली होगी तब ली होगी लेकिन आज तो आप उस आजादी को बेच रहे हैं। रूसियों और अमरीकियों के हाथ में मेरा कहना यह है कि अगर आप ने आजादी ली भी हो पहले और यह मान भी लिया जाय तो क्या आप को यह हक है कि उस आजादी को आप रूसी और अमरीकियों के हाथ में बेच दें? मेरा कहना यह है कि आप पैसों के लिए जो आप को विदेशों से मिलता है उस के कारण आप विदेशी बैंकों पर हाथ डालना नहीं चाहते। वैसे कहते आग यह है कि राष्ट्रीय हित के कारण से हम ऐसा नहीं करते। मेरा कहना यह है कि जैसे चाइना बैंक में अनडिजाइरेबुल ऐक्टिविटीज चलती थीं और

[श्री शिव चन्द्र झा]

वहाँ इनके शीयर्स पड़े हुए थे उसी तरीके से ऐसे बैंकों में से कुछ बैंकों को मैं जानता हूँ जहाँ कि यह ओवर इनवाएसिग और अंडरइनवाएसिग के यह लोग सारे घन्घे करते हैं। इस प्रकार का जो यह काम है यह सारी जो फीरेन करेंसी का जो गड़बड़ का काम है यह इन में से कुछ बैंक करते हैं। कोई नेशनल इंटररेस्ट हमारा इस में सब नहीं होता। अगर यह सरकार चाहती है कि लोगों के सामने दुनिया के सामने हम अपनी इम्मेज बना सकें और हम अपने पैरों पर खड़े हों, हम अपनी चीजों के बारे में अपने कानून स्वयं बनाते हैं तो उन के सामने सिवाय इसके कि विदेशी बैंकों का राष्ट्रीयकरण करें और कोई चारा नहीं है नहीं तो आप को एक दबनू सरकार समझा जायगा। भले ही नाम की स्वतंत्रता हो लेकिन काम में परतन्त्र हैं इस तरह की एक दबनू सरकार आप को कहा जायगा।

करीब 80 करोड़ रुपया उस में बतौर इन-वैस्टमेंट लगा हुआ हो और 475 करोड़ रुपये की टोटल डिपॉजिट्स हैं तो कम से कम उन विदेशी बैंकों का तो राष्ट्रीयकरण करिये। आप जिस आधार पर 50 करोड़ रुपये के ऊपर के हिन्दुस्तानी बैंक का राष्ट्रीयकरण कर रहे हैं तो उन विदेशी बैंकों का भी आप क्यों नहीं करते? उन का अगर आप राष्ट्रीयकरण नहीं करेंगे तो मुझ को लगता है कि फिर से डिस्क्रि-मिनेशन के कारण आप का यह बैंक राष्ट्रीयकरण कानून दुबारा सुप्रीम कोर्ट द्वारा अवैध कर दिया जायगा। इस लिए कम से कम उन बैंकों का आप राष्ट्रीयकरण कीजिए। यह जो बाकी के डिपॉजिट हैं 400 करोड़ रुपये के यह किस के हैं? यह ज्यादातर हिन्दुस्तानियों के हैं। मुझे डर है कि अगर आप इनको नहीं करेंगे तो यह हिन्दुस्तानियों का पैसा, जो अभी तक हिन्दुस्तानियों और विदेशियों में वह फर्क नहीं करते तो वह सारा पैसा इन बैंकों में चला

जायगा। यह भी आप को रोकना पड़ेगा। सरकार को इस बेश को पूरे विश्वास में लेना चाहिये कि वह ऐसा क्यों नहीं करती। सच्चे माने में नेशनल इंटररेस्ट की डिमांड यह है कि विदेशी बैंकों का राष्ट्रीयकरण करें लेकिन यह सरकार करने वाली नहीं है क्योंकि मुझे मालूम है कि बाहर का दबाव बहुत ज्यादा है इसलिये पहले इस सरकार का भारतीयकरण करने की जरूरत है। जब इस सरकार का पहले भारतीयकरण होगा तभी इन के दिल और दिमाग में ताकत आयेगी और तभी लाभ होगा।

आखिर में मैं एक बात कह कर समाप्त करता हूँ। क्या मंत्री महोदय बतलाएंगे कि फारेन बैंक्स ने अब तक कितना इन्वेस्टमेंट किया और उस का कितना प्राफिट वह बाहर ले गये हैं? जितना इन्वेस्टमेंट उन्होंने किया है उस से कई गुना प्राफिट वह बाहर ले गये, क्या इस चीज को सामने रखते हुए यह जरूरी नहीं है कि उन बैंकों का राष्ट्रीयकरण हो?

इन शब्दों के साथ मैं आप की आज्ञा से अपने संशोधन सदन के सामने रखता हूँ और सरकार से मांग करता हूँ कि वह विदेशी बैंकों का राष्ट्रीयकरण करे।

श्री शिवचन्द्र झा (मधुबनी): अध्यक्ष महोदय, मेरे संशोधन 26 और 27 नम्बर के हैं क्लॉज (2) पर। जो क्लॉज (2) का सब-क्लॉज (बी) है उस में कहा गया है कि:

...Does not include a foreign company

मैं इस "नाट" शब्द को हटाना चाहता हूँ। जो भी फारेन कम्पनियाँ बैंकिंग कम्पनियों में आती हैं उन को भी इस में इंकलूड किया जाय। क्लॉज 2 का जो सब-क्लॉज (एफ) है उस के आखीर में है कि:

Not less than Rs 50 crores

इस को भी मैं हटवा देना चाहता हूँ जिस से तमाम बैंक इस में आ जायें। विदेशी और हिन्दुस्तानी जो भी बैंक हैं सब आ जायें इस के मातहत।

यहां पर कहा जाता है, मंत्री महोदय ने कहा कि फारेन बैंकों के पास जो मशीनरी है, जो नो हाऊ, है, वह हमारे पास नहीं है, इस लिये हम लाचार हैं। मैं पूछना चाहता हूँ कि इस से बड़ कर सेड कमेंट्री सरकार के निकम्पेन के बारे में और क्या हो सकती है? पहली बात तो यह है कि बैंकों को चलाने का नो हाऊ हिन्दुस्तानियों के पास है। उन के पास इतनी अक्ल और इतना दिमाग है और जिस तरह से विदेशी बैंक अपने काम को चला सकते हैं उसी तरह से यहां के लोग भी चला सकते हैं। इसली सवाल यह है कि यह सरकार बैंकिंग के मामले में विदेशी राष्ट्रों से मुकाबला करने में डरती है। इस सन्दर्भ में मैं एक इतिहास का उदाहरण आप को देना चाहता हूँ। अमरीका में विदेशी बैंकों की बजह से वहां की अर्थ-व्यवस्था एक जमाने में खराब हो रही थी। जब ऐन्ड्रू जैक्सन के सामने, जो वहाँ के प्रेजिडेंट था, यह बात आई कि विदेशी बैंकों की साजिश की बजह से अमरीका की अर्थ-व्यवस्था खराब हो रही है तो यह घोड़े पर सवार हो कर और सिपाहियों की एक टुकड़ी को ले कर गया और सारे विदेशी बैंकों के ताले दिन के उजाले में तोड़ डाले और सारा सोना ले कर व्हाइट हाउस में आया। यह विदेशी बैंकों से मुकाबले की बात है। यह बहादुरी है लेकिन यह हसरत जो हैं उन में इतनी ताकत भी नहीं है कि कुछ विदेशी बैंकों का मुकाबला कर सकें। इस में आखिर डरने की कौन सी बात है? जब आप बैंकों का राष्ट्रीयकरण करते हैं तब आप को उन से डरना नहीं चाहिये। हंसना और मुंह फुलाना दोनों एक साथ नहीं हो सकते।

आजाद राष्ट्र होना, अपने पांवों पर खड़ा होना और साथ साथ दूसरों के सहारे पर चलना एक साथ नहीं हो सकता। इस के लिए आप को ठीक रास्ते पर चलना होगा।

मेरा दूसरा संशोधन यह है कि:

Not less than Rs. 50 crores

अगर इन शब्दों को हटा दिया जाय तो तमाम बैंक इस में आ जाएंगे। अभी उस दिन आंध्र बैंक के संबन्ध में मंत्री महोदय ने जवाब दिया कि चूँकि आंध्र बैंक के असैट्स 50 करोड़ से ज्यादा हैं इस लिए उस को इस में इंकलूड नहीं किया गया। मैं पूछना चाहता हूँ कि जिस तरह से सुप्रीम कोर्ट ने पहले इंटरप्रेट किया क्या गारेन्टी है कि उसी प्रकार से फिर इंटरप्रेट करेगा दूसरे रूप में नहीं करेगा? क्या गारेन्टी है कि डिस्कमिनेशन की बात फिर नहीं आयेगी। इस में डिस्कमिनेशन और कम्पेन्सेशन की बात ठीक कर देने के बाद भी क्या यह बात नहीं उठेगी कि कुछ भारतीय बैंक कैसे रह जाते हैं। जो एक विदेशी है उस को तो 50 करोड़ से ऊपर के असैट्स होने के नाते सहायता मिलती है, लेकिन जो संविधान के अनुसार भारतीय नागरिक है उस को आप उस से मह-रूम करते हैं। विदेशी को यहाँ बैंकिंग विजिनेस करने से पैसा मिलता है लेकिन यहां के नागरिक को नहीं मिलता है, क्या यह डिस्कमिनेशन नहीं है? अगर इस तरह से आंध्र बैंक को छोड़ दिया गया तो क्या सुप्रीम कोर्ट इस को डिस्कमिनेशन नहीं मानेगा? जो बैंक छः महीने के बाद भी अपने असैट्स 50 करोड़ के दिखाएंगे उन तक को भी ले लिया जायेगा, लेकिन आज भी 50 करोड़ के असैट्स होने के बाद आंध्र बैंक को छोड़ दिया गया है। पहले जब सुप्रीम कोर्ट ने डिस्कमिनेशन माना तब क्या गारेन्टी है कि आये सुप्रीम कोर्ट उस दृष्टिकोण से इंटरप्रेटेशन नहीं करेगा। मैं तो

[श्री रवि राय]

समझता हूँ कि ज्यादा सम्भावना है डिस्क्रिमिनेशन की बात के आने की।

मैं आशा करता हूँ कि हमारी दलील सुनने के बाद आप इस पर पुनर्विचार करेंगे। हिन्दुस्तान की स्थिति का तकाजा है कि देशी और विदेशी बैंकों का राष्ट्रीयकरण कर दिया जाये। अगर आप ऐसा कर दें तो कोई डिस्क्रिमिनेशन नहीं होगा। लेकिन अगर आप ऐसा नहीं करते तो यह बिल्कुल आप की बुजुर्गिरी की निशानी होगी, दूसरी कुछ नहीं।

SHRI S. M. BANERJEE (Kanpur) : Sir, I have moved my amendment Numbers 89 and 90 to Clause 2 already. We have been pleading here in this House and outside, and throughout the country our Group has been pleading for the nationalisation of all banks. And to-day when we are having this Bill before this House, I am glad to announce that under the leadership of our group and the party, the All-India Bank Employees' Association had raised the first slogan for nationalisation of banks and to-day their slogan has been partially translated into action. And I am happy to know that even the Members of the Jan Sangh and their representatives who opposed the Ordinance in the Supreme Court have now come out with a statement in this House that they would like the Government to nationalise all the foreign banks also. It is a good sign and I do not know whether it is their conviction. If it is their conviction I welcome it — I have no words to say for this. But if it is a tactics, it is wrong tactics. But if it is a conviction then it is an article of faith. We want all the foreign banks to be nationalised and we want that all foreign companies should be nationalised. India can only be rebuilt through the labour of our working class and the money from the capitalists and even the all-India monopoly concerns should be taken over by Government. That is our stand. We hope that Government will not feel shy in declaring here and now that all banks will be nationalised. If they want to know how much time they want for taking such a decision.

I would like to tell the hon. Minister that when the Supreme Court struck certain clauses of the Bill and declared this particular Bill *ultra vires* they did on it the basis of discrimination— hostile discrimination—and Shri Madhok, Shri Masani or Cooper or any body else or even Shri Gupta and Shri Lobo Prabhu may approach again the Supreme Court and may try to prove it a little hostile — I doubt very much whether the Supreme Court, in their wisdom, will come to such a conclusion that this is bad in law.

Naturally, Sir, why should the government feel shy in taking a decision here and now or at least let them promise that a day will come when all the banks are likely to be nationalised.

With these words, Sir, I once again support this Bill. I have moved my amendments and request that the same may be accepted.

श्री रवि राय (पुरी) : अध्यक्ष महोदय, मेरे संशोधन 99 से लेकर 101 तक इस क्लॉज पर हैं। मेरा यह तर्क है कि मंत्री महोदय ने जो जवाब दिया उससे ऐसा जान पड़ता है कि उन का दिमाग दुविधाग्रस्त है। एक तरफ तो बिल लॉग टाइम के बारे में जिक्र किया गया कंट्रोलिंग हाइट्स आफ एकानमी का और दूसरी तरफ हम विदेशी बैंकों का राष्ट्रीयकरण नहीं करते। असल में जब तक हम विदेशी बैंकों का राष्ट्रीयकरण नहीं करते हैं तब तक इसका मतलब यही होगा कि हम फिर से उसमें भेद करते हैं, डिस्क्रिमिनेशन करते हैं। मंत्री महोदय तथा प्रधान मंत्री का कहना यह है कि हम विदेशी व्यापार को समर्थन करते हैं उसको बढ़ावा देते हैं, इस वास्ते हम इसकी नहीं करना चाहते हैं। लेकिन अगर देखें कि सरकार कहती है कि विदेशी व्यापार का अस्सी प्रतिशत भाग देशी बैंकों द्वारा किया जाता है। इससे यही साबित होता है कि इस तर्क में कोई जान नहीं है कि हिन्दुस्तान के विदेशी व्यापार को प्रोत्साहन देने के लिए विदेशी बैंकों का राष्ट्रीयकरण नहीं

किया जाना चाहिए। दूसरा कारण विदेशी बैंकों का राष्ट्रीयकरण करने का यह है कि हम लोग दुनिया के सामने लाञ्छित और अपमानित होते हैं। इस वास्ते भी इन विदेशी बैंकों का राष्ट्रीयकरण करना बहुत जरूरी है। मैं यहाँ पर नासिर का उदाहरण देना चाहता हूँ। साधारण बहस में भाग लेते हुए मैंने यह बताया था कि नासिर ने हिम्मत दिखला कर 1956 में सारी स्वेज नहर का राष्ट्रीयकरण कर दिया था। उनको तीन शत्रुओं का तब सामना करना पड़ा था, इंग्लिस्तान का, फ्रांस का और इजराइल का। लेकिन इसके बावजूद भी वह डटे रहे और स्वेज नहर का उन्होंने राष्ट्रीयकरण कर दिया। हम को लगता है कि भारत सरकार की कोई लम्बान दृष्टि नहीं है, ऐतिहासिक दृष्टि नहीं है। वह विदेशी बैंकों का राष्ट्रीयकरण इस लिए नहीं करती है कि वह फारेन पावर्ज से डर जाती है।

हम क्यों मांग करते हैं कि विदेशी तथा देशी बैंकों का राष्ट्रीयकरण किया जाए? बड़े बड़े विदेशी तथा देशी पूँजीपति, दोनों करोड़पति लोग एक हाथ में तो बैंक रखते हैं जैसे बर्ड एण्ड कम्पनी के हाथ में लायड्स बैंक है और दूसरे हाथ से अपने खराब कारनामों को छिपाने के लिए बैंकों का सहारा लेते हैं और साथ ही साथ हमारी अर्थ नीति को ये तहस नहस करते हैं। यही कारण है कि हम यह कहते हैं कि बैंकिंग कम्पनियों, क्रेडिट इंस्टीट्यूशज आदि को आप अपने हाथ में ले लें।

अब सवाल यह पैदा होता है कि इन बैंकों से ग्रामीण लोगों को क्या लाभ पहुँच सकेगा? इसके बारे में हमारा सुभाव यह है कि पाँच और दस हजार जिन ग्रामों की जन संख्या है, वहाँ आप बैंक की एक शाखा अवश्य खोलें। अगर आपने इसको मान लिया तो ग्रामीण लोगों को इससे बहुत फायदा हो सकता है। मैंने अपने संशोधन में एक और मांग की है। पेज दो पर

लाइन 40 के बाद आपने कहा है कि किस किस को आप कर्जा देगे। आप तो अध्यक्ष महोदय, जानते ही हैं कि कांग्रेस दल को बीस लाख रु० मध्यावधि चुनाव में कर्जा दिया गया था। हमारा संशोधन यह है कि इस तरह के जो राजनीतिक दल हैं उनको आप कर्जा न दें और इस तरह का संशोधन इस में जोड़ें। इसके बारे में मेरा एक संशोधन है और मैं आशा करता हूँ कि उसको मंत्री महोदय मान लेंगे।

कोर्ट को मौका न मिले होस्टाइल डिस्क्रिमिनेशन के आधार पर इसको अवैध ठहराने का, इस हेतु मैं मांग करता हूँ कि विदेशी बैंकों का भी अवश्य राष्ट्रीयकरण कर दिया जाए और इस आशय की जो तरमीम है, उसको स्वीकार कर लिया जाए। मैं आशा करता हूँ कि संसद इसको मान लेगी।

श्री योगेन्द्र शर्मा : माननीय सदस्यों ने अपनी अपनी बातें कही हैं लेकिन मेरे जो संशोधन हैं 112 और 113—

अध्यक्ष महोदय : 112 वही है जो 89 है और 113 वही है जो 90 है। इस पर माननीय सदस्य बोल चुके हैं।

श्री योगेन्द्र शर्मा : उनके कारण दूसरे ये मेरे दूसरे हैं।

विदेशी बैंकों समेत तमाम बैंकों का राष्ट्रीयकरण नहीं किया जाना चाहिए, इस सिलसिले में मंत्री महोदय ने जो तर्क दिये हैं वे हमारे गले नहीं उतरते हैं। उन्होंने कहा है कि यह राष्ट्रहित में होगा कि विदेशी बैंकों को अपने हाथ में न लिया जाए। उनका कहना था कि विदेशों में भी हमारे बैंकों की 56 शाखाएँ हैं। लेकिन आप देखें कि दुनिया के केवल चार देशों में हमारे देश के बैंकों की शाखाएँ हैं, इंग्लैंड, हॉर्गकॉंग, जापान और सीलोन। अमरीका में हमारे बैंकों की शाखाएँ नहीं हैं, फ्रांस में नहीं हैं, नीद-

[श्री योगेन्द्र शर्मा]

रलैंड्स नहीं है, अफ्रीका के किसी देश में कोई शाखा नहीं है, पूरे अरब जगत में नहीं है, पूरे समाजवादी जगत में नहीं है। इस वास्ते जब मंत्री महोदय कहते हैं कि विदेशों में हमारी 56 शाखाएँ हैं तो किसी को यह भ्रम नहीं होना चाहिए कि 56 देशों में ये शाखाएँ हैं और इस वास्ते उनसे व्यापारिक सम्बन्धों में घाघात पहुंचेगा। सिर्फ चार देशों में हैं। अमरीका जो सब से बड़ा पूँजीवादी देश है वहाँ हमारी शाखा नहीं है। जब केवल मात्र चार देशों में हमारे देशी बैंकों की शाखाएँ हैं तो कोई बाधा हमारे मार्ग में उपस्थित नहीं होनी चाहिए विदेशी बैंकों का राष्ट्रीयकरण करने के मामले में। इन विदेशी बैंकों के जरिए से हमारे देश का हर साल दो करोड़ रुपये का शोषण हो रहा है और यह तब हो रहा है जबकि इन शाखाओं में विदेशी बैंकों ने एक पैसा पूँजी का नहीं लगाया है, हमारे देश में कोई पूँजी नहीं लगाई है। उनकी सिर्फ शाखाएँ ही यहाँ हैं। देश का अधिक से अधिक शोषण करने के लिए वे मैनैजर्स को बीस बीस हजार रुपया माहवार तनख्वाहों का देते हैं। विदेशी बैंकों की शाखाओं को यहाँ पर रख कर हम अपने देश का घोर शोषण होने देते हैं विदेशियों के जरिये से। इस वास्ते राष्ट्रीय हित का यह तकाजा है कि विदेशी बैंकों का तो कम से कम अवश्य ही राष्ट्रीयकरण कर दिया जाए।

जहाँ तक मुआवजे का प्रश्न है उसके बारे में हमारा एक विशेष संशोधन है। इतना मुआवजा हमको नहीं देना पड़ता यदि जिस तरह से हमारे इम्पीरियल बैंक को अपने हाथ में लिया था उसी तरह से इन चौदह बैंकों को भी अपने हाथ में ले लेते। इम्पीरियल बैंक के शेयर्स को हमने खरीदा था। जब फाइनेंस मिनिस्ट्री में इस बात पर बहस हो रही थी तब हमने जो अभी संशोधन दिया है उसी तरह का एक

प्रस्ताव भी सरकार के सामने आया था। उसके सिलसिले में टाइम्स आफ इंडिया की रिपोर्ट है 12 फरवरी को जोकि उससे बहुत ही मिलती जुलती है और मैं उसको पढ़ कर आपको सुनाना चाहता हूँ :

"It appears that even when the question of nationalisation was brought up in July, some senior officials in the Finance Ministry had suggested that procedure adopted in the case of the Imperial Bank should be followed, but on one thought at that time that the nationalisation law could be struck down by the Supreme Court on the ground of discrimination. As regards compensation, the current market value of the Bank shares cannot obviously be the basis for determining the amount of compensation."

यही एतराज हो सकता है। लेकिन इसका कारण क्या है :

"If this were to be the basis, then the compensation payable would work out to less than Rs. 40 crores, but the Government has already provided for payment of compensation amounting to Rs. 75 crores in the previous Act, and this figure may not be reduced,"

75 करोड़ की बात उन्होंने पहले कही थी। लेकिन आप देखें कि खुद फाइनेंस मिनिस्ट्री में बहुत से लोग यह विचार पेश कर रहे थे कि जिस तरह से इम्पीरियल बैंक के शेयर्स को खरीदा गया था उसी तरह से अगर यहाँ भी किया जाए तो केवल 48 करोड़ रुपया ही देना पड़ेगा। 75 करोड़ से भी ज्यादा अब दे कर उनको खुश किया जा रहा है और खुश करके सरकार इसको पास करवाना चाहती है। लेकिन राष्ट्र का तथा जनता का हित यह कहता है कि जिस तरह से हमने इम्पीरियल बैंक का राष्ट्रीयकरण किया था उसी तरह से यहाँ भी करें और ऐसा अगर किया जाए तो केवल 48 करोड़ ही हमको देना पड़ता और 48 करोड़ दे कर हम

ऐसा कर सकते हैं। अब भी समय है और इस को मान लिया जाना चाहिए।

SHRI M.R. MASANI (Rajkot) : I have moved my amendment No. 130. The point of this amendment is to try and undo the mischievous attempt to make this law retrospective in its effect. We can certainly make it retrospective back the 14th February when the Ordinance was passed, was but we cannot make it retrospective by a single day beyond that date because the Ordinance that we are replacing by this Bill does not extend beyond the 14th February. As is well known the last Act we passed was invalid and unconstitutional and was quite rightly struck down by the Supreme Court. What was done under that law was illegal. It was legalised banditry; properties were occupied illegally against the rights of the citizens who owned them; boards of directors were dissolved illegally; depositors money was transferred illegally from those to whom they had entrusted the money to a set of bandits who call themselves the Government of India. All this banditry is sought to be legalised by this.

17 hrs.

SHRI N.K.P. SALVE : (Behal) Is it the correct language?

SHRI PILOO MODY : Call them crooks, if you prefer that word

SHRI N.K.P. SALVE : It would be fit piloo to say that.

SHRI M.R. MASANI : is it not banditry when a government tries in this manner to legalise an illegality? Because, what happened between July last and February was illegal. If the amendment had not been moved, I would have said: all right, let the law take its course: lawyers would have gone to court; those injured would have asked for damages and the law would have prevailed. I want to say to Mr. Salve that what this clause tries to do is to say: "Notwithstanding the fact that we acted illegally and occupied your premises, took away your deposits and misappropriated your property, everything we did in the

last nine months is made legal". If that is not legalised banditry what is it? They want to give retrospective effect which would cover all their illegalities, which would deprive citizens of their rights to go to the courts and ask for damages for injustices done to them, for properties being taken away from them for nine months, for interest not being paid on their loans, for their dividends not being paid for deposits being used in a manner that they did not approve of. Surely this is very wrong and we oppose this attempt to make it retrospective.

Now, I should like also to oppose the amendments moved which have already been explained. A chorus had been raised in this House for nationalising all other banks, whether foreign or Indian. Mr. Limaye wants only foreign banks to be nationalised while M. Shiva Chandra Jha wants all banks to be nationalised, we are opposed to such a move because we consider nationalisation to be wrong, to be bad for this country.

Let me correct the Law Minister. If he is under the impression that our opposition to nationalisation of Banks has weakened by a hair's breadth, he is quite wrong; we are as opposed to nationalisation of a single bank in India today as we were last year.

What will be the effect of more banks being nationalised? I am not concerned with the nationality of these banks nor indeed am I concerned with the motives of the hon. gentlemen opposite. Their motives are probably dishonourable, as are most of the things that they do these days. I am not concerned with their motives. When a tiger has come and eaten fourteen innocent people, an amendment is moved that four other innocents should also be eaten up because it would otherwise be discriminatory on the part of the tiger! I am opposed to the tiger eating up anybody; I am opposed to any more people being eaten up by the voracious tigers opposite. Why am I opposed to the tiger eating up more people?

Because I am concerned with the freedom of choice of the depositor and the man who deals with the bank, the creditor. So long as there is no complete monopoly,

[Shri S. Kundu]

there is some hope for the depositor and the creditor under the present Bill. While a semi-monopoly is established over fourteen leading banks, thank goodness the tiger has not decided to eat up everyone. Small Indian banks and some foreign banks survive. To that extent a private citizen can go from one bank to another either for asking for a loan or to deposit his money. That freedom of choice in which we believe as Liberals, that liberty will be further truncated if four or twenty other banks are further nationalised. I say this not with a view to protecting a particular bank, whether Indian or foreign. I am not concerned with the nationality of banks; I am concerned with the fact that the ordinary Indian citizen, the consumer who wants services from a bank, has some freedom of choice left to him. The proposed amendment would further truncate the freedom of choice. Since we believe in competition and freedom of choice, my Party will oppose and vote against any amendment of that nature.

MR. SPEAKER : Shri Kundu... (*Interruption*).

SHRI LOBO PRABHU : You have skipped my amendments which I wanted to move.

MR. SPEAKER : There are so many joint names so that I gave the chance to others. They were moved by so many other Members.

Let Mr. Kundu speak now.

SHRI S. KUNDU : Sir, I have moved amendment Nos 164, 165, 166, 202, 203, 204 and 205 to clause 2. These amendments broadly refer to three or four points. First of all, the amendment seeks to make a change in the definition which has been given in the Banking Companies Act. The amendment broadens the definition thereby including within the definition the foreign banks also; the foreign banks are brought within the ambit of the definition. Secondly, the definition of the "existing banks has been changed to the effect that the sum of Rs. 50 crores which is the limit

of the deposit now, becomes Rs. 1 crore according to the amendment now suggested by me.

The most important thing in the various amendments to this clause is the date of vesting. The Minister. if he is true to his word, said that if at any time he thinks of nationalising the other banks, it would be done and that the date of vesting should be flexible. As and when the banks are taken over by nationalisation and they merge with the new banks, the date of vesting should be as from that date. This amendment is very vital.

The most important item is about the principle of hostile discrimination. Unless the definition of the banking company is suitably changed, as I have suggested in my amendment, I fear again it will be hit by the Constitution as has been interpreted by the Supreme Court, because they have said that it makes a hostile discrimination against the named banks in that it prohibits the named banks banking activities whereas from carrying on the banks, Indian and foreign, are permitted to carry on banking business and that even new banks may be formed and which may engage themselves in banking business. They say, "Indian and foreign banks." Suppose, you allow the foreign banks to engage themselves in trade and commerce,—those who have deposits of more than Rs. 50 crores—and do not allow other similar Indian banks to do so, it is quite possible that it will again be hit by the Supreme Court, because the judges are thinking in that manner as I pointed out earlier.

In view of this consideration, I would plead that the hon. Minister should accept my amendments. It is not a tiger which is actually eating up these 14 people. I feel that the tiger is the managing directors and big shareholders; if you just shoot at them and injure them, if they are man-eaters, they will go round and eat all the people, unless you kill them outright. Therefore, if you just shoot a part of the tiger and leave the other parts, since you are only nationalising 14 banks, it will be very dangerous, and when it becomes a man-eater, it will try to eat everybody else and may be sometimes Mr. Govinda

Menon himself. In view of this, I hope he will accept all my amendments.

SHRIMATI TARKESHWARI SINHA : Sir, while moving the amendments, I would also like to endorse many of the things which have been said by the hon. Member who has wanted the nationalisation of foreign banks also. The argument given by Mr. Masani is exactly the reason why we want foreign banks should be brought under the nationalised sector. That means, the deposits today are likely to be diverted to the foreign banks. You want a sense of direction to the Indian economy for the socialistic goal that you want to reach. The primary object of the nationalisation Act itself, as pointed out by Shri Madhu Limaye, has been that you would provide a sense of direction by the use of bank finances. Naturally people who would like to oblige foreign banks and get money in return will divert their funds from the Indian banks to foreign banks. You cannot prohibit that. If you prohibit one individual depositor from doing it, it will be discrimination and it will go against his fundamental right, because the depositor has the choice to deposit his money in any banks he likes. As I said in my speech during the general discussion, most of the foreign deposits are being utilised for financing foreign companies. They are indirectly putting pressure, giving help to foreign companies, for favourable collaboration terms. They can get away with it if this latitude is shown to them.

Some very relevant remarks have been made about rupee payment account, whether it is American, Yugoslav or Russian rupee account. We hear a lot of things about it, but whenever we ask for any discussion, time is not available for Government. The Prime Minister does not have time even to answer short notice questions on this matter because it is very embarrassing for them to tell us where those rupee payments are going. In reply to a question, the answer was given here that general permission of the Reserve Bank is required. Yes, for the totality of the account, general permission of the Reserve Bank should be taken by the rupee payment countries for making rupee payments in this country, for embassy uses, etc. The USSR Bank for Foreign

Trade has a central account with the Reserve Bank of India. We went to know whether the USSR Bank of Foreign Trade has one more account with the commercial banks of India who are authorised to deal in foreign exchange. Apart from nationalised banks it will be necessary for the Government to have information from non-nationalised banks which are holding rupee payment accounts of other countries as to how those funds are being disbursed. We understand that this bilateral trade with the USSR provides for the settlement of commercial and non-commercial accounts. What are those non-commercial accounts which USSR has here? For what purposes are the non-commercial funds being used? My own conviction is that all those non-commercial funds are being used for political purposes. How does the Reserve Bank or this Parliament have access to what is really being done with rupee payment accounts in this country unless and until big foreign banks also come within our purview?

This Constitution has been made for the citizens of this country. The rights of the citizens of this country are most precious for this Parliament to preserve. But unfortunately, the Indian citizens are getting lesser rights than the foreigners in this country. The foreign shareholders of the banks probably take advantage of the Indian Constitution and the fundamental rights contained therein for their own benefit. But our own people in the banks we have nationalised have been denied certain rights. It is unfortunate that in this country foreigners get more rights than Indian citizens. The Constitution should have protected and preserved the rights of Indian citizens. Therefore, I strongly submit that foreign banks, above Rs. 50 crores at least must be nationalised at the first stage.

श्री बेणी शंकर शर्मा : अध्यक्ष महोदय, कलाज 2 पर मेरे संशोधन 186 से 190 तक दो भागों में विभक्त हैं। संशोधन 187 के द्वारा मैंने विदेशी बैंकों के राष्ट्रीयकरण की बात कही है, एस० एम० बन्नी साहब को जनसंघ से चूँकि कुछ एलर्जी है इसलिए जो कुछ हम कहते हैं उस पर शायद उनको पूरा विश्वास नहीं होता है लेकिन जो संस्था उन लोगों के भारतीयकरण की पक्ष-

पाती है जिनके विचार विदेशों से प्रभावित हैं वह विदेशी बैंकों के राष्ट्रीयकरण से कैसे अलग रह सकती है ? हम तो उन लोगों का भी भारतीयकरण करना चाहते हैं जो विदेशी-भाव-पन्न हैं और विदेशों से अपने विचार लेते हैं। इसलिए हम इस बात को बर्दाश्त नहीं कर सकते कि हमारे यहाँ विदेशी बैंक रहें। अभी मंत्री महोदय ने कहा है कि विदेशी बैंकों से हमें बहुत फायदे हैं क्योंकि विदेशों के साथ व्यापार विदेशी बैंकों के द्वारा सहूलित से कर सकते हैं। लेकिन मैं उन से पूछना चाहता हूँ कि रशिया भी विदेशों से व्यापार करता है लेकिन उस के यहाँ विदेशी बैंक नहीं हैं, और भी ऐसे बहुत से देश हैं जो विदेशों से व्यापार करते हैं तो वह किस प्रकार करते हैं ?

दूसरा जो मेरा संशोधन है वह जहाँ 19 जुलाई 1969 है उसकी जगह मैंने अप्वाइंटेड डे किया है। मेरा और मसानी जी का संशोधन करीब करीब एक ही है। केवल जो मसानी जी ने 14 जनवरी 1970 रखा है उसकी जगह मैं अप्वाइंटेड डे रखना चाहता हूँ। इस बारे में मैं एक ही बात कहना चाहता हूँ कि जब मोरारजी भाई डिप्टी प्राइम मिनिस्टर और फार्डिनेस मिनिस्टर थे तो उन्होंने जो कानून बनाए जाते हैं उनके रेट्रोस्पेक्टिव एफेक्ट के बारे में गवर्नमेंट के विचार व्यक्त किए थे। यद्यपि वह आज गवर्नमेंट में नहीं हैं लेकिन वह गवर्नमेंट के विचार थे, मैं आपके जरिए सरकार का ध्यान उनकी तरफ दिलाना चाहता हूँ क्योंकि जो भी कानून बनाए जाते हैं उनमें रेट्रोस्पेक्टिव एफेक्ट लाने से बहुत तरह की कठिनाइयाँ होती हैं। यहाँ जिस मुद्दे पर और जिन बातों को ले कर सुप्रीम कोर्ट ने कानून को रद्द किया है उसी को सिर्फ पुनर्जांचित कर रहे हैं तो सुप्रीम कोर्ट के फैसले से क्या फायदा ? इसलिए मैं इन दोनों संशोधनों को पेश करते हुए सदन से प्रार्थना करूँगा कि वह इसको स्वीकार करे।

श्री भोनेन्द्र झा : अध्यक्ष महोदय, मैं अमेंडमेंट नं० 16 मूव कर रहा हूँ।

SHRI LOBO PRABHU : I want to make only one point. My friends, Shrimati Tarkeshwari Sinha and Shri Madhu Limaye have been very concerned about the principle of hostile discrimination. At the same time, Shrimati Tarkeshwari Sinha's hostile discrimination is confined to only four foreign banks.

SHRIMATI TARKESHWARI SINHA : Banks with a capital of Rs 50 crores.

SHRI LOBO PRABHU : That will cover only four banks. Shri Madhu Limaye's hostile discrimination is only in respect of foreign banks. I could not follow Shri Shivchandra Jha. Our friends who are so concerned with the principle of hostile discrimination must recognise the principle of classification. There are different classifications made by government. They have said "we are thinking of banks which had Rs. 50 crores on a certain date." They also say "this does not apply to the foreign banks. So, please read your Constitution carefully. There will be equal law for equal persons.

SHRI GOVINDA MENON : In all these amendments only three points are raised. Shri Masani's point is that no retrospective effect should be given to this Act beyond the Ordinance. But the ordinance itself has given retrospective effect up to 19th July 1969.

SHRI M. R. MASANI : That is illegal.

SHRI GOVINDA MENON : It is one of the rights of Parliament to legislate with retrospective effect. Otherwise there will be a vacuum in between, which we want to avoid. Therefore, I am not prepared to accept the amendment suggested by Shri Masani.

But in turn I would support him with respect to other matters of which he spoke here.

SHRIMATI TARKESHWARI SINHA : Grand alliance ! We welcome the grand alliance. God bless Shri Jagjivan Ram and Shri Govinda Menon !

SHRI GOVINDA MENON : That is regarding two points, namely, why all banks are not nationalised and why we are restricting it to banks with deposits of Rs. 50 crores and more.

SHRI TENNETI VISWANATHAM : Where is the Andhra Bank ? The Andhra Bank has got more than Rs. 50 crores of deposits.

SHRI GOVINDA MENON : Andhra Bank has not Rs. 50 crores of deposits.

SHRI TENNETI VISWANATHAM : They told us so.

SHRI GOVINDA MENON : We are legislating as on 19th July, 1969. On that day the Andhra Bank had a deposit of less than Rs. 50 crores. Even today, my information is that it is less than that. On 27th February, 1970 its deposit was Rs. 48.6 crores.

SHRI TENNETI VISWANATHAM : Thank you, I stand corrected.

SHRI GOVINDA MENON : The real answer for me has been given by Shri Lobo Prabhu... (*Interruption*)

श्री रवि राय: ये दोनों 'दोस्त' हो गए हैं। स्वतन्त्र और काँग्रेस भाई-भाई हो गए हैं।

SOME HON. MEMBERS : Oh!

SHRIMATI TAKESHWARI SINHA : Wonderful !

SHRI UMANATH : The Government that stands for socialism has to lean on the Swatantra Party. They are bankrupt now.

SHRI GOVINDA MENON : Why should I repeat things which have been stated here with such force ? I do not want to waste the time of the House. The point

has been made clear by Shri Lobo Prabhu. It is open to Government and Parliament to classify them into foreign banks and Indian banks. It is further open to Government to classify the Indian banks into those whose deposits are Rs. 50 crores and more and others. That is what has been done. This is one of the well known principles recognised by the Constitution and the Supreme Court.

SHRIMATI TARKESHWARI SINHA : What is the principle between foreign banks and Indian banks ?

SHRI GOVINDA MENON : We have our own reasons which I stated earlier as to why foreign banks were not taken over.

SHRIMATI TARKESHWARI SINHA : That is not reason ; that is your apprehension. Why do you say, it is reason ?

SHRI GOVINDA MENON : Apprehension sometimes supplies reasons.

I have before me the figures regarding bank advances relating to exports. On 19th July, 1969, the foreign banks in India supplied Rs. 66.65 crores for exports, the State Bank of India supplied Rs. 76.93 crores and the 14 nationalised banks Rs. 126.51 crores. This will show that these foreign banks are today rendering us a certain service with respect to our foreign trade.

SHRI UMANATH : Just as any other bank is doing.

SHRI GOVINDA MENON : Much more than other bank.

We want to retain that benefit. We want also to have reciprocity with other countries. That is the reason why we have left out foreign banks. If you say that it is on account of fear and all that, I have nothing to say.

Those who attack classification will have to give evidence how that classification is bad. That is why the Supreme Court in its judgement said, "No material is there before us to come to the conclusion that the classification adopted is not good." For all these reasons I oppose all the amend-

ments and request hon. Members to withdraw them.

MR. SPEAKER : Now I am putting Shri Madhu Limaye's amendments to clause 2 to the vote of the House.

श्री मधु लिमये: नं० 1 पर मैं अलग से वोट चाहता हूँ ।

Amendment No. 1 was put and negatived.

MR. SPEAKER : I shall now put amendments 3 & 4 moved by Shri Madhu Limaye to the vote of the House.

Amendments Nos. 3 and 4 were put and negatived.

MR. SPEAKER : I shall now put amendments 15 and 16 moved by Shri Bhogendra Jha to the vote of the House.

Amendments Nos. 15 and 16 were put and negatived.

MR. SPEAKER : I shall now put amendments 17 and 18 moved by Shri Kanwar Lal Gupta to the vote of the House.

Amendments Nos. 17 and 18 were put and negatived.

MR. SPEAKER : I shall now put amendment No. 27 of Shri Shiva Chandra Jha to the vote of the House. His amendment No. 26 is the same as 15 which is already lost.

SHRI SHIVA CHANDRA JHA : I want division.

MR. SPEAKER : The question is :

Page 2, line 18,—

omit "were not less than rupees fifty crores." (27)

The Lok Sabha Divided :

Division No. 13]

[17.33 hrs.

AYES

Agadi, Shri S. A.
Banerjee, Shri S. M.
Bansh Narain Singh, Shri
Basu, Shri Jyotirmoy

Daschowdhury, Shri B. K.
Dass, Shri C.
Ghosh, Shri Bimalkanti
Ghosh, Shri Ganesh
Gopalan, Shri P.
Hazarika, Shri J. N.
Jagardanan, Shri C.
Jha, Shri Shiva Chandra
Joshi, Shri S. M.
Kameshwar Singh, Shri
Kedaria, Shri C. M.
Khan, Shri Ghayoor Ali
Kiruttinan, Shri
Kundu, Shri S.
Limaye, Shri Madhu
Menon, Shri Vishwanatha
Mirza, Shri Bakar Ali
Murti, Shri M. S.
Naghnor, Shri M. N.
Naidu, Shri Chengalraya
Padmavati Devi, Shrimati
Parmar, Shri Bhaljibhai
Patel, Shri Manubhai
Patil, Shri Deorao
Rajaram, Shri
Rajasekharan, Shri
Ram Charan, Shri
Ramabadrnan, Shri T.D.
Rampur, Shri Mahadevappa
Ray, Shri Rabi
Reddy, Shri R. D.
Sen, Shri Deven
Sen, Shri P. G.
*Sharma, Shri Madhoram
Sharma, Shri Yogendra
Sheo Narain, Shri
Singh Shri D. N.
Sinha, Shrimati Tarkeshwari
Supakar, Shri Sradhakar
Umanath, Shri
Viswanatham, Shri Tenneti
Viswanathan, Shri G.

NOES

Achal Shigh, Shri
Ahirwar, Shri Nathu Ram
Ahmed, Dr. I.
Ahmed, Shri F. A.
Awadesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Barua, Shri Bedabrata
Barua, Shri R.
Barupai, Shri P. L.
Basumatari, Shri
Bhagat, Shri B. R.

* Wrongly voted for Ayes.

- Bhandare, Shri R. D.
 Bhanu Prakash Singh, Shri
 Bhattacharyya, Shri C. K.
 Bist, Shri J. B. S.
 Srahmanandji, Shri Swami
 Buta Singh, Shri
 Chanda, Shri Anil K.
 Chanda, Shrimati Jyotsna
 Chandrika Prasad, Shri
 Chatterji, Shri Krishna Kumar
 Chaturvedi, Shri R. L.
 Chavan, Shri Y. B.
 Chaudhary, Shri Valmiki
 Dalbir Singh, Shri
 Dasappa, Shri Tulsidas
 Deo, Shri K. P. Singh
 Deshmukh, Shri Shivajirao S.
 Dhiavgadhra Shri Sriraj Mognrajji
 Dinesh Singh, Shri
 Dipa, Shri A.
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Ering, Shri D.
 Gajraj Singh Rao, Shri
 Gandhi, Shrimati Indira
 Gavitt, Shri Tukaram
 Ghosh, Shri Parimal
 Goyal, Shri Shri Chand
 Hajarawis, Shri
 Hem Raj, Shri
 Iqbal Singh, Shri
 Jadhav, Shri Tulshidas
 Jaggalah, Shri K.
 Jagjitwan Ram, Shri
 Jamir, Shri S. C.
 Kamble, Shri
 Kamala Kumari, Kumari
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kesri, Shri Sitaram
 Khadilkar, Shri R. K.
 Khan, Shri M. A.
 Khanna, Shri P. K.
 Kotaki Shri Liladhar
 Koushik, Shri K. M.
 Krishna, Shri M. R.
 Krishnappa, Shri M. V.
 Kureel, Shri B. N.
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati
 Lobo Prabhu, Shri
 Lutfal Haque, Shri
 Mahadeva Prasad, Dr.
 Mahajan, Shri Vikram Chand
 Mahida, Shri Narendra Singh
 Mahishi, Dr. Sarojini
 Majhi, Shri Mahendra
 Mandal, Shri Yamua Prasad
 Mane, Shri Shankarrao
 Marandi, Shri
 Masani Shri M. R.
 Mastar, Shri Bhola Nath
 Melkote, Dr.
 Menon, Shri Govinda
 Minmata Agam Dass Guru, Shrimati
 Mishra, Shri G. S.
 Mody, Shri Pilo
 Mohammad Yusuf, Shri
 Mohsin, Shri
 Nahata, Shri Amrit
 Naik, Shri R. V.
 Nanda, Shri
 Nirlep Kaur, Shrimati
 Oraon, Shri Kartik
 Pahadia, Shri Jagannath
 Palchaudhuri, Shrimati Ila
 Pant, Shri K. C.
 Paokoi Haokip, Shri
 Partap Singh, Shri
 Parthasarathy, Shri
 Patel, Shri Manbhai, J.
 Patil, Shri C. A.
 Patil, Shri S. B.
 Patil Shri S. D.
 Patodia, Shri D. N.
 Pradhan, Shri K.
 Radhabai, Shrimati B.
 Raghu Ramalah, Shri
 Raj Deo Singh, Shri
 Ram Dhan, Shri
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri J. Ramapathi
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddi, Shri G. S.
 Reddy, Shri Ganga
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Salgal, Shri A. S.
 Sait, Shri Ebrahim Sulaiman
 Saleem, Shri M. Yunus
 Salve, Shri, N. K. P.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M. •
 Sayyad Ali, Shri

Sen, Shri Dwaipayan
Sethi, Shri P. C.
Shambhu Nath, Shri
Sankaranand, Shri B.
Shashi Bhusan, Shri
Shastri, Shri Ramanand
Shastri, Shri Sheopujan
Shinde, Shri Annasahib
Shiv Chandrika Prasad, Shri
Shukla, Shri S. N.
Shukla, Shri Vidya Charan
Siddheshwar Prasad, Shri
Sinha, Shri Satya Narayan
Snatak, Shri Nar Deo
Sunder Lal, Shri
Surendra Pal Singh, Shri
Swaran Singh, Shri
Thakur, Shri P. R.
Tiwary, Shri D. N.
Ujkey, Shri M. D.
Ulaka, Shri Ramachandra
Virbhadra Singh, Shri
Vyas, Shri Ramesh Chandra

MR. SPEAKER : The result of the division is :

Ayes : 46 ; Noes : 151.

*The motion was negatived.**

MR. SPEAKER : I shall now put the Amendments moved by Shri S.M. Banerjee to the vote, namely, Amendments No. 89 and No. 90.

Amendments Nos. 89 and 90 put and negatived.

MR. SPEAKER : I shall now put amendment No. 125 to the vote of the House.

Amendment No. 125 was put and negatived.

MR. SPEAKER : Amendment No. 99 of Mr. Rabi Ray is the same as No. 1 voted down. Amendment No. 100 is just the same as 3. Amendment No. 101 is same as No. 4. Amendment No. 112 is the same

as No. 89. So, they are all disposed of together. Now, we come to Mr. Masani's Amendment No. 130. I will put Amendment No. 130 to the vote.

Amendment No. 130 was put negatived.

MR. SPEAKER : Amendment No. 164 by Mr. Kundu is the same as No. 125 and so this is disposed of.

I will now put the amendment No. 165 and 166 by Mr. Kundu to the vote of the House.

Amendments Nos. 165 and 166 were put and negatived.

MR. SPEAKER : Amendment by Shri Beni Shankar Sharma No. 187 is same as 125. Amendment No. 164 also need not be put. Now we come to Amendments Nos. 188, 189 and 190, which I will put to the vote.

Amendments Nos. 188, 189 and 190 were put and negatived.

MR. SPEAKER : I shall now put Amendments Nos. 202, 203, 204 and 205 moved by Shri Kundu to the vote of the House.

Amendments Nos. 202 to 205 were put and negatived.

MR. SPEAKER : We come to Amendment No. 225 of Shrimati Tarkeshwarl Sinha. I Will put this to vote.

The question is :

Page 2,—

for lines 5 and 6, substitute —

“(b) “banking company” includes a foreign company within the meaning of section 591 of the Companies Act, 1956 ; (225)

The Lok Sabha divided :

* Sarvashri D. Amat and Madhofam Sharma also voted for NOES; 4

Division No. 14]

AYES

Agadi, Shri S. A.
 Banerjee, Shri S. M.
 Basu, Shri Jyotirmoy
 Daschowdhury, Shri B. K.
 Dass, Shri C.
 Desai, Shri Morarji
 Ghosh, Shri Bimalkanti
 Ghosh, Shri Ganesh
 Gopalan, Shri P.
 Hazarika, Shri J. N.
 Joshi, Shri S. M.
 Kameshwar Singh, Shri
 Kedaria, Shri C. M.
 Khan, Shri Ghayoor Ali
 Klrutinan, Shri
 Kothari, Shri S. S.
 Limaye, Shri Madhu
 Menon, Shri Vishwanatha
 Mirza, Shri Bakar Ali
 Murti, Shri M. S.
 Naghnoor, Shri M. N.
 Naidu, Shri Chengalraya
 Padmavati Devi, Shrimati
 Parmar, Shri Bhaljibhai
 Patel, Shri Manubhai
 Rajaram, Shri
 Rajasekharan, Shri
 Ram Subhag Singh, Dr.
 Ramabadran, Shri T. D.
 Rampur, Shri Mahadevappa
 Ray, Shri Rabi
 Reddy, Shri R. D.
 Sen, Shri Deven
 Sen, Shri P. G.
 Sharma, Shri Yogendra
 Sheo Narain, Shri
 Singh, Shri D. N.
 Sinha, Shrimati Tarkeshwar
 Supakar, Shri Sradhakar
 Umanath, Shri
 Viswanathan, Shri G.
 Achal Singh, Shri

NOES

Ahlfwar, Shri Nathu Ram
 Ahmad, Dr. I.
 Ahmed, Shri F. A.
 Awadesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Barua, Shri Bedabrata
 Barua, Shri R.
 Barupal, Shri P. L.
 Basumajari, Shri
 Bhagat, Shri B. R.
 Bhandare, Shri R. D.

[17.37 hrs.

Singh, Bhanu Prakash Singh, Shri
 Bhattacharyya, Shri C. K.
 Bist, Shri J. B. S.
 Brahmanandji, Shri Swami
 Buta Singh, Shri
 Chanda, Shri Anil K.
 Chanda, Shrimati Jyotsna
 Chandrika Prasad, Shri
 Chatterji, Shri Krishna Kumar
 Chaturvedi, Shri R. L.
 Chavan, Shri Y. B.
 Choudhary, Shri Valmiki
 Dalbir Singh, Shri
 Dasappa, Shri Tulsidas
 Deshmukh, Shri Shivajirao S.
 Dhrangadhra, Shri Sriraj Meghrajji
 Dinesh Singh, Shri
 Dipa, Shri A.
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Ering, Shri D.
 Gajraj Singh Rao, Shri
 Gandhi, Shrimati Indira
 Gavit, Shri Tukaram
 Ghosh, Shri Parimal
 Hajarnawis, Shri
 Hem Raj, Shri
 Iqbal Singh, Shri
 Jadhav, Shri Tulshidas
 Jaggalah, Shri K.
 Jagjivan Ram, Shri
 Jamir, Shri S. C.
 Kamble, Shri
 Kamala Kumari, Kumari
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kesri, Shri Sitaram
 Khadilkar, Shri R. K.
 Khan, Shri M. A.
 Khanna, Shri P. K.
 Kotokt, Shri Lladhar
 Koushik, Shri K. M.
 Krishna, Shri M. R.
 Krishnappa, Shri M. V.
 Kureel, Shri B. N.
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati
 Lobo Prabhu, Shri
 Lutfal Haque, Shri
 Mahadeva Prasad, Dr.
 Mahajan, Shri Vikram Chand
 Mahida, Shri Narendra Singh
 Mahishi, Dr. Sarojini
 Majhi, Shri Mahendra
 Mandal, Shri Yamuna Prasad
 Mane, Shri Shankarrao

Marandi, Shri
 Masani, Shri M. R.
 Master, Shri Bhola Nath
 Melkote, Dr.
 Menon, Shri Govinda
 Minimata Agam Dass Guru, Shrimati
 Mishra, Shri G. S.
 Mody, Shri Piloo
 Mohammad Yusuf, Shri
 Mohsin, Shri
 Nahata, Shri Amrnt
 Naik, Shri R. V.
 Nanda, Shri
 Nirlep Kaur, Shrimati
 Oraon, Shri Kartik
 Pahadia, Shri Jagannath
 Palchaudhuri, Shrimati Ila
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Partap Singh, Shri
 Parthasarathy, Shri
 Patel, Shri Manibhal J.
 Patil, Shri C. A.
 Patil, Shri Deorao
 Patil, Shri S. B.
 Patil, Shri S. D.
 Patodia, Shri D. N.
 Pradhani, Shri K.
 Radhabai, Shrimati B.
 Raghu Ramaiah, Shri
 Raj Deo Singh, Shri
 Ram Dhan, Shri
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rao, Dr. K. L.
 Rao, Shri K. Narayana
 Rao, Shri J. Ramapathi
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddi, Shri G. S.
 Reddy, Shri Ganga
 Rohatgi, Shrimati Soshila
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Sait, Shri Ebrahim Sulaiman
 Saleem, Shri M. Yunus
 Salve, Shri N. K. P.
 Sanghl, Shri N. K.

Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sayyad Ali, Shri
 Sen, Shri Dwalpayan
 Sethi, Shri P. C.
 Shah, Shri T. P.
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Shri Madhoram
 Shashi Bhushan, Shri
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shinde, Shri Annasabib
 Shiv Chandika Prasad, Shri
 Shukla, Shri S. N.
 Shukla, Shri Vidya Charan
 Siddheshwar Prasad, Shri
 Sinha, Shri Satya Narayan
 Snatak, Shri Nar Deo
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Swaran Singh, Shri
 Thakur, Shri P. R.
 Tiwary, Shri D. N.
 Uikey, Shri M. G.
 Ulaka, Shri Ramachandra
 Virbhadra Singh, Shri
 Vyas, Shri Ramesh Chandra

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

AYES : 41.

NOES : 152

The motion was negatived.

MR. SPEAKER: Now we come to clause 2.

The question is :

“That clause 2 stand part of the Bills”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

*(Establishment of Corresponding new
 banks and business thereof)*

SHRI KANWAR LAL GUPTA : I
 beg to move :—

Page 2, line 26,—

after “First Schedule” insert—

“and foreign banks”. (19)

*The following members also recorded their votes :

AYES : Sarvshri Bhogendra Jha, Shiva Chand Jha, Kanwar Lal Gupta, Shri Chand
 Goyal, C. Janardhan, and Beni Shanker Sharma.

NOES : Sarvshri J. Mohamed Imam and K. P. Singh Deo.

SHRI S. S. KOTHARI : I beg to move :—

Page 2,—

after line 26, insert—

“Provided that the Central Government shall not effect amalgamation or absorption of any of the new banks without the express sanction of Parliament; and at no time shall there be less than five State-owned new banks, reconstituted as necessary, functioning in the country.” (148)

Page 2,—

after line 40, insert—

“Provided that no advances secured or unsecured, shall be granted to political parties, organisations or individuals for political purposes, and where such advances have already been given either before or after acquisition of banks by the State, they shall immediately be recalled or recovered.” (149)

SHRI S. KUNDU : I beg to move ;—

Page 2, line 26,—

add at the end—

“or any other banks which may be specified by notification.” (167)

Page 2,—

for lines 25 and 26, substitute—

“3. (1) The Central Government may by notification in the Official Gazette constitute or corresponding new banks in respect of any existing bank, and without prejudice to the generality of the powers of the said Government, there shall be constituted on the commencement of the Act such corresponding new banks as are specified in the First Schedule.” (206)

SHRI BENI SHANKER SHARMA :

I beg to move :—

Page 2, line 42,—

omit “and the” (191)

Page 2, line 44,—

after “new bank,” insert—

“profits of the existing bank” (192)

श्री मधु लिमये : अव्यक्त महोदय, मेरे इस में दो संशोधन हैं ।

निम्नलिखित संशोधन प्रस्तुत करता हूँ :

Page 2,—

after line 40, insert—

“Provided that no advances either secured or unsecured shall be granted to political parties, organisations and to individual for political purposes, [Illustration : Giving of an advance to either AICC, Ruling Congress or Opposition Congress shall come within this provision].” (5)

Page 2,—

after line 46, add—

“(7) The Central Government may take over any other bank not mentioned in the First Schedule at any time on the basis of the same terms and principles by issuing a notification in the Gazette to that effect.” (6)

मैं मंत्री महोदय से निवेदन करूंगा कि दूसरे संशोधन का तो कोई महत्व नहीं रहता क्योंकि पहले जो क्लार्क है वह जिस शकल में था उसी शकल में पास हुआ है। लेकिन जहां तक बैंकों के द्वारा राजनीतिक कामों के लिए कर्जा देने का सवाल है मैं मंत्री महोदय से निवेदन करूंगा कि मेरे इस संशोधन को वे स्वीकार करें क्योंकि ग्राम लोगों में आज यह भावना है कि जैसे जैसे आर्थिक सत्ता का इस सरकार के हाथ में केन्द्रीयकरण होता जायेगा, इस आर्थिक सत्ता का इस्तेमाल वह राजनीतिक उद्देश्यों की पूर्ति के लिए करेगी। यह काम दो तरह से किया जा सकता है—एक प्रत्यक्ष ढंग से और दूसरे अप्रत्यक्ष ढंग से। प्रत्यक्ष ढंग से इस प्रकार कि बैंकों के द्वारा अगले आम चुनाव के पहले हो सकता है कि सत्ताधारी दल के संगठन को बैंकों के द्वारा कर्जा दिया जाये लेकिन यह मुविषा अन्य राजनीतिक दलों को नहीं मिलेगी। इसके बारे में हम पहले भी कह

चुके हैं कि ऐसे उदाहरण पाए गए हैं कि बैंकों के द्वारा आल इंडिया कांग्रेस कमेटी को कर्जा दिया गया है, एडवॉन्स दिया गया है। इसलिए मैं मंत्री महोदय से निवेदन करूंगा कि मेरे इस संशोधन को वे मानें और इन बैंकों के ऊपर रोक लगावें कि राजनीतिक कामों के लिए वे किसी भी दल या संघटन को या व्यक्ति को कर्जा न दें।

17.39 hrs.

[SHRI SHRI CHAND GOYAL in the Chair]

अप्रत्यक्ष ढंग से बैंकों के द्वारा यह काम किया जा सकता है कि जो पूंजीपति और पूंजीपतियों के परिवार सरकार का समर्थन करते हैं उन परिवारों को बैंकों के द्वारा कर्जा दिया जायेगा। बैंकों के राष्ट्रीयकरण के बाद इसकी सम्भावना बहुत ज्यादा बढ़ गई है। पहले बैंकों के ऊपर सिर्फ पूंजीपतियों का नियन्त्रण था और कब्जा था और अब पूंजीपतियों का नियन्त्रण और कब्जा भी रहेगा और सरकार का भी कब्जा रहेगा और बिड़ला, मन्तलाल, गुजरमल मोदी जैसे अन्य जो पूंजीपति हैं जो कि सरकार का समर्थन करेंगे उनको बैंकों से ज्यादा कर्जा दिया जायेगा। कम से कम इस स्तर को दूर करने के लिए जरूरी हो जाता है कि सीधे राजनीतिक दलों को जो कर्जा दिया जाता है उसको बन्द कर दिया जाये। मैं फिर मंत्री महोदय से कहूंगा कि अगर आप चाहते हैं कि आप के राष्ट्रीयकरण के सुझाव के बारे में लोग आप के ऊपर कोई श्रमियोग न लगायें कि राजनीतिक फायदे के लिए आप यह कर रहे हैं तो मेरे इस सुझाव को उन की मान लेना चाहिए।

मैं आशा करता हूँ कि अभी भी वह इस बात को मान लेंगे।

श्री कंबर साल गुप्त: सभापति जी, जो संशोधन माननीय मधु लिमये जी ने रखा है मैं उम्मीद करता हूँ कि पहले समर्थन करना चाहता हूँ। और मैं

समझता हूँ कि उन्होंने आंशिक बात कही। वास्तव में केवल राजनीतिक दलों को पैसा उधार नहीं देना चाहिए। इतना ही नहीं परन्तु राजनीति में जो राजनीति के लिए पैसा दिया जाये, चाहे व्यक्ति हो, चाहे संगठन हो, चाहे समाचार-पत्र हो, कोई भी चीज क्यों न हो जिस का प्रभाव राजनीति में होता हो या राजनीति के लिए जो पैसा दिया गया हो, वह कर्जा बैंकों को नहीं देना चाहिये। हमें डर है कि चूंकि यह 14 बैंक राजनीति में काम करने वाले लोगों के हाथ में आये हैं, मंत्रियों के हाथ में आये हैं, इसलिए इन के दुरुपयोग होने का काफी डर है—पैसे की दृष्टि से भी और सब चीजों की दृष्टि से भी। इसलिए हम सरकार से आश्वासन चाहते हैं कि वह किसी प्रकार का दुरुपयोग इन बैंकों का अपने दल के लिए नहीं करेगी।

दूसरी बात यह है कि अगर कोई लोन सरकार दे तो यही हो जो माननीय मधु लिमये जी ने कहा है और उन के संशोधन को स्वीकार कर लिया जाय। और अगर सरकार इस को नहीं मानती तो मैं मंत्री जी से कहूंगा कि कोई भी लोन किसी भी राजनीतिक दल को या समाचार-पत्र को न दिया जाय। मुझे मालूम है कि जो समाचार पत्र कई दिल्ली से निकलते हैं उन्होंने बड़े बड़े लोन बैंकों से लिये हुए हैं बगैर सेक्योरिटी के या कम सेक्योरिटी के लिये हुए हैं। इस तरह का जो कोई लोन हो मंत्री महोदय संशन शुरू होते ही सारी चीजें सभा पटल पर रख दें ताकि लोगों को विश्वास हो जाय कि यह जो लोन दिया है वह ठीक दिया है या गलत दिया है। इस की सेक्योरिटी ठीक है कि नहीं। यह आश्वासन हम आज मंत्री जी से चाहते हैं कि किसी प्रकार से राजनीति में हस्तक्षेप न होगा या राजनीति करने के लिए इस प्रकार का उपयोग न होगा। इसलिए मैं माननीय मधु लिमये जी के संशोधन का समर्थन करता हूँ। और जहाँ तक मेरे संशोधन का

सवाल है मैं कह चुका हूँ कि फोरेन बैंक्स का राष्ट्रीयकरण होना चाहिए।

श्री रवि राय: सभापति जी, माननीय मधु लिमये जी ने जो संशोधन रखा है मैं उस का जोरदार समर्थन करता हूँ और माननीय मंत्री जी से उम्मीद करूँगा कि जो बलाज पहला पारित हो चुका है वह तो हो चुका है लेकिन वह आगे क्या संसद को यह आश्वासन देंगे कि इस संशोधन को वह मान रहे हैं ताकि राजनीतिक दलों द्वारा इन का दुरुपयोग न हो सके। पहले कांग्रेस को यह बैंक पैसा देते थे और फिर कांग्रेस को ज्यादा देने वाले हैं। इसलिए मेरा संशोधन है कि राजनीतिक दल को पैसा देना बैंक से बन्द होना चाहिए। मैं आशा करूँगा कि मंत्री महोदय इस को मान लेंगे।

SHRI S. S. KOTHARI : We have irrefutable evidence that even before the nationalisation of banks, a considerable amount of money running into a few lakhs of rupees had been given to the Congress Party. Now the Reserve Bank is insisting that the amount should either be recalled or written off or provided for. This is how public money was being wasted even prior to nationalisation. Has nationalisation, I put it to Government, been done with this ulterior motive of using the funds of the nationalised banks for their political activities and purposes? I challenge Government to refute my statement and say that this amount has not been taken by the Congress Party. I am alleging they have taken the money and are not paying it back. The consequence is that some day it may have to be written off. It is not waste of public money? It has been given without any good security. If this is the object of nationalisation, I ask why you are deceiving the people with all these gimmicks saying that you have nationalised the Banks for public purposes. Besides, will the Government take immediate steps to see that that amount is paid back to the Bank concerned because that is public money?

Secondly, what are the steps that are being taken to safeguard the interests of the

depositors? The depositors' money is a sacred trust and if the Government itself utilises that money for political purposes, I am afraid the money of the depositors is not safe with the nationalised Banks.

The object of my amendment No. 148 is this. The LIC is a big monolithic Corporation, the consequence is that it has become very inefficient. Even with regard to the nationalised Banks, during the last nine months considerable inefficiency has crept in. For example, cheques on Calcutta banks which were deposited in January here have not been realised by the Banks for more than two months. If this is the state of affairs, if this is the efficiency of the nationalised Banks, how are you going to function, how is society benefited by this nationalisation? It is for the Government to see that all these units function independently, that they are not amalgamated without the express sanction of Parliament. If they are amalgamated, there would be further deterioration.

What are the instructions that the Government has given to bankers with regard to loans and also with regard to ensuring that loans are given against proper security? Those instructions must be laid on the Table of the House.

SHRI S. KUNDU : I have moved two amendments. The Government can accept either of them. I have, therefore, given a lot of scope to them.

The point is very vital. Clause 3(1) says :

"On the commencement of this Act, there shall be constituted such corresponding new banks as are specified in the First Schedule."

And in the First Schedule they have specified the 14 Banks. The hon. Minister stated that they can also nationalise some more Banks. Unless there is a specific provision so that they can nationalise other Banks by issuing a Notification, they have to come forward with an amendment of this Act or get another Bill passed by

[Shri S. Kundu]

Parliament. So, I think that if the hon. Minister is sincere and really truthful in what he said, he must accept either of my amendments. In the second one I have said that it is without prejudice to the Bill which we are discussing. I hope the Minister will say something on this.

श्री वेणी शंकर शर्मा : सभापति महोदय, बलाज नम्बर 3 पर मेरे अमेंडमेंट नम्बर 191 और 192 है व क्लाज 10 पर अमेंडमेंट नम्बर 199 है। चूंकि यह एक दूसरे से सम्बन्धित हैं इसलिए मैं इन तीनों पर एक साथ बोलना चाहूंगा।

मैं मंत्री महोदय से कहूंगा कि मेरे जो संशोधन हैं वह कोई राजनैतिक कारणों से नहीं हैं और न ही वह किसी राजनीति पर आधारित हैं। उनका सम्बन्ध हिसाब किताब रखने के तरीके से है।

मैं सदन का ध्यान बलाज 10 (7) की ओर आकर्षित करना चाहता हूँ जिसका कि सम्बन्ध मेरे अमेंडमेंट नम्बर 199 से है। क्लाज 10(7) में यह कहा गया है :

"After making provisions for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is necessary under a corresponding new bank shall transfer the balance of profits to the Central Government."

अपने अमेंडमेंट में मैंने यह चाहा है कि पेज 9, लाइन 5 पर फोर दी सेंट्रल गवर्नमेंट यह सम्बन्ध टूट कर दिया जाय :

"its reserve fund as provided under sub section (6) of section 3.

सभापति महोदय यहां बैंकों को जो मुनाफा होगा उसको त्रिटू गवर्नमेंट के खाते में ट्रान्स-

फर करने की बात कही गई है लेकिन जो घाटा होगा तो क्या होगा इसका कहीं उल्लेख नहीं है। वह घाटा हमारी समझ में गरीब टैक्सपेयर्स पर पड़ेगा। इसलिए मैं चाहता हूँ कि जो मुनाफा हो वह रिजर्व फंड के खाते में ट्रान्सफर कर दिया जाय।

क्लाज नम्बर 3 पर मेरे अमेंडमेंट्स नम्बर 191 और 192 हैं। क्लाज 3 (6) में अपने पहले अमेंडमेंट के द्वारा मैं लाइन 42 में चाहता हूँ कि 'एण्ड दी' यह शब्द हटा दिये जाय इसी तरह दूसरे अमेंडमेंट द्वारा उसी में लाइन 44 में से 'न्यु बैंक' के बाद 'प्राफिट्स औफ दी ऐग्जिस्टिंग बैंक' यह शब्द जोड़ दिये जायें। इन अमेंडमेंट्स का ताल्लुक हिसाब किताब रखने के तरीके से है। मैं चाहता हूँ जो कि मुनाफा बैंकों में हो वह रिजर्व फण्ड में ट्रान्सफर कर दिया जाय। उसके बाद सरकार या जो भी कायदे के मुताबिक अधिकारी हो वह उसका प्रयोग कर सके। उसके पास जब काफी मुनाफा जमा हो जाय तो फिर वह गवर्नमेंट को ट्रान्सफर कर सकता है। लेकिन जो घाटा होगा उसका क्या बनेगा इसका कोई उल्लेख नहीं है।

SHRIMATI TARKESHWARI SINHA : Mr. Madhu Limaye's amendment has mentioned about the ruling Congress and the organisation Congress, I refer to the instances he has quoted. It is most unfortunate that this Government presided over by Shrimati Indira Gandhi took that money when the Bill banning donations from companies was pending before the House. This was an immoral act of the Cabinet which was committed; the other members of the organisation Congress were not committed to that because the Bill had not been passed. But the Cabinet had committed itself to ban donations from companies. After making that commitment this Cabinet comes forward and takes money not from Individuals like Birla and Tata. They were pressurised to give that money. I know definitely that they were pressurised. Mrs. Gandhi telephoned to Mr. Tata and compelled him to give Rs,

10 lakhs. When for the first time he gave Rs. 4 lakhs, she compelled Mr. Tata to give Rs. 10 lakhs. Mr. Tata was forced to give Rs. 10 lakhs to the political party. The name of the organisation Congress has been brought in. The most unfortunate part is we have to defend certain things; we were never morally committed; we were never a party to that. In it the Government presided over by Mrs. Gandhi and her Cabinet had committed this immoral act. I should like an enquiry to be conducted as to who took the money from the United Commercial Bank. I should like to know that. It is a fact that the Prime Minister telephoned to Mr. Birla saying: you give this money. Rs. 10 lakhs were paid by Birlas, from their own companies and probably Rs. 15 lakhs by the United Commercial Bank for the Congress Party. We are compelled to be party to this immoral act when we were not really responsible for that. Unfortunately the money which was taken as a cheque to the Congress President and the Treasurer of the Congress Party was disposed of by the Prime Minister and disbursed to her stooges and her own candidates at her instance. It is an act for which we are unhappy. We want an enquiry to be conducted. Some people who had definitely taken money and connived in that should be brought to book and exposed to the public. Unfortunately, we in the Organisation Congress—the poor Congress—President—has been asked to pay back this Rs. 10,000 or Rs. 12,000 or Rs. 15,000 imprest. They will have to pay for their sins.

MR. CHAIRMAN : Mr. Govinda Menon.

SHRI S. M. BANERJEE : Sir, I have to make one submission.

MR. CHAIRMAN : I have already called the Minister.

SHRI S. M. BANERJEE : A serious point has been raised by Shrimati Tarkeshwari SINHA.—(Interruption)

MR. CHAIRMAN : The hon. Minister will reply to that.

SHRI KANWAR LAL GUPTA : Let there be a fullfledged enquiry because the hon. Member has made a charge against the Prime Minister.

SHRI S. M. BANERJEE : It is a serious allegation against the Prime Minister.

SHRIMATI TARKESHWARI SINHA : She made a telephone call from Ranchi. There should be an inquiry about that.

MR. CHAIRMAN : Order, order. Let us hear the Minister.

SHRI KANWAR LAL GUPTA : The lady Member has charged the Prime Minister that she made a telephone call to TATA and forced him to give Rs. 10 lakhs to the party. This is a serious allegation.

इसकी इनक्वायरी होनी चाहिए। अगर वाकई प्रधान मंत्री जी ने वैसा किया है तो वह यहाँ बतौर प्राइम मिनिस्टर बैठने के लायक नहीं है।

SHRI GOVINDA MENON : We are discussing the amendments to clause 3, and Mrs. Tarkeshwari Sinha has taken us to an enquiry regarding something else. Two suggestions have come from Mr. Madhu Limaye and Mr. Kundu that it should be possible for Government by a notification to take in and nationalise other banks also.

SHRI S. M. BANERJEE : Do you accept the charges? You are not replying on behalf of the Prime Minister. Let the Prime Minister come and reply here.

SHRIMATI TARKESHWARI SINHA : Who took the money? Let an enquiry be conducted. (Interruption)

SHRI KANWAR LAL GUPTA : It is a serious allegation made by Mrs. Tarkeshwari Sinha.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : You want a reply to a baseless allegation? (*Interruption*)

SHRIMATI TARKESHWARI SINHA : I charge the Prime Minister; she took the money and telephoned to Tata. You ask the Prime Minister to come and explain that: whether Mr. Tata has paid money by two cheques: once Rs. 4 lakhs and then another Rs. 6 lakhs. At whose instance and under whose compulsion? (*Interruption*)

MR. CHAIRMAN : Let the Minister please carry on.

SHRI GOVINDA MENON : Since four points have been raised, I have to take them one by one. This notification business will be vicious. It will be an abdication of the legislative authority of Parliament to the executive, because when you take a new bank other than these 14 banks, compensation has to be fixed, etc., etc. It can be done only by another Bill. You cannot have it by notification.

SHRI MADHU LIMAYE : On the same principle and on the same terms. Where is the abdication ?

SHRI GOVINDA MENON : The figure will have to be fixed and that will be considered to be excessive. delegation of authority by Parliament to the executive. (*Interruption*)

Another amendment by Shri Madhu Limaye is that the loan should not be given by the nationalised banks to political parties and for political purposes. These banks although nationalised, are there to earn profit by advancing money to solvent people. I see no reason why the nationalised banks, if they get security, should not advance money for political purposes. (*interruption*)

SHRI S. S. KOTHARI : Is it for productive purposes ?

SHRI GOVINDA MENON : I made a general statement that if security is there, or if the debtor is a solvent debtor, it is the practice of all banks to advance money. I think it would be wrong to introduce in

this Bill a provision which would say that money cannot be advanced for political purposes or for political parties.

SHRI MADHU LIMAYE : The needs of development of the economy.

SHRI GOVINDA MENON : In order to develop of the economy, the banks have to earn a profit, and in order to earn profit, they have to advance money. You cannot always lend it only for those purposes. The only test which a commercial bank will have in mind in advancing money would be to consider whether the advance would come back.

18 hrs.

SHRI KANWAR LAL GUPTA : Not the development of the community ?

SHRI GOVINDA MENON : While speaking on the amendments, Shrimati Tarkeshwari Sinha and Shri Kanwar Lal Gupta have made certain wild allegations against the Prime Minister which have nothing to do with the Bill before us.

SHRI KANWAR LAL GUPTA : I have not made any allegation ; Shrimati Tarkeshwari Sinha did it. I suggested that it should be enquired into.

SHRIMATI TARKESHWARI SINHA : Were you not a party to the Bill prohibiting donations by companies to political parties ? You put this party in a very embarrassing situation.(*interruptions*)

SHRI GOVINDA MENON : We are not discussing denations by limited companies to political parties. Whenever the name of the Prime Minister comes in, I do not know why Shrimati Tarkeshwart Sinha gets excited.

SHRIMATI TARKESHWARI SINHA : Because I do not like to be a sycophant of the Prime Minister. You be a proper Law Minister and not a sycophant of the lady. You defend the Constitution properly and behave as a proper Law Minister and not as the sycophant of the Madam.

SHRI GOVINDA MENON : There is no question of sycophancy here. The amendment says that money should not be advanced to political parties by way of loans ; I am not on the question of contribution or donation, because that has been prohibited by law. The advancing of a loan is not a donation and I see no reason why Parliament should decide that there should be no loans advanced to political parties.

श्री रवि राय : राजनीतिक दली को चन्दा दे कर उत्पादन कैसे बढ़ेगा ?

श्री कुंवरलाल गुप्त : यहाँ कहा गया है कि टेलीफोन प्राइम मिनिस्टर ने किया था । इसकी एन्क्वायरी की जाय । कहीं ऐसा न हो कि यह एलियेशन ऐसे ही रह जाय ।

SHRI UMANATH : Why should political parties require money from banks ? Let them go to the people and collect money.

SHRIMATI TARKESHWARI SINHA : The Cabinet comes into the picture because the Cabinet was committed to the Bill to ban company donations to political parties so that donations may not go to the political parties. The Cabinet was committed to it but the House or Parliament was not committed to it.

SHRI GOVINDA MENON : I had always thought that Shrimati Tarkeshwari Sinha is a person of intelligence. I think I must now revise my opinion. Because, the Cabinet was discussing the question of donations by companies to political parties. The point raised here is whether loans could be advanced. I see no reason why, when there is a proper security, loans should not be advanced.

SHRI UMANATH : Because they are political parties. They can collect money from the people. Banks have to advance money for agriculture, Industries and trade ; not for political purposes to political parties (interruptions)

SHRIMATI TARKESHWARI SINHA : The nationalised bank is an institution of

the government and government cannot be a party to the campaign for funds by political parties.

SHRI KANWAR LAL GUPTA : What security can be given by a political party ?

SHRI GOVINDA MENON : I do not know. I am making an abstract proposition. I would advise Shrimati Tarkeshwari Sinha not to get excited whenever Indira Gandhi's name is mentioned.....(interruptions)

18.05 hrs

[MR DEPUTY-SPEAKER in the Chair]

SHRI GOVINDA MENON : I am not yielding.

SHRIMATI TARKESHWARI SINHA : These banks have been nationalised; they are Government institution? They can not take a partisan attitude in financing one or the other political party. It should not be done. It will be very improper for Government to make these banks a party to the political functioning in the country. You confine your remarks to this point. Don't bring Shrimati Indira Gandhi into the picture.

SHRI GOVINDA MENON : That is exactly what I told you. Don't bring Shrimati Indira Gandhi's name to the picture,

SHRIMATI TARKESHWARI SINHA : After the Bill banning donations to political parties was passed in this House, as head of the Cabinet, she did it. These nationalised banks are Government institutions and they cannot take a partisan attitude in financing any political party.

SHRI GOVINDA MENON : I hope this excitement will not be repeated in the course of the debate today. It is an abstract question, Mrs. Sinha has been referring to donation to political parties. Clause 3 has nothing to do with donations. According to me, it is the duty of the management of a good bank to advance funds if thereby the bank can earn a good return. I do not know why this should be prohibited. I oppose the amendments,

श्री मधु लिमये : मंत्री महोदय एक प्रश्न उत्तर नहीं दे रहे हैं, उन्होंने बैंकों के राष्ट्रीयकरण का समर्थन इस लिए किया कि वह धन पैदावार को बढ़ाने के लिए बैंकों के फंड्स का इस्तेमाल किया जायेगा। अब मेरी समझ में नहीं आता कि राजनीतिक दलों तथा संगठनों के व्यक्तियों को राजनीतिक कामों के लिए कर्जा देना क्या जिस उद्देश्य के लिए बैंकों का राष्ट्रीयकरण किया गया है उसमें आता है। इसका मंत्री महोदय को साफ जवाब देना चाहिए।

SHRI GOVINDA MENON : A bank should do banking business. It is part of banking business they should advance money. No amount of noise will be a proper answer. If money is advanced, that money will come back with appropriate interest. (*Interruptions*) I oppose the amendments.

SHRI S. M. BANERJEE : Amendment No. 5 of Mr. Limaye reads thus.

MR. DEPUTY-SPEAKER : The Minister has replied to the debate.

SHRI S. M. BANERJEE : See how poorly he replied. Certain instances were cited by Mrs. Sinha to show that some banks after nationalisation also advanced money to political parties.

SHRI GOVINDA MENON : Was it before nationalisation or after ?

SHRIMATI TARKESHWARI SINHA : It was before nationalisation.

SHRI S. M. BANERJEE : The Bill banking company donations to political parties was passed in this House. After that, these banks gave advances, whether secured or unsecured I do not know. Amendment No. 5 says :

After line 40, insert —

“Provided that no advances either secured or unsecured shall be granted to political parties, organisations and to individual for political purposes. (Illustration: Giving of an advance to either AICC, Ruling Congress or Opposition Congress shall come within this provision)”

He has not replied to this. Industries are given advances for promoting certain industries. Agriculturists are given advances for agriculture. But what did AICC do with the advance ? Let him give a reasonable reply..... (*Interruption*)

MR. DEPUTY-SPEAKER : May I put all the Amendments together to the vote of the House ?

SHRI MADHU LIMAYE : Not all; please put No. 5 separately.

SHRI S. KUNDU : Mine also may please be put separately.

SHRI KANWAR LAL GUPTA : Mine also.

MR. DEPUTY-SPEAKER : I am putting Amendment No. 5 by Shri Madhu Limaye to the vote of the House. The question is Page 2, — after line 40, insert —

“Provided that no advances either secured or unsecured shall be granted to political parties, organisations and to individual for political purposes. [Illustration: Giving of an advance to either AICC, Ruling Congress or Opposition Congress shall come within this provision]” (5)

The Lok Sabha divided :

Division No. 15]

[18.16 hrs.

AYES

Amat, Shri D.
Banerjee, Shri S. M.
Biswas, Shri J. M.
Dhrangadhra, Shri Sriraj Meghrajji
Dipa, Shri A.
Ghoah, Shri Ganesh
Gopalan, Shri P.
Goyal, Shri Shri Chand
Gupta, Shri Kanwar Lal
Jha, Shri Shilva Chandra
Kamalanathan, Shri
Kedaria, Shri C. M.
Kiruttinan, Shri
Kothari Shri S. S.
Koushik, Shri K. M.
Kundu, Shri S.
Maran, Shri Murasoli

Masani, Shri M. R.
 Mayavan, Shri
 Mody, Shri Piloo
 Mohamed Imam, Shri J.
 Nalk, Shri R. V.
 Nair, Shri Vasudevan
 Padmavati Devi, Shrimati
 Parmar, Shri Bhaljibhal
 Patel, Shri Manubhal
 Patodia, Shri D. N.
 Rajaram, Shri
 Ram Subhag Singh, Dr.
 Ramabadran, Shri T. D.
 Ray, Shri Rabi
 Reddy, Shri R. D.
 Sen, Shri Deven
 Sharma, Shri Beni Shanker
 Sharma, Shri Yogendra
 Sheo Narain, Shri
 Singh, Shri D. N.
 Sinha, Shrimati Tarkeshwari
 Umanath, Shri
 Vajpayee, Shri Atal Biharl
 Viswauatham, Shri Tenneti
 Viswanatham, Shri G.

NOES

Achal Singh, Shri
 Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Awadesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Barua, Shri Bedabrata
 Barua, Shri R.
 Bhagat, Shri B. R.
 Bhandare, Shri R. D.
 Bhanu Prakash Singh, Shri
 Bhattacharyya, Shri C. K.
 Bist, Shri J. B. S.
 Buta Singh, Shri
 Chanda, Shri Anil K.
 Chanda, Shrimati Jyotsna
 Chandrika Prasad, Shri
 Chatterji, Shri Krishna Kumar
 Chaturvedi, Shri R. L.
 Chavan, Shri Y. B.
 Choudhary, Shri Valmiki
 Choudhury, Shri J. K.
 Dasappa, Shri Tulsidas
 Deshmukh, Shri Shivajirao S.
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Ering, Shri D.
 Gajraj Singh Rao, Shri

Gandhi, Shrimati Indira
 Gavli, Shri Tukaram
 Ghosh, Shri parimal
 Govind Das, Dr.
 Iqbal Singh, Shri
 Jadhav, Shri Tulsidas
 Jaggaiah, Shri K.
 Jagjiwan Ram, Shri
 Jamir, Shri S. C.
 Kamble, Shri
 Kamala Kumari, Kumari
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Khan, Shri M. A.
 Khanna, Shri P. K.
 Kotoki, Shri Liladhar
 Krishnappa, Shri M. V.
 Kureel, Shri B. N
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Lutfal Haque, Shri
 Mahajan, Shri Vikram Chand
 Mahida, Shri Narendra Singh
 Mahishi, Dr. Sarojini
 Mandal, Shri Yamuna Prasad
 Mane, Shri Shankarrao
 Marandi, Shri
 Master, Shri Bhola Nath
 Menon, Shri Govinda
 Minimata Agam Dass Guru, Shrimati
 Mishra, Shri G. S.
 Mohammad Yusuf, Shri
 Mohsin, Shri
 Mulla, Shri A. N.
 Nanda, Shri
 Oraon, Shri Kartik
 Pahadia, Shri Jagaonath
 Pant, Shri K. C.
 Partap Singh, Shri
 Parthasarathy, Shri
 Patel, Shri Manibhai J.
 Patil, Shri C. A.
 Patil, Shri Deorao
 Patil, Shri S. D.
 Pradhan, Shri K.
 Radhabai, Shrimati B.
 Ragu Ramaiah, Shri
 Ram Dhan, Shri
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rao, Shri Jaganath
 Rao Dr. K. L.
 Rao, Shri K. Narayana.
 Rao, Shri J. Ramapathi

Raut, Shri Bhola
 Reddi, Shri G. S.
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Sait, Shri Ebrahim Sulaiman
 Salve, Shri N. K. P.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sayyad Ali, Shri
 Sen, Shri Dwaipayan
 Sethi, Shri P. C.
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Shri Madhoram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Sher Singh, Shri
 Shinde, Shri Annasahib
 Shiv Chandika Prasad, Shri
 Shukla, Shri S. N.
 Shukla, Shri Vidya Charan
 Sinha, Shri Satya Narayan
 Snatak, Shri Nar Deo
 Surendra Pal Singh, Shri
 Swaran Singh, Shri
 Thakur, Shri P. R.
 Tiwary, Shri D. N.
 Uikey, Shri M. G.
 Ulaka, Shri Ramachandra
 Vyas, Shri Ramesh Chandra

MR. DEPUTY-SPEAKER : The result* of the division is : Ayes : 42 ; Noes : 119.

The motion was negatived.

MR. DEPUTY-SPEAKER : I will now put Amendment No. 6 of Shri Madhu Limaye to the vote of the House.

Amendment No. 6 was put and negatived.

MR. DEPUTY-SPEAKER : I will now put amendment No. 19 in the name of Shri Kanwar Lal Gupta to the vote of the House.

Amendment No. 19 was put and negatived.

MR. DEPUTY-SPEAKER : Amendments 102 and 103 standing in the name of

Shri Rabi Ray are the same as Amendment No. 5. So I am not putting them. I will put Amendments 148 and 149 moved by Shri S. S. Kothari to the vote of the House.

Amendments Nos. 148 and 149 were put and negatived.

MR. DEPUTY-SPEAKER : I will now put Amendments 167 and 206 moved by Shri S. Kundu to the vote of the House.

Amendments Nos. 167 and 206 were put and negatived.

MR. DEPUTY-SPEAKER : I will now put Amendments 191 and 192 moved by Shri Beni Shanker Sharma to the vote of the House.

Amendments Nos. 191 and 192 were put and negatived.

Now the question is :

"That Clause 3 stand part of the Bill."

*The motion was adopted.
 Clause 3 was added to the Bill.*

(Clause 4—Undertaking of existing banks to vest in corresponding new banks)

SHRI S. S. KOTHARI : I beg to move :

Page 3,—

after line 3, insert—

"Provided that the Central Government shall constitute a Central Board of Banking which shall control, direct and coordinate the management and operations of the new banks" (150)

SHRI S. KUNDU : I beg to move :
 Page 3, —

for lines 1 to 3, substitute—

* Shri Madhu Limaye also was voted for AYES.

"4. On the commencement of this Act, the undertaking of each bank specified in column 1 of the First Schedule shall stand transferred to, and vest in the corresponding bank mentioned against it in column 2 of the said Schedule, and in case of other existing banks the undertakings shall stand transferred to and vest in the corresponding new bank when such a corresponding new bank is constituted." (207)

Central Board of Banking should be immediately constituted with these words, I move my amendment. Thank you.

SHRI NAMBIAR (Tiruchirappalli) : I have Amendment No. 230 which says :

Page 3, line 1,—

after "undertaking" insert—

"and all the functions"

SHRI NAMBIAR :—I beg to move ;

Page 3, line 1,—

after "undertaking" insert—

"and all the functions" (230)

The purpose of the amendment is this. After the judgment of the Supreme Court there is a tendency on the part of the Government to water down the provision of the Nationalisation Act. They are even agreeable to allow the banking institutions to continue the functions even after nationalisation. They want to make it as a compromise to the tycoons of this country so that they may not go again to the Supreme Court. This Damocle's sword is hanging over our head, over the head of this Parliament. It is not the roof which is hanging over our heads, it is the 'Damocle's sword of the Supreme Court which is hanging over one heads, Sir. The Supreme Court is not the sovereign authority ; it is the people and the Parliament who are sovereign and not the Supreme Court. We cannot cater to the whimsical fancies of some of the judges of Supreme Court.

SHRI S. S. KOTHARI (Mandsaur) : My amendment states that the Central Government shall constitute a Central Board of Banking which shall control, direct and co-ordinate the management and operations of the new banks. When the Bill was taken up for discussion last year, the hon. Minister for Law who was piloting the Bill then also, agreed that a Central Board of Banking would be constituted and it would consist of professional Bankers. Considerable time has passed but such a Board has not been constituted. Instead of handing over all these banks and co-ordination of their activities to professional bankers, it is actually the Reserve Bank and the Banking Secretary, who is its mentor, who are directing and controlling these banks and issuing instructions. Whatever the instructions are, we would like the hon. Minister to lay them on the Table of the House. Besides the fact is that instead of the professional bankers who would best look to the interests of the industry and the interests of the country, the bureaucrats of the Reserve bank in consultation with the Banking Secretary are issuing directions which have not proved satisfactory for the proper functioning of these banks and for increasing their efficiency and for serving the purpose for which the banks have been nationalised. I would repeat that the

Sir, I am drafting an amendment to the Indian Constitution reducing the age of Supreme Court Judges to that of 58. Why should only the Supreme Court judges retire at the age of 65 years ? For the Central Government employees the maximum age allowed is 58 only. The age of Supreme Court Judges should be reduced to 58 and all those who are above 58 years of age must go. They must go from the Supreme Court for the benefit of the country, for the benefit of the nation, for the benefit of 50 crores of Indian people. We will not allow this Government to go and prostrate before half a dozen Supreme Court Judges. We, the people are sovereign. And, Supreme Court Judges will have to come to the people. Therefore, Sir, our request is this. For everything and anything, the Government should not go

[Shri Nambiar]

and beg or should not get bowed down by some friends here....

SHRI LOBO PRABHU (Udipi) : We have taken an oath to maintain the Constitution. The Member is infringing that oath. I should like what he said to be expunged: The fact is this, that the Supreme Court is part of our Constitution.

SHRI NAMBIAR : I have got the right to get the Constitution amended. We have the power to amend it. Is Mr. Lobo Prabhu thinking that in year 2970 the same Composition of Court and the same Constitution will remain in force? Sir, this Constitution will have to change, and it should change according to the desire, according to the wishes of the people of this country.

Therefore, Sir, I wish to say this : Don't yield to a few in the Supreme Court. Take courage in both your hands and take bold measures. Don't be frightened. We are here to support you. We will give the support if you do the right thing. But, remember, if you do the wrong; we will vote you down. Take courage in both hands and be firm,—firm like a rock. Thanks you, Sir.

SHRI PILOO MODY : I suggest we have a little more entertainment from him, Sir.

SHRI NAMBIAR : For entertainment, he is the biggest entertainer sitting on my right side. He is the biggest man in entertainment as well.

SHRI GOVINDA MENON : I think Mr. Nambiar was unnecessarily getting excited over this matter because the word 'undertaking' used in Clause 4 includes every activity of the Bank. It is that way that the Supreme Court has understood this decision.

Undertaking of a bank means all that is being done by the bank. So, the entire bundle of activities of one of the existing banks will be transferred to the corresponding statutory corporation. There will be no function left out with them except to take the compensation.

Therefore that amendment is not necessary. We have not entered into any compromise with anybody. These are the words which are used in the last Bill also. Shri Kothari wants constitution of a Central Board of Banking.

Now, the directions with regard to the policy involving public interests would be given by the Central Bank. Moreover we are bringing in a scheme before this House regarding the functioning of the nationalised banks and if some details have to be filled up, we can take them up on that occasion. Therefore, I would request Shri Kothari to drop his amendment.

MR. DEPUTY-SPEAKER : Now I shall put amendment Nos. 150, 207 and 230 to vote.

SHRI S. S. KOTHARI : Sir, in view of what the Law Minister has just now said I do not press my amendment. But I am not withdrawing it.

MR. DEPUTY-SPEAKER : I shall put amendment Nos. 150, 207 and 230 to vote.

Amendments Nos. 150, 207 and 230 were put and negatived.

MR. DEPUTY SPEAKER : The question is :—

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill

New Clause—4A

MR. DEPUTY SPEAKER : Now Mr. Imam's amendment No. 131.

SHRI J. MOHAMED IMAM (Chitradurga) : I beg to move :

Page 3,—

after line 3, insert—

"4 A. The Central Government shall guarantee the repayment of

all amounts deposited and transferred from the existing banks to the corresponding new banks and also the repayment of deposits that may be made hereafter in the corresponding new banks." (131)

I am moving this amendment to protect the interests of the depositors who have made their deposits in these banks. Shri Masani just now said that a tiger is eating all the fourteen banks. I am going a little further and state that the same tiger should not be allowed to make mincemeat of all these persons who have deposited huge amounts in these banks. In the banking institution, whether it is in the private sector or the public sector or whether it is managed by an individual or a group of persons, it must depend upon the deposits made in the bank. Banking operations depend upon the volume of deposits existing:

I understand that the total from all these banks comes to Rs. 4,000 crores whereas the Government has paid only Rs. 80 crores. For payment of Rs. 80 crores now they are in a position to handle or manipulate it or do as they please. These Rs. 4,000 crores have been built up by the wise management and by the confidence that was created by it in the management of these banks. The banks were managed by persons who themselves have deep interest in the banks. They were managed according to approved banking principles and they took every precaution to safeguard the interests of the depositors. Now conditions are changed; after nationalisation, all these banks are exposed to the same threat and danger that other public sector concerns have been subjected to. It is a well known fact that many of the public sector undertakings under the Government of India's management have suffered considerable losses, e.g. all the steel plants, Heavy Electricals etc. That is because they are being managed by persons who have no interest in these concerns. At the most, whatever, loss is suffered is reflected in Government and the man who manages a concern has nothing to lose. All these 14 banks will be placed under persons with no interests in them.

श्री शिव चन्द्र झा: उपाध्यक्ष महोदय, मेरा प्वाइन्ट बाफ आर्डर है। हमाम साहब नई क्लॉज का इन्सर्शन कर रहे हैं, जब कि विधेयक में न कोई सब-क्लॉज जोड़ी जा सकती है और न डिलीट की जा सकता है।

MR. DEPUTY-SPEAKER : It has already been admitted and moved. It is too late to raise an objection. In any case, an insertion is in the nature of an amendment.

SHRI J. MOHAMED IMAM : I have already expressed my concern at these banks being exposed to the same danger and exploitation as other public sector units. My friend, Shri Kothari, and others have also expressed deep concern about the future of these banks.

What is the present position? These banks are going to be managed by persons who have absolutely no interest in them, who would not lose anything if the banks suffer loss. Secondly, hereafter they are not going to be run on approved banking principles but according to the whims and fancies of Government.

I am anxious to safeguard the depositors' interest. There is a deposit insurance scheme according to which if any depositor loses his deposit due to liquidation or the bank becoming defunct, there is a guarantee to the extent of Rs. 1500. I understand the figure has been raised to Rs. 5,000—I am not sure. But in the Act with me, the figure is only Rs. 1500. When the future management of the bank is so uncertain, it is quite necessary that Government should give a guarantee about repayment of the full deposit amounts in these banks. It is Government's duty. By paying Rs. 87 crores, they have acquired more than Rs. 4000 crores. Only if this guarantee is there, it will be legal acquisition; otherwise, it will be confiscation. So in the interest of depositors and others, this guarantee should be given at any cost, whenever there is any threat of loss to the depositor.

SHRI D. N. PATODIA (Jalore) : Mr. Imam has already dealt with it, but I would like to know from hon. Minister if he has any particular objection to giving this guarantee. If this guarantee is given it will serve two positive purposes. Firstly; as you know, bank deposits in India are only 15 per cent of the gross national product as against 85 per cent in Japan and 66 per cent in U. K. This is one of the primary needs of our country that we should encourage larger and larger bank deposits. This guarantee will go a long way to encourage and mobilise larger resources, and to attract more deposits. It will be in the interests of the depositors, the banking institutions and mobilisation of funds. Looking at the experience of the past few months since July, 1969, we find that the amount of deposits attracted by these nationalised Banks has been lesser than expected. The reason is that to a certain extent there was a scare in the minds of the depositors. The need of the times is to attract larger and larger deposits and not to create a scare. Therefore, this amendment will serve a very positive and useful purpose. It will create confidence in the minds of the depositors and healthy conditions for the growth of the economy.

SHRI S.M. BANERJEE : The insertion of this new clause is extraordinary. I did not object when Mr. Imam was speaking, but I want a ruling from you. I have known of modification or substitution of a particular clause and not insertion of a new clause.

MR. DEPUTY-SPEAKER : I have already given a ruling.

श्री मधु सिमये : मैं इसका विरोध करता हूँ। मेम्बरों के अधिकारों को बढ़ाना चाहिए या घटाना चाहिए? मेरी समझ में नहीं आता है।

श्री स० मो० बनर्जी : इसमें अधिकारों का सवाल नहीं है। मैं कहता हूँ कि आपको रूलिंग हो जाये बजाय इसके कि आप यह कह दें कि अबकी मर्तबना यह कर दिया। हम चाहते हैं

कि यह जो लेकिन मैं आपसे गुजारिश करता हूँ कि आइन्दा भी इसको एलाऊ होना चाहिए।

SHRI GOVINDA MENON : I take in the proper spirit this amendment seeking to introduce Clause 4A in the Bill and the discussion which took place a little while ago regarding depositors' money being advanced to political parties, political purposes, etc. Those who spoke about these matters wanted to see that the moneys of the depositors in these statutory corporations are safe, and that is a matter with which Government are in full agreement. When the Bill was discussed last time, the same question was raised. It was suggested that if the Banks were nationalised, there would be a flight of deposits from the nationalised Banks through other Banks. I find that within these six months the deposits in the nationalised Banks have gone up by several crores.

SHRI PILOO MODY : The foreign Banks and other Banks were instructed by the Government not to accept deposits that came from nationalised Banks. I do not think that he can get away by juggling statistics in this fashion.

SHRI GOVINDA MENON : That was done in the national interests.

SHRI D.N. PATODIA : But you did it.

SHRI PILOO MODY : Whether it was in the national interests or not, you did it. So, do not brag about your deposits.

SHRI GOVINDA MENON : I can assure the House that the State Bank and the subsidiaries of the State Bank which have been functioning in the public sector—the State Bank from 1955 and the subsidiaries from 1959 — have evoked the greatest confidence in the depositing public of our country. These fourteen banks which have been nationalised also had the equal confidence of the general public.

In order to safeguard the interests of the depositors we have the deposit Insu-

rance Scheme under which up to Rs. 5,000 is now insured. My colleague here tells me that discussions are going to raise that limit to Rs. 10,000. Now my difficulty is one of the legislative deformity which is attached to the Bill. We have got the State Bank of India and its subsidiaries. Why should we introduce a provision which does not exist with respect to those banks with respect to these 14 banks ?

AN HON. MEMBER : You can include it there also.

SHRI GOVINDA MENON : That is an absolutely separate question. I want to assure the the House that Government are interested in seeing that the money deposited in these banks by the depositors will be fully protected.

Earlier also, when Shri Madhu Limaye and others have said that loans should not be given to political parties, all that I have been objecting was placing restrictions on those banks except there which have been placed by the Reserve Bank of India and by the Banking Companies Regulation Act, 1949.

Under these circumstances, I would request hon. Members not to say anything, not to raise anything which will create any suspicion in the minds of the investing public regarding the soundness of these public corporations. People are attaching more and more faith in these nationalised banks. Let us not say anything or do anything which will impair this confidence. I would request the hon. Member to withdraw his amendment.

MR. DEPUTY-SPEAKER : I would now put amendment No. 131 by Shri Iman to the vote of the House.

Amendment No. 131 was put and negatived.

The First Schedule

MR. DEPUTY-SPEAKER : The first Schedule is connected with clauses 2,3 and 4 which have been passed. Therefore, I will

put it to the vote of the House. The question is :

"That First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

Clause 5— (General effect of vesting)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 4, line 13, —

add at the end —

"until the matter is taken up with that country and immediately resolved by mutual negotiation"

SHRI M.R. MASANI : I beg to move :
Page 4 —

after line 13, insert---

"(7) In any case where an existing bank has been appointed the executor or trustee of any property or estate it shall be entitled to act or to continue to act as such executor or trustee notwithstanding anything contained in this Act and nothing in this Act shall be construed as applying to such executorships or trusteeships." (132)

SHRI LOBO PRABHU : I beg to move

Page 3, line 24 —

*after "purpose of" insert —
"managing and/or" (156).*

Page 3, line 29—

*after "purpose of" insert
"managing and/or" (157)*

SHRI P. GOPALAN : I beg to move :

Page 3, line 6,—

*after "funds" insert—
"including secret reserves" (180)*

SHRI S. KUNDU : I beg to move :

Page 3, line 8,—

for "commencement of this Act"
substitute—

"date of vesting" (208)

Page 3, ..

after line 14, insert—

"Provided that in case of existing banks which are foreign companies within the meaning of section 591 of the Companies Act, 1956, nothing that is not available or exercisable in India shall be deemed to be included in the undertaking." (209)

Page 3, line 41,—

after "of" insert—

"or against" (210)

Page 3, line 42,—

after "appointed day" insert—

"In case of existing banks specified in the First Schedule on the date of vesting in case of other existing banks" (211)

श्री शिव चन्द्र भ्वा : उपाध्यक्ष महोदय, क्लॉज 5 के सब क्लॉज (6) में जहाँ कहा जाता है कि :

"Nothing in this Act shall be construed as applying to the assets, rights, powers, authorities and privileges and property, movable and immovable, cash balances and investments in any country outside India (and other rights and interests in, or arising out of, such property) and borrowings, liabilities and obligations of whatever kind subsisting at the commencement of this Act, of any existing bank operating in that country if, under the laws in force in that country, it is not permissible for a banking company, owned or controlled by Government, to carry on the business of banking there."

उसके आखिर में यह जोड़ दिया जाय :

"Until the matter is taken up with that country with immediately resolved by mutual negotiation"

मेरे इस अमॅडमेंट का मकसद यह है कि जो बैंक्स अभी नेशन्लाइज हो रहे हैं उनके जो भी ऐसॅट्स, राइट्स, पावर्स आदि हैं वह मौजूदा सब क्लॉज (6) के कायम रहते यह ऐक्ट लागू नहीं होगा अगर उस देश का कानून इसकी इजाजत नहीं देता है। मेरा कहना है कि यह कॅंटेन्ट्रिक्टरी है। एक तरफ तो यह सरकार कहती है कि हम इन बैंकों का राष्ट्रीयकरण कर रहे हैं लेकिन दूसरी तरफ हम कहते हैं कि वह ऐक्ट लागू नहीं होगा यदि उस देश की हुकूमत उस पर ऐतराज करती है। इस तरह की दुविधा में रहना नहीं चाहिए। सरकार की नीति साफ होनी चाहिए। अब अगर सरकार वाकई चाहती है कि उनका यह ऐक्ट उन बैंक्स पर भी लागू हो तो इसमें जैसा मैंने अपने अमॅडमेंट में सुझावा है बाद में यह शब्द जोड़ दिये जाय :

"Until the matter is taken with that country and immediately resolved by mutual negotiation".

यह दुविधा की हालत नहीं रहनी चाहिए और इसीलिए मैंने अपना यह अमॅडमेंट मूव किया है और मैं चाहता हूँ कि सरकार मेरे इस संशोधन को मंजूर कर ले।

SHRI P. GOPALAN (Tellicherry): Mr. Deputy-Speaker, Sir, clause 5(1) deals with the undertakings of each existing bank which will include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, etc. I want that the secret reserves should also be included along with these items. It is a well known fact that all the major banks were having secret

funds, and I understand that all these 14 banks which have been nationalised were also having secret reserves. But on a previous occasion, when I put a question, to the Finance Minister, whether the Reserve Bank has given any directives to the concerned banks to recover or to see whether any secret reserves are being kept by these banks, the Minister kept mum and did not give a very clear reply. He gave very evasive reply, and that is why I am compelled to bring in this amendment. Even the Supreme Court in an earlier judgment has stated very clearly that almost all the banks are having this secret reserve and today I heard from the Law Minister that when the compensation was calculated they take into account the secret reserves of the banks also. I would like to know from the Law Minister whether these secret reserves of the nationalised banks—14 banks—were recovered by the Government or not.

There is a rumour that the erstwhile owners of these nationalised banks, in collusion with the present custodians who were also serving before, managed to take away these secret reserves, and that is why I have moved this amendment so that this aspect will have a legal backing, and all the secret reserves could come into the hands of the Government.

I hope the Minister will accept my amendment.

SHRI M. R. MASANI : Sir, I am moving my amendment No. 132 as a side issue and there should not be any difficulty in the Minister accepting it.

What my amendment says is :

"In any case where an existing bank has been appointed the executor or trustee of any property or estate it shall be entitled to act or to continue to act as such executor or trustee notwithstanding anything contained in this Act and nothing in this Act shall be construed as applying to such executorships or trusteeships."

You know Sir, banks are appointed by people in their wills and testament as executors or trustees. The man dies and the executor is seized of the matter and at this point the bank is nationalised. The man who died had not meant that the nationalised bank would administer his estate. He wanted a particular bank, a particular management, a Board of Directors, to administer his estate. Is there any reason why, after his death, his wishes should be disregarded by what is likely to be decided? He appointed a group of people whom he knew, in whom he had confidence to run his estate. The matter is half way through and the bank is nationalised. I suggest there is no reason why, along with the banking business, this incidental act of being appointed executor or trustee should be influenced by the act of nationalisation. I hope the Law Minister, with his legal background and training will appreciate that in such a case the wishes of the testator who appointed the bank as executor or trustee should prevail and the old bank that was appointed as executor or trustee should be allowed to carry on the administration of the property or estate.

SHRI LOBO PRABHU : I have been trying to persuade the hon. Minister to accept my amendment...

SHRI VASUDEVAN NAIR (Peermade) : Is that allowed?

SHRI LOBO PRABHU : I may assure my friend that whatever is in the interests of the country is common for both the opposition and the Government; What I say is in the interests of the country and I am sure it is allowed for me to ask him to accept my amendment. Under this clause, separate powers are being created for the officer in charge to take over the authority of the nationalised banks in foreign countries. That is necessary because nationalised banks, as such, including the Custodians, have not been recognised in those countries. We are creating a special body which is not nationalised but specially empowered to represent the old banks. I am suggesting, therefore, that this authority which has been conferred only for transferring should also include the power of

[Shri Lobo Prabhu]

management also, I would request the minister, if he is satisfied, to accept my amendment, because it fills up a lacuna and makes the Act complete.

SHRI GOVINDA MENON : I will take up Mr. Gopalan's amendment first. I assure him that after the undertaking is taken over nothing like secret reserves will remain with the existing banks.

SHRI DANDAPANI : Even in the State Bank, there are secret reserves.

SHRI GOVINDA MENON : It is not secret fund ; it is secret reserve. There is no item like secret reserves anywhere in the balance sheet and profit and loss account of the banks. Balance sheet and profit and loss account would show the net financial results of a bank. Moreover the actual secret reserves, if any, of banks taken over are also covered by the sweep of the language of clauses 5. This is a technical term. Sometimes the assets are under-valued, the advances are over-valued and that kind of secret reserve is there. But it is not something physical which can be taken over and kept back or carried forward. Whatever be the undertaking of the existing bank, that is transferred in full to the new statutory corporation. There is no reason for an amendment of this nature to be here.

SHRI GOPALAN : The Minister said that when they calculated the compensation to be given to the nationalised banks, they have taken into account the secret reserves. How can he say now that there is no secret reserve ?

SHRI GOVINDA MENON : I did not say there are no secret reserves. I tried to explain what is meant by secret reserve. It is not as though you have got Rs. 10 crores in the chest somewhere secretly in the bank. That is not the meaning. The entire undertaking is taken over ; nothing will be left to the existing bank. The existing bank will get nothing more than what is provided in the second schedule by way of compensation. Therefore, let there be no misunderstanding over this matter.

Regarding Shri Masani's amendment all that I can say is that under this clause the entire undertaking is taken over and the value is fixed for the entire undertaking. Once the Bill is finalised and has become the law, then there will be the existing bank which will be a limited company and there will be the new statutory corporations also. It would be open to these bodies, like two persons to negotiate over any matter whatsoever and settle things, I do not want to introduce that amendment now in this Bill.

Regarding Shri Lobo Prabhu's amendment, I should say that it is due to a misapprehension that he is stating this. The Chief Executive Officer of an existing bank becomes a custodian; that is a temporary arrangement till the Board of Directors is appointed by the government; later on, we will bring a scheme before Parliament which when finalised, will provide for a full-fledged board of directors. There is no lacuna in the Bill and I do not think Shri Lobo Prabhu should insist on his amendment.

MR. DEPUTY-SPEAKER : I will now put all amendments moved to clause 5 to the vote of the House.

Amendments Nos. 28, 132, 156, 157, 180, and 208 to 211 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 5 stand part of the Bill"

The motion was adopted.

Clause 5 was added to the Bill.

Clause—6 (payment of compensation)

MR. DEPUTY-SPEAKER : We shall now take up clause 6.

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 4 line 21,—

for "at its option" substitute—

"according to the convenience of the Government" (29)

Page 4, Line 24,—

for "four per cent," substitute—

"one-fourth per cent," (30)

Page 4, line 29,—

for "ten years" substitute" hundred years" (31)

Page 4, lines 30 and 31,—

for "four and a half" substitute—
"one-fourth" (32)

Page 4, lines 32,—

for "thirty" substitute—

"hundred and twenty-five" (33)

Page 4, lines 33 and 34,—

for "five and a half" substitute
"one-half" (34)

Page 5, line 3,—

for "sixty" substitute—

"three hundred sixty-four" (35)

Page 5 line 8,—

for "three months" substitute "ten years" (36)

Page 5, lines 9 and 10,—

for "three months" substitute "ten years" (37)

Page 5, line 18,—

for "three months" substitute "ten years" (38)

Page 5, line 19,—

for "three months" substitute "ten years" (39)

Page 5, line 26,—

for "sixty" substitute—

"three hundred and sixty-four" (40)

SHRI C. T. DHANDAPANI : I beg to move.

Page 5,—

Omit lines 13 to 16. (92)

Page 5,—

Omit lines 43 to 50. (93)

SHRI S. M. BENERJEE ; I beg to move :

Page, 4,—

for lines 16 to 19, substitute—

"6 (1) All the shares of every existing bank, excepting those of the Foreign Banking Companies within the meaning of section 591 of the Companies Act, 1956, shall stand acquired by the Central Government and every shareholder of the existing banks shall be paid a sum equal to three years average of the Stock Exchange prices of shares.

(1A) In case of Foreign Banks the compensation shall be an amount as bears the same proportion to its total paid up share capital as its total Working Funds in India bear to its total Working Fund." (94)

Page 4,—

for lines 20 and 21, substitute—

" (2) The share value referred to in sub-section (1) shall be paid to every share holder at his option,—" (95)

SHRI M. R. MASANI : I beg to move :

Page 4, line 24,—

for "four per cent." substitute—
"six per cent." (133)

Page 4, lines 30 and 31,—

for "four and a half per cent" sub-
stitute —

"six per cent." (134)

Page 4, lines 33 and 34,—

for "five and a half per cent." sub-
stitute—

"seven per cent.," (135)

SHRI S. S. KOTHARI : I beg to
move :

*Page 4, lines 30 and 31,—

for "four and a half per cent. per
annum" substitute—

"six per cent. per annum, free of
Union Income-tax," (151)

*Page 4, lines 33 and 34,—

for "five and a half per cent.
per annum" substitute...

"seven per cent. per annum, free of
Union Income-tax," (152)

Page 5, line 22,

for "seventy-five per cent." substitu-
te
"cent. per cent." (153)

SHRI S. KUNDU : I beg to move :

Page 4,

for lines 21 to 25, substitute—

"given to every existing bank," (168)

SHRI BENI SHANKER SHARMA : I
beg to move:

Page 4, line 24,—

for "rate of four per cent."

substitute

"Bank rate in force" (193)

SHRI S. KUNDU : I beg to move :
Page 4,—

for lines 16 to 19, substitute—

"6. (1) When the understanding of
an existing bank is transferred
to and vests in a correspond-
ing new bank, such existing
bank shall be paid compensa-
tion at the rate of twice its
paid up share capital." (212)

SHRI S. KUNDU : I beg to move :

Page 4,—

for lines 16 to 19, substitute—

"6. (1) When the undertaking of an
existing bank is transferred to
and vests in a corresponding
new Bank, such existing bank
shall be paid compensation at
the rate of twice its paid up
share capital, but not exceed-
ing the amount mentioned
against them in the second
schedule in case of existing
banks specified in that
schedule." (213)

Page 5, lines 9,—

after "appointed day" insert—

"or the date of vesting whichever is
later" (214)

Page 5, lines 18,—

after "appointed day" insert—

"or the date of vesting whichever is
later" (215)

*Moved with the recommendation of the President.

Page 5, line 23,—

for "commencement of this Act"
substitute—

"date of vesting" (216)

SHRI NAMBIAR : I beg to move :
Page 4, line 19,—

after "Second Schedule" insert—
"but such compensation shall not be
more than the total market value of
the shares held by the Bank on 19th
day of July, 1969 and the Book
Value of other assets." (231)

Page 4,—

omit lines 22 to 25 (232)

Page 5,—

omit lines 7 to 12 (233)

Page 5,—

omit lines 17 to 25 (235)

श्री शिव चन्द्र झा: यह बलाज मुआवजे के बारे में है। हम चाहते हैं कि इसको हटा दिया जाये। कम्पेन्सेशन की कोई बात नहीं होनी चाहिये। सरकार ने पहले 75 करोड़ रखा था। अब इसको बढ़ा कर 87 करोड़ कर दिया गया है। यह कौन सा 87 करोड़ रुपया है? कहां से यह आया है? किस का यह पैसा है? जनता का ही तो यह पैसा है। सरकार जनता से उस पैसे को छीन कर बैंकरो को तोहफे के रूप में देना चाहती है। यह दिन के उजाले में सरासर जुल्म हो रहा है। श्री मसानी बराबर महात्मा गांधी को नवोट करते हैं। लेकिन वह भूल गये हैं कि महात्मा गांधी ने कहा था कि वह पीटर को राब कर के पाल को बेने का समर्थन नहीं कर सकते हैं। अगर आज गांधो जी होते, तो वह सरकार की इस कार्यवाही की मुखालिफत करते। इतनी बड़ी रकम बैंकरो को तोहफे के रूप में दी जा रही है।

अब मैं अपने संशोधनों के बारे में कुछ कहना चाहता हूँ।

सब-बलाज (2) में कहा गया है कि कम्पेन्सेशन का एमाउंट बैंक की आप्शन पर दिया जायेगा। इस से प्रकट है कि सरकार बैंकरो के सामने सिर झुका रही है, उन के सामने नतमस्तक हो रही है। मेरा संशोधन संख्या 29 यह है कि "एट इट्स आप्शन" की जगह पर "एक्वाडिन्ग टु दि कनवीनियेन्स आफ दि गवर्नमेंट" रख दिया जाये, भ्रयात् सरकार अपनी सुविधा के नुताबिक मुआवजा देगी, न कि बैंक की सुविधा के अनुसार।

सब-बलाज (2)(ए) में इनस्टालमेंट का रेट आफ इन्ट्रेस्ट 4 परसेंट रखा गया है। मैं अपने संशोधन संख्या 30 के द्वारा यह चाहता हूँ कि वह इन्ट्रेस्ट 1/4 परसेंट हो।

सब-बलाज (2) (बी) (1) में कहा गया है कि परमिसरो नोट या स्टॉक सर्टिफिकेट इस एक्ट के शुरू होने के 10 साल बाद इस्यू और रीप्रएबल एट पार और मेटयुर होंगे। मेरा संशोधन 31 यह है कि 10 साल के बजाये 100 साल कर दिया जाये।

इसी प्रकार मेरा संशोधन 32 यह है कि 4 1/2 परसेंट के बजाये 1/4 परसेंट कर दिया जाये।

मेरा संशोधन संख्या 33 यह है कि 30 साल के बजाये 125 साल कर दिया जा।

संशोधन संख्या 34 के द्वारा मैं यह चाहता हूँ कि 1/2 परसेंट इन्ट्रेस्ट के बजाये 5 1/2 परसेंट कर दिया जाये।

इस में यह व्यवस्था की गई है कि पहली इनस्टालमेंट या सिक्यूरिटी 60 दिनों में दी

[श्री शिव चन्द्र भा]

जायेगी। मैं अपने संशोधन संख्या 35 द्वारा चाहता हूँ कि 60 दिन के बजाए 364 दिन कर दिया जाए, ताकि सरकार को एक साल की छूट मिल जाये।

संशोधन 36 के द्वारा मैं चाहता हूँ कि 3 महीनों की जगह 10 साल कर दिया जाये। संशोधन संख्या 37, 38, 39 के द्वारा भी मैं चाहता हूँ कि 3 महीनों की जगह 10 साल कर दिया जाये। अपने संशोधन संख्या 40 के द्वारा मैं चाहता हूँ कि 60 दिनों के बजाए 364 दिन कर दिया जाये।

मेरा कहना यह है कि मुआवजा निरंतर और अनुचित है, वह जनता के पैसे का दुष्प्रयोग है, वह गांधी जी के सिद्धान्त, समाजवाद के सिद्धान्त के खिलाफ है और मौजूदा बनाने की जरूरतों और हालात के तकाजे के खिलाफ है। वास्तव में बैंकरों को मुआवजा देना ही नहीं चाहिये। लेकिन अगर सरकार को मजबूरन देना ही पड़ता है, तो वह मेरे द्वारा सुझाये गये रेट्स और शर्तों के अनुसार दिया जाए।

श्री मधु लिमबे: अध्यक्ष महोदय, मैं तो एक ही मिनट में खत्म करूँगा। अगर महात्मा जी के सिद्धान्त पर चलना है तो महात्मा जी ने तो कहा था कि 1942.....(ब्यवधान)..... आज यह स्वतन्त्र पार्टी के भाई बहुत गांधीवादी बन रहे हैं, इन के लिए कह रहा हूँ।.....
.....(ब्यवधान).....

मेरा सुझाव यह है कि दूसरी अनुसूची में जो आंकड़े दिए गए हैं उस में मैंने एक लम्बा फर्क किया है। जो इन का मूल सिद्ध्यूल है, उस में इन्होंने कहा था कि 17 करोड़ 50 लाख देंगे। मैंने कहा है कि 1 करोड़ 75 लाख दिया जाय, 1110। मैं यह इसलिए कह रहा हूँ, इस का सुप्रीम कोर्ट के निर्णय पर क्या परिणाम होगा, उस के बारे में मुझे कुछ नहीं कहना है।

इस का कारण मैं साफ बताना चाहता हूँ क्यों कि हमेशा सुप्रीम कोर्ट के निर्णयों की आड़ में छिप कर यह लोग प्रतिक्रियावादी काम कर रहे हैं। मेरी यह पक्की मान्यता है कि वर्तमान संविधान में बुनियादी परिवर्तनों की आवश्यकता है और इसलिए जो संविधान का ढांचा है जैसे तीसरे हिस्से में बुनियादी अधिकारों की चर्चा की है, हमारे दिल ने कभी नहीं माना कि सम्पत्ति के अधिकार को मानव-जाति का बुनियादी अधिकार माना जाय। यह तो आप के नेता ने उस में डलवाया है। हम लोग कांस्टीट्यूट असम्बली में नहीं थे और 1949 से हम लोग कह रहे थे कि यह नहीं होना चाहिए। और इस में कुछ बुनियादी अधिकार हैं जिन को छोड़ दिया गया है जैसे काम का अधिकार, भूख से न मरने का अधिकार, प्राथमिक शिक्षा अनिवार्य और मुफ्त प्राप्त करने का अधिकार, यह सारी चीजें होनी चाहिए। इस के लिए आवश्यकता इस बात की है कि संविधान बनाने वाली नई परिषद् का निर्माण किया जाय। उस की भूमिका तैयार करने के लिए मैंने यह संशोधन दिया है। चाहे सुप्रीम कोर्ट का जो भी निर्णय हो उसके बाद आप लोगों को भूल मार कर नया संविधान बनाने के लिए परिषद् का निर्माण करना होगा; मजबूर हो कर आप को यह काम करना पड़ेगा। आज नहीं करेंगे कल आप को करना ही पड़ेगा और आप लोग नहीं करें तो आप को गर्दन पकड़ कर निकाला जायगा।.....
...(ब्यवधान)..... तो मैं मंत्री महोदय से यह निवेदन करना चाहता हूँ कि वह इस प्रस्ताव को मान लें।

Page 4,—

for lines 16 to 19, substitute—

"6. (1) The existing banks mentioned in the Second Schedule shall be given by the Central Govern-

ment such compensation in respect of the transfer, under section 4, to the corresponding new bank of the undertaking of the existing bank as is specified against each such bank in the Second Schedule.

- (b) In respect of the other banks mentioned in the First Schedule but mentioned in the Second Schedule, the compensation shall be computed and given as expeditiously as may be on the basis of the same principles as govern the banks mentioned in the Second Schedule". (7)

"THE SECOND SCHEDULE"

SHRI MADHU LIMAYE : I beg to move :

Page 15, —

for the Second Schedule *substitute*—

"THE SECOND SCHEDULE"

(See Section 6)

Name of existing bank (1)	Amount of Compensation (2) (In lakhs of rupees)
The Central Bank of India Limited	175
The Bank of India Limited	147
The Punjab National Bank Limited	102
The Bank of Baroda Limited	84
The United Commercial Bank Limited	83
Canara Bank Limited	36
United Bank of India Limited	42

(1)	(2)
Dena Bank Limited	36
Syndicate Bank Limited	36
The Union Bank of India Limited	31
Allahabad Bank Limited	31
The Indian Bank Limited	23
The Bank of Maharashtra Limited	23
The Indian Overseas Bank Limited	25

(14)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 15, line 5,—

for "(In lakhs of rupees)"

substitute—

"(In paise)" (51)

Page 15,—

for the Second Schedule, *substitute*—

"THE SECOND SCHEDULE"

(See Section 6)

Name of existing bank (1)	Amount of Compensation (2) (In Paise)
The Central Bank of India Limited	14
The Bank of India Limited	13
The Punjab National Bank Limited	12
The Bank of Baroda Limited	11
The United Commercial Bank Limited	10
Canara Bank Limited	9
United Bank of India Limited	8
Dena Bank Limited	7

Syndicate Bank Limited	6	The Bank of Maharashtra Limited	39
The Union Bank of India Limited	5	The Indian Overseas Bank Limited	32
Allahabad Bank Limited	4		
The Indian Bank Limited	3		
The Bank of Maharashtra Limited	2		(172)
The Indian Overseas Bank Limited	1"		

SHRI S. M. BANERJEE ; I have moved my amendments Nos. 92, 93, 94 and 95.

(52)

Page 15,—

after line 19, under the head—

“Name of existing bank” insert—
“All other Banks, Indian and foreign, working in India” (53)

SHRI S. KUNDU : I beg to move :—
Page 15,—

for the Second Schedule, substitute—

“THE SECOND SCHEDULE”

(See section 6)

Name of existing bank	Amount of Compensation
	(In thousands of rupees)
The Central Bank of India Limited	110
The Bank of India Limited	108
The Punjab National Bank Limited	107
The Bank of Baroda Limited	104
The United Commercial Bank Limited	99
Canara Bank Limited	45
United Bank of India Limited	50
Dena Bank Limited	45
Syndicate Bank Limited	45
The Union Bank of India Limited	40
Allahabad Bank Limited	40
The Indian Bank Limited	30

I support some of the amendments moved by Shri Shiva Chandra Jha when he said that no compensation should be paid to the banking magnates. Mr. Masani has been quoting Gandhiji. Well, the difficulty is that if Gandhiji had been alive, he would not have seen the face of Mr. Masani because of his politics. The point is this that compensation should not be paid, but if compensation is to be paid, we have certain basis to go by, and, as I have stated in my amendment No. 94 and 95.—I do not want to read those amendments now and waste the time of the House—these amendments should be accepted. They are nominal amendments. We are more concerned with the wording ‘reasonable compensation’ if reasonable compensation amounts to crores of rupees at the cost of the people, at the cost of the Exchequer, then, that compensation is not reasonable compensation. They have even got compensation for ‘goodwill’. Goodwill for what? These banks have been for years together swindling the people’s money and building their own empire and they say, it is goodwill. I say, it is not goodwill, it is only illwill,—illwill of the people against whose interest they have swindled and built up their own empire. They have done all these things at the cost of the poor people and now they want compensation for that goodwill also. I therefore plead with the hon. Minister to accept my amendments. Let the compensation be reasonable, I agree; let right of property to be there. But right of property for whom? Not for people like Tata’s. The whole of Jamsedpur belongs to the Tata’s. Zamindari is deemed to be abolished in this country; but it is Mr. J. R. D. Tata who is the biggest zamindar and the caretaker of the Zamindari is Mr. Masani in this House. Even though we say Zamindari has been abolished, this is what we see. We do not want the right to property for those

who are exploiting the people, the toiling millions of this country. We want the right to property for the small person. That property should not be taken away. The Constitution should be amended so that the Supreme Court will not say anything against whatever we pass in this House. That is all that I wish to say and I request the hon. Minister to accept my amendments.

श्री शिव चन्द्र झा : उपाध्यक्ष महोदय, आपने चूँकि सँकण्ड शैडियूल को भी इसमें ले लिया है, मैं अपनी अमेण्डमेन्ट्स सं0 51, 52 और 53 के सम्बन्ध में बोलना चाहता हूँ। मैंने अपने तीनों संशोधनों को इस दृष्टि से मूब किया है कि गाँधी जी तो एक पंसा भी ले लिया करते थे। इसलिए जो सबसे छोटा बैंक है—इण्डियन ओवरसीज़ बैंक—उसको एक पंसा लेना चाहिए और जो सबसे बड़ा बैंक—सैट्रल बैंक—है उसको अधिक ले अधिक 14 पैसे कम्पेसेशन के रूप में दिये जाने चाहिये।

श्री योगेन्द्र शर्मा : उपाध्यक्ष महोदय, मुआवजे का प्रश्न बहुत ही महत्वपूर्ण प्रश्न है। यदि हम इस सिद्धांत को मानकर मुआवजा देंगे कि वह पूरा होना चाहिए और पर्याप्त होना चाहिये तो इसका नतीजा यह होगा कि सम्पत्ति के सम्बन्ध में कोई परिवर्तन नहीं होगा। पता नहीं हमारे ला—मिनिस्टर या सरकार के लोग या दूसरे लोग इस बात को कैसे मान रहे हैं कि सुप्रीम कोर्ट ने कहा है कि हमारा संविधान यह कहता है कि पूरा मुआवजा होना चाहिए और पर्याप्त होना चाहिए। हमारा संविधान इस बात को नहीं कहता है। मैं चेलेंज करके कहता हूँ—मैं त्रिधि विशेषज्ञ नहीं हूँ, लेकिन साधारण बुद्धि के आधार पर मैं सुप्रीम कोर्ट के विद्वान जजों को भी चेलेंज करता हूँ कि वह बतलावें कि हमारे संविधान में ऐसा कहाँ लिखा है कि मुआवजा पूरा होना चाहिये और पर्याप्त होना चाहिये। हमारे संविधान में ऐसा उल्लेख कहीं नहीं है।

अमरीकी संविधान में यह स्पष्ट किया गया

है कि मुआवजा पूरा होना चाहिए और पर्याप्त होना चाहिए लेकिन बहुत जानबूझ कर अमरीकी संविधान की इस बात का हमारे संविधान में नहीं लिया गया था ताकि सम्पत्ति के सम्बन्धों को बदलने के लिए दरवाजा खुला रहे, समाजिक आवश्यकता के मुताबिक कम मुआवजा देना हो तो वह भी दिया जा सके।

हमारे ला—मिनिस्टर और इस सरकार के लोगों का संविधान के इस गलत अर्थ के सामने झुक कर जनता के 87 करोड़ रुपयों की बैंकपतियों के हवाले नहीं करना चाहिए। हमने लड़कर धड़ क्लास का जो किराया बढ़ाया गया था, उस के 13 करोड़ रुपये हटवाये, लेकिन उससे भी ज्यादा टैक्स हम पर इस मुआवजे की रकम के रूप में डाल दिया गया है। इसलिए मैं ता कहूँगा कि आप इस पहलू पर गम्भीरता से गौर करें। हम नहीं कहते कि आप सुप्रीम कोर्ट के फैसले की अवमानता करें। ऐसा हम नहीं कर सकते हैं। लेकिन हम एक रास्ता बतलाते हैं कि आपने संविधान के जरिये से इम्पीरियल बैंक को लेने के लिए जो रास्ता अस्त्रियार किया था उसमें आपने उस इन्ट्रॉडिज को नहीं लिया था बल्कि उनके शेयर्स को ले लिया था। करीब करीब 12 करोड़ के शेयर्स आपने 20 करोड़ में लिए थे। आज करोड़ की पूँजी जोकि इन 14 बैंकों में लगी हुई है उसको लेने के लिए आप 87 करोड़ से भी ज्यादा रुपया दे रहे हैं। आप इस प्रकार से जनता के पैसे को नयी बैंक पतियों के हवाले कर रहे हैं? आप क्यों नहीं हमारे संशोधन को स्वीकार कर लेते हैं? ला मिनिस्टर ने इस बिल पर धारम्भिक भाषण करते हुए कहा था कि हम इम्पीरियल बैंक की तरह इन 14 बैंकों को लेना चाहते हैं। यदि आप इम्पीरियल बैंक की तरह से ही इन बैंकों को लेना चाहते हैं तो क्या इम्पीरियल बैंक के शेयर्स को खरीदा नहीं गया था? क्या इस प्रकार से उसके शेयर्स को खरीद कर के

[श्री योगेन्द्र शर्मा]

उस प्रतिष्ठान को नहीं लिया गया था ? उसी तरह से यदि आप इन 14 बैंकों के शीयर्स को भी खरीद लें तो उन प्रतिष्ठानों के आप मालिक बन जाते हैं। इसके लिए आपको अधिक से अधिक 47 करोड़ रुपया ही देना पड़ेगा और इस प्रकार से हम 40 करोड़ रुपए के करीब हम बचा लेते हैं। आप जनता के इस 40 करोड़ रुपये को बचाने के बदले क्यों उसे बैंक पतियों के हवाले कर रहे हैं ? उनसे आपको क्यों विशेष प्रेम हो गया है ? क्या मसानी साहब को खुश करने के लिए आप ऐसा करना चाहते हैं ? आप उनको खुश करेंगे या भारतीय जनता को खुश करेंगे—यह च्वाइस आपको करनी है। आप बड़े बड़े इजारेदारों को खुश करेंगे या शोषित पीड़ित जनता को खुश करेंगे ? इसमें आपको च्वाइस करनी होगी। आप दोनों के साथ आंख-मिचोनी नहीं कर सकते हैं। ऐसी दशा में आप हमारे संशोधन को स्वीकार कर लें और जनता के कंधे पर 40 करोड़ रुपए का बोझा मत डालें।

MR. DEPUTY-SPEAKER : Shri Kundu.

SHRI S. KUNDU : Mr. Deputy Speaker, Sir,

SHRI D.N. PATODIA : What about me?

MR. DEPUTY-SPEAKER : You never got up.

SHRI D.N. PATODIA : But I have already moved my amendment.

MR. DEPUTY-SPEAKER : You might have moved but you might not like to speak, I shall call you. Now Shri Kundu,

SHRI S. KUNDU : Sir, my amendment which I give you seeks to replace the compensation clause given here in the Second

Schedule. In the Second Schedule as against fourteen banks huge amounts of compensation have been mentioned and the whole total comes to about Rs. 87 crores. I have revised the whole thing and I have indicated a certain amount of money and the total of which comes to about Rs. 8 lakhs.

My question is why Shri Govinda Menon's Rs. 87 crores should be accepted and not mine. I have alternative compensation clause which gives the compensation amount at Rs. 8 lakhs. Why should this not be accepted.

SHRI VASUDEVAN NAIR : Will it save so much of money ?

SHRI S. KUNDU : We will save so much of money. Shri Menon said that the compensation amount should not be illusory. To me Rs. 8 lakhs is not illusory.

SHRI MADHU LIMAYE : Here everything is an illusion.

SHRI S. KUNDU : I hope not everything is *maya* here. Therefore, this Rs. 8 lakhs is not illusory. I have worked out a certain sum as compensation. Why should that not be accepted ? He also agrees that Parliament should know on what basis this is done. The judges have no business to go into the quantum once it is fixed. Once the quantum of compensation is fixed the judges are precluded to know on what basis the quantum of compensation has been fixed. This is our right. I can perhaps say for the benefit of the Members on what basis I have drawn up this figure of Rs. 8 lakhs. Therefore, he should explain why he cannot accept my amendment and why he should draw the exchequer to the tune of Rs. 86.92 crores. I will read a paragraph from his speech :

"The legal adviser of Government when the previous Ordinance and Bill came up relied heavily upon the decision of the Supreme Court in Jan. 1969. But in the matter of this case, there has been a fresh thinking on the part of the Supreme Court. They thought that the princi-

ples which were enumerated in the previous law were not relevant, were not good, were not proper and this is mainly the reason for striking down the law. What we have done in the Bill is to follow the other produce, that is to say, fix up the amount of compensation with respect to the undertaking of each bank".

He further says :

"One compensation is fixed, it becomes not subject to judicial review. That is the line which we have adopted in the Fourth Amendment to the Constitution".

The Constitution is specific in the latter part of art 31(2) "no such law shall be called in question in any court on the ground that the compensation provided by the law is not adequate". In the light of this specific provision, I would like to confront the Supreme Court with this legislation with my amendment. Why should we in fear increase the compensation by another Rs. 12 crores from Rs. 75 crores. The Judges are far behind the people and the needs of the country. They sit in their ivory towers in the Supreme Court and the High Courts—I do not want to go into that.

When the Fourth Amendment was enacted, we were assured that no Judiciary could call in question of the sovereign will of the Parliament expressed by the people, through the Parliament. It was specifically made clear that the quantum of compensation could not be called in question. My amendment for Rs. 8 lakhs is not one rupee ; it is not illusory.

SHRI LOBO PRABHU : I can produce a scheme for 8 paise.

SHRI S. KUNDU : Let him try to understand it (*Interruptions*).

If we do not have finality on this issue, we will not be able to take over other industries to rush the greater need of the country and we will be drowned in the claims for crores and crores of rupees as compensation. So I humbly request the hon. Minister to accept this challenge to the Court. Let us know the mind of the

Supreme Court on this issue. So let him accept my amendment.

SHRI D. N. PATODIA : My amendments Nos. 133-135 relate to payment of interest on the amount of compensation to be paid by Government. In this clause Government have provided three different ways for payment of compensation—payment in cash to be paid in three instalments; payment in the form of securities to be paid after ten years and the third in the form of securities to be paid after 30 years. In the case of cash instalment, the interest will be 4 per cent, in the case of ten years' securities 4½ per cent and in the case of 30 years' securities 5½ per cent.

It is interesting to note that whereas the compensation is not being paid immediately on the compensation payable in instalments either by cash or in securities, the appropriate rate of interest is also not being paid. It is known to all of us that even the bank rate is now about 6½ per cent. If a bank wants to take a loan from the Reserve Bank, it should pay 6½ per cent interest. What justification on earth can there be for providing such a low rate of interest as 4 and 4½ per cent when the Government is not willing to make payment in cash. It would have been proper for Government to pay the compensation immediately in cash to the shareholders. Only if they refused to take it in cash, could Government dictate the terms of interest. But since Government are themselves reserving the right to dictate to the shareholders to accept in instalments, there is no justification to stipulate such low rates of interest. So in respect of the cash instalment, the rate of interest should be 6 per cent. In the other cases it should be 6½ and 7 per cent respectively. I do not see any reason why the Government should not accept this.

SHRI S.S. KOTHARI : Some of the hon Members who have pleaded for a nominal compensation have completely forgotten that there are thousands of shareholders who are holding 100 to 300 shares. They are all middle class people who have invested their hard earned money, probably a thousand or three thousand rupees. In case compensation is given

[Shri S. S. Kothari]

amounting to one paisa as one friend suggested, these people would be ruined. I know a clerk in the State Bank of India upstairs who has been regularly asking me when he would receive cash compensation for a hundred or two hundred shares that his father holds. I would like the hon. Members to talk to him and ascertain whether I am stating a fact. I hold no brief for the people, with big holding but this point I would like to emphasize.

One of the big five banks would be receiving Rs. 2 crores less now under the new formula than what they would have received under the original formula adopted last year. I am saying this with a full sense of responsibility. I have brought up this matter because the shareholders of the Bank would definitely like to know the basis on which this compensation has been arrived at by this Government. After persistent efforts, we persuaded the Law Minister to tell us the principles adopted by the Government for determination of compensation. As an Accountant I say that what he has said in the House has only made confusion worse confounded. He has actually deceived the Members, because most of the Members are not technical people, they do not understand how compensation is calculated. What he has said just makes nonsense and I will indicate how. In accountancy there are two distinct principles. One is the Net Maintainable Revenue Basis, i. e., future profits basis. That is a separate principle by itself. The other is the Assets Basis plus Good will. You may or you may not give goodwill, but these two distinct bases are there. You have to calculate compensation according to these two separate bases independently, and then you may take the average. That is the accountancy as we understand it in technical terms. I do not know what the Minister has done or what the Government has done. The statement that they have given to the House is absolutely calculated to misguide the people. Let him place on the Table of the House the exact calculation on respect of each of the 14 Banks as to how the compensation has been arrived at. If he does not do, so, he is doing a grave injustice to the Members of this hon. House.

Secondly, he is not playing fair. A large number of shareholders of the nationalised banks would like to know how that compensation has been arrived at. Whether it has been done fairly or unfairly is another matter. This is the point which I would like to emphasize. Let him place on the Table the details as to how exactly the sum whatever be the sum, has been arrived at in the respect of each of the banks. Why should he be secretive or mysterious about it? Each shareholder as a proprietor is entitled to know on that basis he is receiving compensation. Or, let the hon. Minister give an assurance that if any bank or shareholder approaches him, he would make available to them and to the bank the basis on which the Government has calculated the compensation.

I have studied the Supreme Court judgment very carefully. If a certain amount is mentioned in the Bill itself and no other details are given, the question has not been decided by the Supreme Court as to whether Parliament can decide upon any principle, relevant or irrelevant, and go ahead with the compensation. In my opinion, the chief tests laid down by the Supreme Court are that the principle should be relevant, that it should be an accepted principle and that it should be appropriate to the property which has been expropriated or which has been acquired. Even though Government may decide and mention a certain amount, it is not enough; these three tests also would have to be satisfied.

The Constitution provides that when a property is acquired then compensation shall be given. Later on, it says that the adequacy of the compensation shall not be questioned in a court of law. But that has to be compensation. The dictionary meaning of the word 'compensation', as interpreted by the Supreme Court judgment is that it must be equal in value or it must make amends for loss or damage.

The three criteria laid down by the Supreme Court, namely, relevancy, recognised principles and appropriateness have to be applied in respect of the principle adopted by the Government for giving compensation. Otherwise, some of the banks which have received lesser compensa-

tion under the new formula may go to the Supreme Court and the Government may find themselves in a difficult and embarrassing position.

Lastly, the hon. Minister said that banks have no goodwill. I am surprised that a learned man like him, representing the Government, says that there is no good will for banks. I challenge them. Let them appoint five independent experts and let them say whether there is goodwill or not with respect to banks. Even the Supreme Court in its judgment has said that there is goodwill. A bank is not a grocer's shop; that is what the judgment says. But it has not entered the head of the hon. Minister. Goodwill is there and if the Government does not provide for goodwill in respect of compensation may God help them.

SHRI LOBO PRABHU : I would first take up the challenge of my friend that the Supreme Court judgment is bad and the Supreme Court should be abolished. I would like this House to realise that its dignity, its existence depends upon the Constitution. Why is it that we are all here? We are here because a certain election has taken place under that Constitution. It is the same Constitution which was provided for the Supreme Court.

Then I would like to be emphasize that every member of this House gets Rs. 51 a day if he attends this House for a minute or so. Those who are professing for the masses, their solicitude for the masses would begin when they give up this amount. I tell this House and tell this country that the moment my friends give up their Rs. 51 a day, I will follow them. If they are not prepared to do that, they are deceiving the country by asking something for themselves and giving something less to those who are entitled to their rights.

The Constitution provides for the Supreme Court. So, I would request my friends once and for all to make up their mind to respect the Supreme Court, as they respect their Parliament, as they respect the Government. If they do not want to do that, they should join Shri A. K. Gopalan and Shri Jyotirmoy Basu and

openly try and subvert or destroy the Constitution. They have no place here.

Now, I come to my amendment, which is that the rate of interest to be allowed various stages of compensation must be related first to what was the dividend on the shares of those banks and second, it must be related to what is the rate of interest which the amount would earn outside if it was released at once. It cannot be released at once! It is to go through three instalments. Now, I would like to go a little further than what has been suggested very moderately by my own party, namely, six per cent. I would say that we are eligible to a rate of interest which a bank charges on its loan: it should be nine and a half per cent. If you do not do this, I would like to enforce — not this part of the House because they only want things for themselves—the Minister that this Bill is going to be struck down on this clause alone. Because once you recognise that compensation is due, you must pay for it, whatever is the rate of interest. I do hope that the hon. Minister who has gone so far to meet the law which he did not do in the first Bill, will go a little further and pay the current rate of interest on whatever is due to the shareholder. If not, as before, just as my prediction in the last Bill has come true, my prediction is that this Bill will also be struck down.

MR. DEPUTY-SPEAKER : Mr. Nambiar It is getting very late, and so I suggest to hon. Members to be very brief.

SHRI NAMBIAR : My amendment is very clear. We cannot accept this Schedule given here as compensation; these are all *ad hoc* arrangements, given in the second Schedule. The Central Bank of India Limited—Rs. 17.50 crores; then comes the Bank of India Limited—Rs. 14.70 crores; then Rs. 10.20 crores; Rs. 8.40 crores and all that. What is all this? Why? What is the reason? What is the calculation? So, this looks absurd. I agree with what my friend on the other side said, because he says it is absurd because he wants more; I say it is absurd because it is already more. Therefore, there must be a formula and I have given it in my amendment. We are giving them the money; we will give them the money on this basis. My formula is: "but such

[Shri Nambiar]

compensation shall not be more than the total market value of the shares held by the Bank on 19th day of July, 1969 and the Book Value of other assets." Take it. (Interruption) Whatever it is, you take the share of the book value of the assets and not more than the market value. We do not want to rob you of anything. The book value will be less. What I say is, you should not say that you should get everything under the sun and only the exbankers should live in this country happily.

MR. Lobo Prabhu : for whom I have great respect, is saying that this sum of Rs. 51 that we are getting is too much, and that the sum of Rs. 78 crores that you are giving to the bankers is too small! The compensation is too much. So, we want you to give it on some principle which is acceptable, but not this huge amount. If this whole amount is put in this House, there will be no space to move about; so many notes will be there. Please accept my emendment.

श्री वेणी शंकर शर्मा (बांका): उपाध्यक्ष महोदय, मैं अपने संशोधन 193 के द्वारा यह चाहता हूँ कि ब्याज की दर 4½ परसेंट के बजाये प्रचलित बैंक रेट के अनुसार हो। इस सम्बन्ध में होने वाली चर्चा को मैं पीपल बर्सस पीपल का प्रश्न समझता हूँ। मेरे मित्रों ने जन-साधारण और जनता की बात कही है। वे समझते हैं कि जो भी कम्पेन्सेशन दिया जा रहा है, वह सेन्ट्रल बैंक या युनाइटेड कामशंस बैंक या टाटा तथा बिड़ला आदि को ही दिया जा रहा है। मैं अपने मित्रों को बताना चाहता हूँ कि जब एक बैंक—युनाइटेड बैंक आफ इंडिया बना, तो उस में बंगाल के चार पांच छोटे छोटे बैंक, कोमिला बैंक और नार्य बैंक वगैरह एमलगमेट किए गए थे। उन छोटे छोटे बैंकों के शेयर होल्डर धरपर मिडल क्लास के लोग भी नहीं, लोअर मिडल क्लास और मिडल क्लास के लोग हैं। बंगाल के बहुत से शिक्षक, रिटायर्ड बकील और डाक्टर आदि उन शेयरों को

होल्ड करते हैं। मुझे इस बात से कोई मतलब नहीं है कि सरकार 87 करोड़ देती है या 87 लाख देती है। लेकिन सरकार जो भी रकम निश्चित करती है, उस पर एक वाजिब ब्याज देना चाहिए। यह बहुत जरूरी है कि शेयर-होल्डरों को वाजिब ब्याज मिले।

जो ब्याज की 4 परसेंट दर निश्चित गई है, वह बहुत आर्टिफिशियल और कृत्रिम है। मैं 8 या 9 परसेंट की दर मामने के लिए तैयार नहीं हूँ, क्योंकि ब्याज की दर तो फुलक्चुएट करती रहती है। इसलिए मैं ब्याज की दर को प्रचलित बैंक रेट से संबंधित करना चाहता हूँ, अर्थात् ब्याज का बैंक रेट के अनुसार निश्चित किया जाये।

जो फिनांस बिल पेश किया गया है, उस में तीन हजार रुपये तक डिविडेंड पाने वालों को कुछ सहूलियतें दी गई हैं। उन को बँल्य टैक्स में भी कुछ एग्जेम्पशन दिया गया है। इस का कारण यह है कि वे वीकर सेक्सन आफ सोसायटी हैं और वे सरकार की सहायता के हकदार हैं। जिन लोगों की आमदनी चालीस या पचास हजार रुपये हो, उन को ब्याज दिया जाए या नहीं, उस से मुझे कोई ताल्लुक नहीं है। लेकिन जो मध्यवित्त के शेयरहोल्डर हैं, जिन को फिनांस बिल में एग्जेम्पशन मिल रहा है, सरकार कम से कम उन के लिए कुछ एमेंडमेंट करे। हमारे मित्र जिन "पीपल" के लिए दिन-रात प्रांभू बहाया करते हैं, घ्राखिर वे "पीपल" कौन है? क्या ये लोग "पीपल" या जन-साधारण नहीं हैं? इस लिये इन लोगों को भिखारी बना देना कहां का म्याय है? सरकार चाहे जो भी मुआबजा निश्चित करे, लेकिन उस पर ब्याज बैंक रेट के अनुसार निश्चित किया जाये।

श्री रवि राय: उपाध्यक्ष महोदय, मैं अपनी तरफ़ीम के द्वारा मुआबजे को घटाना चाहता

हैं। अभी कुछ सदस्यों ने इस सिलसिले में गांधी जी का नाम लिया। मैं उन को बताना चाहता हूँ कि लुई फिगर ने गांधी जी की जो बायो-ग्राफी लिखी है, उस में साफ कहा गया है कि गांधीजी मुद्रावत्रे के समर्थक नहीं थे और उन का मत था कि जमीन बिना कोई मुद्रावत्रा दिये हुये खीनी जा सकती है।

मैं समझता हूँ कि मसानी साहब को इस विषय में ज्यादा चिन्तित नहीं होना चाहिए, क्योंकि अब सरकार फिर किसी कारखाने या उद्योग का राष्ट्रीयकरण करने नहीं जा रही है। बैंकों का राष्ट्रीयकरण करने के अवसर पर खुद प्रधान मंत्री ने बाल-इन्डिया रेडियों पर भाषण देते हुए कहा था, "बिस इज नाट बि बिगनिंग आफ एन इरा आम नेशनलाइजेशन।"

जहां तक मुद्रावत्रे का संबंध है, उस पर हमारे दल का बुनियादी एतराज है। हम लोग कभी भी मुद्रावत्रे के पक्ष में नहीं रहे हैं। हमारा मत यह है कि अगर कोई कारखाना, जमीन, उद्योग या रियासत खीनने के बाद कुछ लोग गरीब हो जाते हैं, तो उन को रीहैबिलिटेशन कम्पेंसेशन दिया जा सकता है, उन के पुनर्वास के लिये मुद्रावत्रा दिया जा सकता है। लेकिन किसी उद्योग या रियासत आदि को खीनने के बाद एक नीति के रूप में पूजीपतियों या राजा-महाराजाओं को मुद्रावत्रा देने के हम विरुद्ध हैं। मैं सरकार को आगाह करना चाहता हूँ कि यदि हम संविधान के अनुच्छेद 31 में प्रावश्यक संशोधन नहीं करेंगे, तो आगे चल कर हम किसी भी उद्योग या कारखाने आदि का राष्ट्रीयकरण नहीं कर पाएंगे, क्योंकि सारे देश के लिए जनता के लिए यह मुद्रावत्रा भारी हो जायेगा। इसलिए मैं कहना चाहता हूँ कि यह सरकार जानती है और यह अभी भी सोच रही है कि राजा महाराजाओं के लिए हम लोग जो

यहां बहस कर चुके हैं कि उन को कतई मुद्रावत्रा नहीं देना चाहिए, केवल कुछ गरीब राजाओं को रीहैबिलिटेशन कम्पेंसेशन देना चाहिए, लेकिन यह सरकार अभी फँसला कर रही है कि बीस साल तक राजाओं को उन का प्रिवी पर्स खत्म करने के बाद उन को दस गुना, बीस गुना दिया जायगा, बीस साल तक सारा देश इन का महाजन की तरह सारा कर्ज चुकाता रहेगा, यह चीज सरकार करने जा रही है। राजा महाराजाओं का सिर्फ कागजात के ऊपर प्रिवी पर्स खत्म किया जायगा लेकिन यह सरकार चाहती है कि इन को दस साल या बीस साल तक इस तरह से मुद्रावत्रा दिया जाय। इसलिए हम लोगों का यह कहना है कि मुद्रावत्रा घटाने के सिलसिले में हम लोगों की जो तरमीम हैं उस को सरकार मान ले।

SHRI GOVINDA MENON : Mr. Deputy-Speaker, Sir, clause 6 and the Second Schedule form really the core of this Bill because they deal with compensation. On this clause we have heard in this House two extreme positions. My friends in front of me are not satisfied with the rate of interest provided and one of them said that with respect to one bank the compensation which is provided in the Second Schedule will be less than what that bank would have got if the previous Act had survived. They would have to thank themselves for attacking the good principles which were enumerated there.

Regarding the rate of interest the position is not as if we put some rate of interest at random. For bonds of thirty years duration we have provided 5½ per cent interest, because that is the current market rate for loans of thirty years duration. For promisory notes of ten years duration we have provided 4½ per cent interest, because that is the prevailing market.

SHRI S. S. KOTHARI . What is the prevailing bank rate ?

SHRI GOVINDA MENON : Now we are dealing with the government and not with banks. So far as those banks which want to get the money in cash are concerned, we have notionally put the compensation amount in a savings bank where the rate of interest is four per cent and it would be given in three instalments. I do not think it is reasonable to say that the rates of interest provided in this Bill for compensation are in any way other than reasonable. I do not accept any of these amendments.

My friends on the other side wanted to reduce the compensation provided in the Bill. Shri Kuru even suggested : why don't you challenge the Supreme Court again by providing Rs. 8 lakhs or so. My answer is this. This Bill has been brought by government, not to challenge the Supreme Court, but to see that the Bill becomes law and these banking undertakings come in as a public corporation. We have a purpose, an objective, a certain social purpose to gain and this will be achieved only if these banks immediately become statutory corporations, as conceived in this Bill. Because article 31(2) has said that compensation fixed by Parliament is not justiciable, it does not follow that we can fix any compensation. Since that power is given to Parliament, it is all the more necessary that Parliament should use that power with a certain amount of sense of responsibility. It is in that way that this has been fixed.

I read out a statement earlier today which will indicate the matters which we took into account in fixing compensation. Please do not forget that there are 1,46,000 shareholders of these 14 banks. It is not as if the compensation we pay is going to half a dozen big monopolists in this country ; it goes to about 1½ lakhs of shareholders in our country, not necessarily rich people—some of them may be rich, some of them may be middle-class people—and it is our duty as responsible Members of Parliament not to deprive them of what they would otherwise get.

The rate of dividend which these shareholders have been getting all these

years should be taken into account. During the last four or five years, whereas the dividends from other industrial concerns were not very high, in banks shareholders used to get from 7 to 10 per cent by way of dividend on their shares. All these things have been taken into consideration. Two extreme views have been expressed by friends here and by friends there. We have decided not to go to either extreme but to stick to the path of reason and have a reasonable, moderate arrangement under which compensation will be paid.

That being so, I would request the House to accept both clause 6 and the Second Schedule which are well considered, will thought out provisions, settled in consultation with the Reserve Bank and the experts of the Ministry of Finance. I would request hon. Members to withdraw their amendments.

SHRI S. S. KOTHARI : Will you give the House the calculations or details of how you arrived at these figures ?

SHRI GOVINDA MENON : Please see my statement.

SHRI S. S. KOTHARI : That does not indicate anything ; it only indicates what factors have been taken into account.

MR. DEPUTY-SPEAKER : I shall now put all the amendments to clause 6 to the vote of the House.

Amendments Nos. 7, 29 to 40, 92 to 95, 133 to 135, 151 to 153, 168, 193, 212 to 216, 231 to 233, and 235 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

MR. DEPUTY-SPEAKER : Now I shall put all the amendments to the Second Schedule to the vote of the House.

Amendments Nos. 14, 51 to 53 and 172 were put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That the Second Schedule stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

SHRI M. R. MASANI : Sir, it is nearly 8 O'clock now and we have managed to cover six clauses out of 21 of a very important Bill in which the whole country is interested. Hon. Members have shown by their persistence that they do not wish that they should be brushed aside and the Bill rushed through the House. We will be failing in our duty to the country and to ourselves and we will be very harsh not only to ourselves but to the members of the staff who have worked from early morning till 8 O'clock. I want to appeal to you and, through you, to the Minister of Parliamentary Affairs, let us adjourn now, carry on tomorrow, spend a couple of hours and by 3 or 4 O'clock we will pass the Bill. It has got to go to the Rajya Sabha day after tomorrow. It can still go to the Rajya Sabha day after tomorrow provided by 3 or 4 O'clock tomorrow we finish this Bill.

SHRI D. N. PATODIA : It is not necessary. We cannot sit like this. I support what Mr. Masani says.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH) : May I say that this morning when you extended the time, I bagged of you that the total ceiling time should not be increased. Because certain leaders of the Parties have not spoken. I readily agreed that the time be extended. It was a solemn undertaking given to the House.

SOME HON. MEMBERS : No, no.

SHRI RAGHU RAMAIAH : Of course, I approached them individually and then

they were good enough to agree and I put it to the House and there was no dissenting voice and it was taken that the House will sit late and finish the Bill.

SHRI D. N. PATODIA : The hon. Minister is misguiding the House. What happened on the previous day was that when there was an obituary reference, he just stood up and said that the Bill be passed to-day. That was a wrong occasion. Now the fact remains that this is an important piece of legislation and everybody must be given a complete hearing. There is no reason why it should be rushed through. Where is the hurry? This can go to the Rajya Sabha day after tomorrow, Sir, you take the opinion of the leaders of all the Parties.

SHRI RAGHU RAMAIAH : My friend did not seem to know the background. Before I mentioned it formally here, I approached the leaders of the Parties and they agreed.

SHRI VIKRAM CHAND MAHAJAN : We had holidays for three days and if necessary, we can sit till 2 O'clock in the morning and pass the Bill. We can forego dinner for the poor people of our country.

SHRI S. KUNDU : The Government have nationalised 14 banks and they have taken all their assets. At the rate we are going I am sure, it will take us till 12 midnight. When they take all the banks, they must also be prepared to provide us dinner.

SHRI RANDHIR SINGH : We will forego the dinner and continue. For the poor people of the country we can forego the meal.

SHRI LOBO PRABHU : The Minister for Parliamentary Affairs has not met the simple point that the Bill can be taken up tomorrow and finalised and sent to the Rajya Sabha. Let him meet that point and not rely on solemn assurances which were never given.

MR. DEPUTY-SPEAKER : The Government is not prepared to accept your suggestion. Therefore, instead of wasting more time on this, let us proceed,

SHRI S. S. KOTHARI : It is in your discretion, Sir.

SHRI LOBO PRABHU : You cannot be dictated by the Government, Sir.

MR. DEPUTY-SPEAKER : Now we take up Clause 7.

Clause 7—(*Head office and management*)

SHRI MADHU LIMAYE : I beg to move :

Page 6,—

after line 29, insert—

“(c) The first Board of Directors appointed under this clause shall include—

(i) representatives of the employees and depositors of such bank, and

(ii) representatives of farmers, workers and artisans,

to be elected in such a manner as may be specified in the scheme mentioned in clause (9)(1).” (8)

Page 6,—

for lines 38 and 39 *substitute*—

“of the corresponding new bank and shall receive total emoluments, to be fixed by the Reserve Bank, but not exceeding rupees two thousand, including all perquisites and amenities ;” (9)

Page 6,—

after line 48, *add*—

“(7) (a) Every corresponding new bank shall maintain as its branches all branches of the existing bank which were in existence immediately before the 19th July, 1969 and no such branch may be closed without the previous approval of the Reserve Bank.

(b) Every corresponding new bank may establish branches at any place in or outside India in addition to the branches referred to in sub-clause (2).

(c) Notwithstanding anything contained in sub-clause (3) every corresponding new bank shall establish for the next five years or such extended period as the Reserve Bank may specify in this behalf not less than 50 branches per annum out of which at least 25 branches shall be opened in rural areas and the places where such additional branches are to be established shall be determined in accordance with such programme as may be drawn up by the Central Government in consultation with the Reserve Bank and the Planning Commission from time to time and no such branch shall be closed without the previous approval of the Reserve Bank.” (10)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 6, line 27,—

for “as is equal to the remuneration” *substitute* “but not exceeding Rs. 1500 per month” (41)

Page 6, lines 38 and 39,—

for “same emoluments as he was receiving immediately before such commencement”

substitute—“emoluments not exceeding Rs. 1500 per month” (42)

Page 6, lines 45 and 46,—

for “as the Central Government may specify in this behalf”

substitute—“but not exceeding Rs. 1500 per month” (43)

SHRI DEVEN SEN (Asansol) : I beg to move :

Page 6, line 27,—

for "equal to the remuneration" substitute—"determined by the Central Government keeping in view the remuneration" (54)

SHRI M. R. MASANI : I beg to move :

Page 6, —

Omit lines 14 to 29 (136)

Page 6, lines 30,—

Omit "First". (137)

Page 6, line 31,—

for "sub-section (3)"

substitute—"Section 9" (138)

Page 6, lines 42 and 43,—

Omit "or, if it is of opinion that it is necessary in the interests of the corresponding new bank so to do," (139)

Page 6, lines 47 and 48,

for "Central Government"

substitute—"Reserve Bank in consultation with the Central Government." (140)

SHRI S. S. KOTHARI : I beg to move:

Page 6,—

after line 13, insert—

' Provided that that the Board of Directors shall include at least a Member of Parliament, an economist, a chartered accountant, and a representative each of small-scale industry, agriculturists, employees and depositors :

"Provided further that no remuneration other than travelling and

boarding expenses shall be paid to the Members for attending Board Meetings or performing other functions as Board Members." (154)

SHRI LOBO PRABHU : I beg to move :

Page 6,—

for lines 3 to 8, substitute—

"7. (1) The head office of each corresponding new bank shall be at such place at which the head office of the existing bank is situated unless the Central Government takes approval of Parliament to a change." (158)

Page 6,—

Omit lines 47 and 48. (159)

SHRI S. KUNDU ; I beg to move :

Page 6, line 5,—

after "behalf" insert—

"keeping in view the interest of different States and better coordination of banking administration." (169)

SHRI P. GOPALAN : I beg to move :

Page 6, line 5,—

after "behalf" insert—

"based on the principle that not more than the Head Offices of one of the corresponding new banks shall be located in any of the States or Union Territories." (182)

SHRI S KUNDU : I beg to move ;

Page 6, line 14,—

after "day" insert—

"in case of existing banks specified in the First Scheduled and the date of vesting in case of other existing banks," (217)

[Shri S. Kuudu]

Page 6, line 29—

for "commencement of this Act"
substitute "date of vesting" (218)

Page 6, line 37,—

for "commencement of this Act"
substitute "date of vesting" (219)

Page 6, line 39,—

for "commencement" substitute
"date" (290)

SHRI NAMBIAR : I beg to move :

Page 6, line 17,—

after "persons" insert—

"including two representatives of the
employees." (236)

20 hrs.

[MR. SPEAKER in the chair]

SHRI NAMBIAR : My amendment is a very simple one. What I want is that the representatives of the bank employees should be included in the Board of Directors. That is my point. In the previous legislation on the representatives of the Bank employees were allowed to be there, but now there is no such provision. (*Interruptions*)

MR. SPEAKER : Sir, my amendment is this :

Page 6, line 17,—

after "persons" insert—

"including two representatives of
the employees"

I remember, Sir, last time, when the last Bill was under discussion here, the hon. Minister agreed that representatives are allowed. If that principle is agreed to then my purpose is served.

SHRI GOVINDA MENON : It is there in Clause 9.

SHRI NAMBIAR : If it is included in

Clause 9, I have no objection. But the proper place for that is Clause 7 dealing with Board of Directors. That is why I have moved the amendment. But I see he accepts that principle ; that is well and good.

श्री मधु लामये : इसके बारे में मेरे तीन संशोधन हैं। जो पहला संशोधन है वह यह है कि जो पहला बोर्ड आफ डायरेक्टर्स होगा उसमें कर्मचारी, डिपोजिटर, किसान, कारीगर और मजदूरों के प्रतिनिधि लिए जाएं। असल अध्यक्ष महोदय, इस में बात यह है कि जब पहला बिल पास हो गया तो मैंने वो संशोधन रखे थे और उन संशोधनों को कानून मंत्री जी ने कबूल किया था। लेकिन कुछ समय में नहीं आ रहा है कि जब नया बिल आ गया तो उसमें से क्यों छूट दिया गया ? पुराने बिल में एक एडवाइजरी बोर्ड के नियुक्त करने की बात थी। अब एडवाइजरी बोर्ड की जगह यहां फर्स्ट बोर्ड आफ डायरेक्टर्स आ गया। इतना ही फर्क हुआ। लेकिन क्या वजह है कि पिछले बिल में अंतरिम अरेन्जमेंट के तौर पर जो एडवाइजरी बोर्ड था जिसका अब नाम रखा गया है फर्स्ट बोर्ड आफ डायरेक्टर्स, उस को इस नये बिल में क्यों छूट दिया गया ? जब सिद्धान्त वही है फिर उस को क्यों नहीं इस में रखा गया। इसलिये मैं मंत्री जी से विनती करना चाहता हूँ कि जैसे पिछली बार आपने हमारे संशोधन को माना था कोई वजह नहीं है कि आप इसको अबकी बार छूट रहे हैं। इसलिए मंत्री महोदय हमारी बात को मान लें। और अगर नहीं मानें तो कम से कम आप लोगों के आत्म सम्मान को मैं अपील करना चाहता हूँ कि जो बात एक दफा यहाँ पर मंजूर हो चुकी है क्या उसको भी आप पास नहीं करवायेंगे ?

मेरा दूसरा संशोधन भी महत्वपूर्ण है। इस अनुच्छेद में कहा गया है, यह किसानों, कर्मचारियों के प्रतिनिधित्व के बारे में है। अब दूसरा

संशोधन यह है कि इनके जो चेयरमैन हैं या कस्टोडियन हैं उनको तनख्वाह, भत्ता और अन्य सुविधायें क्या होनी चाहिए। जैसा पहले बिल में था, इस बिल में उन्होंने कहा है कि निजी क्षेत्र में जब बैक्स थे उस समय उनको जो सुविधायें मिलती थी, भत्ता मिलता था, वही राष्ट्रीयकरण के बाद भी मिलेगा। तो राष्ट्रीयकरण का क्या मतलब है? मैंने एक सवाल सरकार से पूछा था, पिछले सोमवार की बात है, और मैंने जानने की कोशिश की कि जो कस्टोडियन्स हैं, चेयरमैन थे, उनको क्या तनख्वाह और सुविधायें मिलती हैं। तो 14 बैंकों का यह हिसाब किताब मेरे पास है।

अध्यक्ष महोदय, आप यह सुन कर दंग रह जायेंगे कि बैंक आफ बड़ोदा के चेयरमैन की 6000 रुपया मासिक तनख्वाह है। बैंक आफ इंडिया 6000 रुपया, सेंट्रल बैंक आफ इंडिया 6000 रुपया। उसके बाद पंजाब नेशनल बैंक में 6000 रुपया है और युनाइटेड कर्माश्रम बैंक में 6000 रुपया है। यह मैंने 6 बैंकों का हिसाब बतलाया। 14 में से 6 बैंकों के चेयरमैनों को 6000 रुपया मासिक तनख्वाह मिलती है। केवल उनको यह तनख्वाह ही नहीं अपितु अन्य दूसरी सुविधाएँ भी मिलती हैं जैसे बैंक आफ बड़ोदा में rent free house and free use of car, entertainment allowances Rs. 500 per month.

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upto Rs. 6,000 per year.

इस तरह से यह सब है। मुझे वह सारा पढ़ने की जरूरत नहीं है।

इसके अलावा मैं इस बात की जानकारी रखता हूँ कि जब बैंकों के द्वारा कर्ज दिये जाते थे तो कानूनी ढंग से और बिना बताये कर्ज पर कमिशन भी लिया करते थे। यह जानते हैं सब लोग और अब तो सरकारी क्षेत्र में आने के बाद इसके लिए पूरी छूट होगी और वह प्राधा परसेंट एक परसेन्ट मिलेगा उसको भी आप मिला देंगे तो प्रनापशनाप पंसा यह लोग सुविधाओं के रूप में कमिशन के रूप में लेंगे। इसके बारे में कोई शंका नहीं रह जाती है।

कुछ दिन पहले यहां संचुरी एकों जो कि बिड़लाज परिवार की एक कंपनी है उसके बारे में पूछा गया था कि उन्होंने एक प्रस्ताव पास किया है कि पुराने मैनेजिंग एजेंटों को एक परसेंट कमिशन दिया जाय तो कंपनी वाले एक परसेंट मारेंगे और बैंक वाले भी एक परसेन्ट कमिशन मारेंगे। इससे हमारी अर्थ व्यवस्था पर कितना बड़ा बोझ हो जायगा इस का हम लोगों को विचार करना चाहिए। इस लिए मैं इनसे अपील करना चाहता हूँ कि अगर आप आदर्शवाद के आधार पर और गांधी जी के सादगी के सिद्धांत पर, मसानी साहब अभी बैठे हैं, गांधी जी का नाम जितना यह लेते हैं उतना हम लोग भी नहीं लेते, लेकिन गांधी जी के किसी भी सिद्धांत को जो उनकी नीतियों के खिलाफ जाता हो उनको यह मानने के लिए तैयार नहीं होते। क्या गांधी जी ने यह नहीं कहा था कि जब तक हमारे देश के करोड़ों लोगों को खाने के लिए पर्याप्त खाना नहीं मिलता है, पहनने के लिए कपड़ा नहीं मिलता है, रहने के लिए मकान नहीं मिलता है, बच्चों की पढ़ाई का इन्तजाम नहीं होता है, दवादारू का इन्तजाम नहीं होता है तब तक फिज़ूलखर्ची और शौकीनी पर पैसा खर्च करने की इजाजत नहीं होनी चाहिए। यह क्या गांधी जी का सिद्धान्त नहीं था? लेकिन क्या मसानी साहब और श्री गोविन्द मेनन गांधी जी के इस सिद्धान्त को याद करेंगे? अगर

[श्री मधु लिमये]

राष्ट्रीयकरण के जरिए आप गरीबों की सेवा करना चाहते हैं तो 2000 रुपये की सीमा लगाने का जो मैं संशोधन दे रहा हूँ उसकी आप तार्किक कीजिए।

दूसरा जो मेरा संशोधन है उसको अगर वह पढ़ने की कृपा करेंगे और बैंकों की शाखाओं का विस्तार करने के लिए जो सुझाव है उस को मान लें तो उचित होगा। उसमें कम से कम कितना किया जाय यह कहा गया है। पहले 4, 5 साल में अगर वह इस सिद्धान्त को मानेंगे तो हो सकता है कि ग्रामीण इलाकों में बैंकों की शाखाओं का तेजी से विस्तार होगा। श्री लोबो प्रभु के जिले मंगलौर में यह बैंकों के मामले में आदर्श मिला है जहां उनके अकेले मंगलौर जिले में बैंकों पास जितनी डिपॉजिट है उतना डिपॉजिट श्री रविराय के उड़ीसा राज्य में व श्री कुण्डू के राज्य में भी डिपॉजिट नहीं है। इसलिए मैं चाहता हूँ कि मेरे इस तीसरे संशोधन को मानें वर्तमान शाखाओं को बर्खास्त न किया जाये और नई शाखाएं कम से कम 50 शाखाएं प्रति वर्ष खोली जायं तब जाकर उड़ीसा राजस्थान और मध्य प्रदेश जैसे जो पिछड़े हुए इलाके हैं उन इलाकों का कल्याण होगा। इसलिए मैं मंत्री जी से कहूँगा कि मेरे इन संशोधन नम्बर 8 और 10 को कबूल करें। 9 के बारे में भी वह सोचे हालांकि मुझे उम्मीद नहीं है कि वह मानेंगे वहरहाल मैं 9 के बारे में भी उनसे अपील करता हूँ कि वह इसको स्वीकार करें।

श्री शिवचन्द्र झा : मेरे संशोधन हैं संख्या 41, 42 और 43। 41 इस प्रकार है :

for "as is equal to the remuneration" substitute "but not exceeding Rs. 1500 per month"

संशोधन नं० 42 इस प्रकार है :

for "same emoluments as he was receiving immediately before such

commencement" substitute "emoluments not exceeding Rs. 1500 per month"

संशोधन सं० 43 इस प्रकार है।

for "as the Central Government may specify in this behalf" substitute "but not exceeding Rs. 1500 per month"

This is for managing the affairs and business of the corresponding new bank.

हमारे देश का आदर्श समाजवाद है। लेकिन उसमें राष्ट्रीयकरण ही अकेली बात नहीं है। हमें देखना यह है कि राष्ट्रीयकरण के बाद आप जो कदम उठाते हैं वह हकीकत में समाजवाद की ओर ले जाना चाहते हैं या नहीं। हमको इसको इसी कसौटी पर कसना है।

पहले तो हम लोगों ने सब बैंकों की बातें कीं, लेकिन सरकार तमाम बैंकों का राष्ट्रीयकरण नहीं कर रही है। हमें देखना है कि जिन बैंकों का राष्ट्रीयकरण वह कर रही है उनकी बनावट वह किसी रूप में लाती है। जब हम बोर्ड आफ डायरेक्टर्स के वेतनों को देखते हैं तब हमको सोचना पड़ता है कि जिस देश में 75 प्रतिशत लोग 3 आ० रोज पर गुजर करते हैं वहां बोर्ड के डायरेक्टर्स की तन्ख्वाह 6,000 तक हो सकेगी यह कहाँ का इन्साफ है? समाजवाद मेरा ज्वाल है कि आमदनी का जो फर्क है, जिस पर हम लोग बराबर जोर देते आये हैं, उसमें 1 और 10 का रेशियो होना चाहिए। इसी तरह से बैंकों में भी होना चाहिए। आज हम देखते हैं कि इन्फ्लेशन बहुत है, दाम हर चीज के बढ़े हैं। इसलिए हमको मिनिमम और मैक्सिमम ग्रामदनी में 1 और 10 का रेशियो रखना चाहिए। 150 रुपये मिनिमम वेतन होना चाहिए और 1500 रु० मैक्सिमम वेतन होना चाहिए। इसी हिसाब से राष्ट्रीयकरण के मातहत कदम उठाये जाने चाहिए। बैंकों के कर्मचारी और बोर्ड आफ डायरेक्टर्स के जितने लोग हैं उनको

इसी कसौटी के अनुसार रख कर हम को आगे बढ़ना है। तभी सही मानों में समाजवाद की ओर हम बढ़ पायेंगे अगर हम ईमानदारी से समाजवाद चाहते हैं।

जहाँ तक रेम्पूनरेशन देने की बात है उनमें कर्मचारियों और बोर्ड आफ डायरेक्टर्स का वेतन 1 और 10 के रेशियों का होना चाहिये। इसलिए मैं चाहूँगा कि मंत्री महोदय मेरे संशोधन को मान लें। मेरे तीनों संशोधन इसी रूप में हैं।

श्री देवेन सेन: मेरी तरमीम यह है कि पेज 6, लाइन 27 में जो यह लिखा है कि:

"shall receive such remuneration as is equal to the remuneration which a member of the Board of Directors of the existing bank..."

इस को हटा दिया जाय और उस की जगह पर यह लिखा जाय:

"shall receive such remuneration as determined by the Central Government keeping in view the remuneration..."

इस का मतलब यह है कि आज कल जो वेतन दिया जाता है अगर उस को आगे के लिए भी रक्खा जाय तो उस से दो किस्म की तकलीफ हो जायेगी। एक तो अलग अलग जगहों पर अलग अलग वेतन होंगे दूसरे जो ऊँचे वेतन पहले से चले आ रहे हैं वही चलते रहेंगे। जो अमेंडमेंट मैंने रक्खा है उस से एकरूपता प्राप्त सकती है और सरकार चाहे तो वेतनक्रम को कम भी कर सकती है।

इस लिये मेरा कहना है कि मेरा संशोधन मान लिया जाय ताकि जो एनोमली है वह हट जाय।

श्री राधे राय: सरकार चाहती है कि राष्ट्रीयकृत बैंकों के जारिये समाजवाद का एक

नमूना देश के सामने पेश किया जाए। अगर ऐसी बात है तो समाजवाद के भ्रम समझ कर हम को आगे बढ़ना होगा। समाजवाद का मतलब यह नहीं है कि छोटे बड़ों के बीच में जमीन घासमान का अन्तर हो और जो अन्तर इस समय विद्यमान है उसको और बढ़ाया जाए। इस वास्ते हमारी सीधी सादी तरमीम को मंत्री महोदय को मान लेना चाहिये। खुद मेनन साहब ने पीछे जब पार्लिमेंट में लिमयेजी की तरमीम पर जब बहस हुई थी तब उस बात को मान लिया था। इस वास्ते अब उनको कोई आपत्ति नहीं होनी चाहिए। हम लोग इतना ही चाहते हैं कि बोर्ड आफ डायरेक्टर्स में, बैंक कर्मचारियों, डिफाजिटर्स आदि का प्रतिनिधित्व होना चाहिये। इस बात को उन्होंने स्वयं पहले मान लिया था। इस वास्ते अब इसको मानने में उनको कोई एतराज नहीं होना चाहिये।

सब से महत्वपूर्ण चीज यह है कि पिछले बीस साल से सरकार की जो आर्थिक नीति रही है वह यह रही है कि समाजवाद इस तरह से लाया जा सकता है कि हम लोग छलांग मार कर पूँजीपति और नौकरशाह की जगह पर चले जाएं। हम लोगों की तनखाह, हम लोगों का भत्ता इस तरह का हो जाये और वह अगर बढ़ जाए तो हम खुद बड़े लोग बन जाएंगे और देश में समाजवाद आ जाएगा। कांग्रेस सरकार की मिश्रित अर्थ व्यवस्था का यही परिणाम आज तक निकला है। देश की मिश्रित अर्थ व्यवस्था की वही प्रतिध्वनि यहाँ हुई है। तिवारी जी और भान भी अध्यक्ष महोदय, पब्लिक प्रॉडक्ट्स कमेटी के चैयरमैन रह चुके हैं। आप तो जानते हैं कि इन पब्लिक प्रॉडक्ट्स कमेटी के खिलाफ यही आवाज उठती रही है देश में कि इनको समाजवाद का नमूना पेश करना चाहिए था लेकिन ये पेश नहीं कर पाए हैं। यहाँ भी अगर बोर्ड आफ डायरेक्टर्स के सदस्य और अफसर गान शोकर और बिलास

[श्री रवि राय]

की जिन्दगी बिताएंगे तो लोगों का भरोसा इन बैंकों पर से भी उठ जाएगा और लोग समझने लगे जाएंगे कि राष्ट्रीयकृत हो कर भी ये बैंक जनता का कुछ लाभ नहीं करते। उस अवस्था में देश का और जनता का कुछ भी लाभ नहीं होगा। हम लोगों का कहना यह है कि सभी परविजिट्स और तनस्वाह आदि मिला कर किसी को दो हजार से अधिक नहीं मिलना चाहिए। अभी क्या हो रहा है। तनस्वाह से भता दस गुना अधिक होता है। भारत ही एक ऐसा घनोला देश है जहाँ तनस्वाह से भता पांच और दस गुना होता है। इसलिये हमारी तरमीम है कि तनस्वाह तथा भत्ते मिला कर दो हजार से अधिक नहीं होना चाहिए। यह आपने किया तो लोगों के मन में विश्वास पैदा होगा कि यह सरकार कुछ हद तक समाजवाद के आधार पर इन राष्ट्रीयकृत बैंकों को चलाना चाहती है।

दूसरी तरमीम पिछड़े हुए राज्यों के संबंध में है जैसे उड़ीसा है, बिहार है, राजस्थान है। वहाँ ग्रामीण इलाकों में ज्यादा से ज्यादा बैंकों की शाखाएँ खोली जानी चाहिये। मैं प्रार्थना करता हूँ कि कांग्रेस दल के जो सदस्य बैठे हुए हैं वे अपनी भावना को साक्षी रख कर हम लोगों की इन सीधी सादी तरमीमों को मान लें।

SHRI D.N. PATODIA : I will take amendments Nos. 136 to 140 together.

This Bill makes a basic departure compared to the previous Bill introduced in July, 1969. I would in that context support amendment No. 8 moved by Mr. Limaye, but the Amendment that I have moved offers a better alternative, and therefore I would request him to accept it as a compromise.

The basic departure made is that where as in the previous Bill there was a provision

for the constitution of a Board of elected Directors, and in the meantime the Custodian was to take all the responsibility of functioning of the Bank, in this Bill the Custodian is no more in the picture, and the Government is empowered to point a Board of Directors. It will not be an elected Board, it will be an appointed Board. The persons chosen and selected by the Government will form the Board of Directors of these Banks, and thereafter some day, nobody knows when after six months, one year or five years, a scheme will be prepared, and under that scheme an elected Board of Directors is going to be constituted. This is very defective. It will give an opportunity to the Government to fill the Board with their own favourites. This cannot be accepted by this House. Therefore, my amendment is that a elected board of directors should be constituted as soon as possible, but not later than six months. According to the scheme that is to be formulated by the Government a new elected board of directors should be constituted within six months and until that time the custodian may be looking after the work. There will be no fun in having two board of directors within a small span of six months. A scheme will be drawn up by the Central Government in consultation with the Reserve Bank of India according to the provisions of this Bill. That scheme has got to be finalised as soon as possible so that the election of a new board becomes possible within a period of six months. Therefore, I do not see any reason why the Government or any hon. Members should oppose this amendment by which the new board of directors will consist of elected directors only. Therefore, I suggest that this amendment be accepted by the House.

SHRI S. S. KOTHARI : My amendment No. 154 is like this :

Page 6, ... after line 13, insert...

"Provided that the Board of Directors shall include at least a Member of Parliament, an economist, a chartered accountant and a representative each of small scale industry, agriculturists, employees and depositors :

Provided further that no remuneration other than travelling and

boarding expenses shall be paid to the Members for attending Board Meetings or performing other functions as Board Members."

Even prior to nationalisation, they included economists, chartered accountants and Members of Parliament. I believe our hon. colleague Dandekar is a director of certain banks. It should be a representative board; they would be able to exercise a healthy influence on the affairs of banks. They are all specialists in their own fields and therefore, I suggest that the Government should accept my amendment or frame a scheme so that those persons I have mentioned are on the board.

The second part speaks for itself; they should be paid no remunerations other than travelling and boarding expenses; those who join the board should not do so in the hope of gaining monetarily; they should be imbued with a sense of service.

SHRI GOVINDA MENON : Auditors ?

SHRI S.S. KOTHARI : I refer to all persons join the board; I do not want to spare anybody. Persons whom the Government is going to nominate should not come here with a view to making money but to render service.

SHRI LOBO PRABHU : I would begin with the hope that this Government will accept some amendments instead of sitting absolutely immune to any suggestion. Otherwise we would not be spending our time usefully here. My first amendment relates to the headquarters of the banks. The proposal is that the Reserve Bank and the Government may between them change the headquarters of the banks as they find convenient or suitable. I should like the House to know that there is a tendency among the State Governments to think that they are each entitled to the headquarters of a bank. There are fourteen banks and it is not unlikely that each State Government, including my friend from Chandigarh, would say that it should have the headquarters of one bank there. I do not object to that. But this is a matter which must be fully and deeply considered by this House. My amendment is to the effect that when you

are proposing to change the headquarters of a bank the consent of Parliament should be taken. It is a small amendment and I hope the Minister will realise that all amendments are not meant to be brushed aside.

Sir, my next amendment is with reference to sub-clause (b) which says that the custodian shall hold office during the pleasure of the Central Government. This is said as if in an ordinary way. Why do you take this power to dismiss the custodian? If the custodian does not oblige you to give you a loan which you had for your party before, at your pleasure you can dismiss him? Please delete that clause because to-day the Government like anybody else must be subject to rules. It cannot be entirely at its discretion.

Lastly, in respect of the representation on the Board, although it strictly relates to clause 9 which provides for farmers, workers and artisans to be represented, I should like to know, what a farmer knows about a bank. *(Interruption)*

SHRI RANDHIR SINGH : I protest against this remark. Ours is a country of farmers.

श्री रवि राय: यह अध्यक्ष महोदय, जागे चल कर कहेंगे कि एबल्ट वोट को भी खत्म करो, बेचारा किसान क्या जानता है, यह असल में सदन का अपमान है और साधारण वोटर का अपमान है, इसे इन को वापस लेना चाहिए।

SHRI RANDHIR SINGH : It is an insult to the nation. He must withdraw it. He must apologise. He cannot insult 400 million people of this country.

SHRI M.V. KRISHNAPPA (Hoskote) : It is highly objectionable.

SHRI RANDHIR SINGH : *Jai Kisan, Jai Jawan, (Interruption)*

MR. SPEAKER : Mr. Lobo Prabhu, you are a lawyer.

SHRI M. V. KRISHNAPPA : I know much better about banking than he. *(Interruption)*

SHRI RANDHIR SINGH : This must be expunged. It is an insult to the Speaker, to the House and to every body.

MR. SPEAKER : Mr. Lobo Prabhu, you have annoyed certain Members. Will you please withdraw the remark ?

SHRI LOBO PRABHU : I have not the slightest intention of annoying any of my friends.

श्री रवि राय : अध्यक्ष महोदय, प्वाइंट आफ आर्डर है। हम प्रजातन्त्र में विश्वास करते हैं और जनता का बोट पा कर यहाँ आए हैं और हिन्दुस्तान की जनता जो है, 20 करोड़ वोटर यहाँ के अधिकांश में किसान हैं और जब हम यह मानते हैं कि वोटर्स आर अवर मास्टर्स, तो यह सारे प्रजातन्त्र का और पार्लियामेंट का अपमान है यह कहना कि बेचारा किसान क्या जानता है बैंकिंग के बारे में। तो आप माननीय सदस्य को कहिए कि वह इस को वापस लें।

SHRI RAJARAM (Salem) : In this House, more than 33 per cent are farmers. Only a few Members like Shri Lobo Prabhu represent the industrialists. (*Interruption*)

MR. SPEAKER : Mr. Lobo Prabhu, will you withdraw it ?

SHRI LOBO PRABHU : I withdraw it. (*Interruption*)

MR. SPEAKER : Thank you very much. He has withdrawn it.

SHRI S.M. BANERJEE : He must withdraw from the House.

SHRI LOBO PRABHU : I shall also withdraw what I was going to say about the workers and artisans. I will only say this. The farmer, the artisan and the worker you choose will have to be competent. I hope this much you will allow me to say. Let us hope that they will be able to do their duty by the banks and by the country.

SHRI RANDHIR SINGH : They are more competent than Mr. Lobo Prabhu.

SHRI LOBO PRABHU : Now that we have conceded representation to these three classes of people would you concede representation to those who are concerned with banking, who use the banks ? I suggest, in this context, that the self-employed person, whom the Prime Minister thought should be favoured by this Bill, should have representation. Secondly, you will concede that traders should have representation because they take half the loans from the bank. Thirdly, whether you like it or not, manufacturers who employ in thousands and lakhs Mr. Banerjee's friends should have representation. Having withdrawn my objection to the farmers, workers and artisans, I would like to enrich the board by the addition of these three classes of people. I do hope the minister will agree to it.

SARI S. KUNDU : I agree that the total emoluments should not exceed Rs. 2000 in any case. It is shocking that directors and managing directors draw lakhs of rupees a year in the name of allowances and perquisites. There should be a curb on it and I welcome that amendment.

The Amendment I have moved is innocuous. During the debate it has been said that the location of offices of the different banks has not been distributed in a uniform manner. Somewhere in some cities there are many offices and in some States there are no offices at all or very few offices are there. Therefore, I am seeking to add to clause 7(1) the following words ;

“keeping in view the interests of different States and better coordination of banking administration”

This is an innocuous amendment and I hope there will be no objection for the Government to accept it. If you leave the location of the head offices to be notified in the official gazette, most of the offices will be located in places like Delhi, Bombay, Calcutta, Bangalore and Madras where modern facilities are available and not in other places. Unless you diversify the location of the head offices in different States, other small offices will never be

located in the nooks and corners of our country and it will not be possible to set right the growing imbalance between the various regions. With these words, I commend my amendment to the House for its acceptance.

SHRI P. GOPALAN: My amendment is a simple and innocent one. One of the declared objectives of nationalised banks is to provide credit facilities to the rural poor and the small scale producer. Therefore, there is necessity for these banks to go to the rural areas. There is a tendency always to concentrate it in crowded and big cities. If the headquarters of the head offices are located in big cities like Delhi, Calcutta and Bombay, their operations will be confined to those areas and other backward areas will be left out. Therefore, my amendment seeks to locate the head offices of the 14 banks in 14 different States. Although the separate identity of these banks are being maintained; a more or less uniform banking arrangement or scheme has come in this country. So, I think these fourteen banks can operate as fourteen branches of a banking corporation in India. That is why I think that this amendment must be accepted.

SHRI RAJARAM (Salem) : I want to say a few words about Mr. Kothari's amendment on behalf of my party. In his amendment No. 14 he says that the board of directors shall include a Member of Parliament, an economist, chartered accountant, etc. I want to include a representative from the States. While appointing the board of directors the Government must take care to appoint only those who have got faith in nationalisation. Then only nationalisation will be successful. If you appoint persons who do not have any faith in nationalisation, they will sabotage it. There are fourteen banks and fourteen custodians now; some of them are not acting properly; they are just like Lobo Prabhus and do not bother about the farmers or the rural areas; only a few banks are helpful. A directive must be sent by the Government to the custodians to do their best to help the rural areas and the common man.

SHRI RANDHIR SINGH : Eighty per cent of the people come from the peasantry,

from the rural areas. He made a commitment last time; it should be implemented.

SHRI S. M. BANERJEE : I am speaking on amendments No. 8 and 9. I support the amendment moved by Shri Limaye that representatives of depositors, farmers, workers, artisans, etc. should be there. The second amendment is that nobody should get more than Rs. 2,000 : that should be the ceiling. I do not approve that a minimum should be fixed. If a minimum has to be fixed it should be the need based minimum wage. This amendment was accepted by them last time: I request them to accept it now also.

SHRI GOVINDA MENON : All the speeches which have thrown out some good suggestions are out of place here, when we discuss the provisions of clause 7 which is a stop gap arrangement. The real management of these banks is provided for in clause 9. This is in fact an improvement on what we provided on the last occasion. On the last occasion the custodians had been managing the banks for five or six months. Because of litigation in Supreme Court, etc. we could not do things properly. Therefore, clause 7 provides that immediately a board of directors will be appointed as a stop gap arrangement because we do not want the bank to be in the complete control of one individual custodian; that is why we are appointing directors.

SHRI D. N. PATODIA : In that case it would be in the collective control of your nominees. What is the difficulty in getting the directors elected within six months?

SHRI GOVINDA MENON : Regarding the real management we have made provision in clause 9 to draw up a scheme. That scheme will be brought before the House and it will be subject to discussion in the House and therefore, amendment by the House.

The scheme will provide under clause 9 (3) :—

"Every Board of Directors of a corresponding new bank, constituted

[Shri Govinda Menon]

under any scheme made under subsection (1), shall include—

representatives of the employees, and of depositors, of such bank, and

such other persons as may represent the interests of each of the following categories, namely, farmers, workers and artisans."

There has been no departure in my stand which I took when the Bill was moved last time. I would like to have it the same way this time also. But it will all come in the scheme.

SHRI S. KUNDU : When will the scheme come ?

SHRI GOVINDA MENON : I understand the anxiety of the House to see that the scheme should come as early as possible. Certainly undue delay will not take place. I hope, within six months we will be able to bring forward the scheme.

श्री मधु लिमये : आपने इस का जवाब नहीं दिया। वायदा फरामोशी इन्होंने की है।

SHRI S. KUNDU : A very important point about the location of head offices was raised. He did not refer to that.

SHRI GOVINDA MENON : I agree that the offices of all these banks should not be concentrated in places like Delhi, Calcutta, Bombay etc. We are having 14 corporations and there is a good deal of force in what Shri Gopalan said that as far as possible they should be located in different parts of India.

SHRI S. S. KOTHARI : What about remuneration ?

SHRI GOVINDA MENON : All these things will come in the scheme which will

give the details about the management. I would, therefore, request hon. Members to withdraw amendments with regard to these and concentrate our attention on them when the scheme is brought forward.

MR. SPEAKER : Now I shall put all the amendments to clause 7 to the vote of the House.

SHRI MADHU LIMAYE : No. 9 may be put separately.

SHRI RAJARAM : All parties have accepted nationalisation; so, give due consideration to that.

SHRI LOBO PRABHU : Clause 7 provides for the location of the bank and that decision is taken by the Reserve Bank. That is not covered by clause 9. That is a separate point.....(*Interruption*)

SHRI GOVINDA MENON : All these details will come in the scheme.

MR. SPEAKER : Now I am putting amendment No. 8 to the vote of the House.

Amendment No. 8 was put and negatived.

MR. SPEAKER : Now I am putting amendment No. 9 to the vote of the House.

Amendment No. 9 was put and negatived.

SHRI S. S. KOTHARI : Amendment No. 154 be put separately.

MR. SPEAKER : Now I shall put amendments Nos. 10, 41, 42, 43, 54, 136 to 140 to the vote of the House.

Amendments Nos. 10, 41, to 43, 54 and 136 to 140 were put and negatived.

MR. SPEAKER : Now I am putting amendment No. 154 to the vote of the House.

Amendment No. 154 was put and negatived.

MR. SPEAKER : Now I am putting amendments Nos. 158, 159, 169, 182, 217 to 220 and 236 to the vote of the House.

Amendments Nos. 158, 159, 169, 182, 217 to 220 and 236 were put and negatived.

MR. SPEAKER : The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 7— Corresponding new banks to be guided by the direction of the Central Government

SHRI D.N. PATODIA : Sir I beg to move :

Page 7, lines 3 and 4,—

for "Central Government may, after consultation with the Governor of the Reserve Bank"

substitute "Governor of the Reserve Bank in consultation with the Central Government. (141)"

SHRI K. NARYANA RAO (Bobbil) : May I make a submission, Sir ? Most of the remaining clauses are the same as these of the previous Act. Let us confine our discussion only to departures from the earlier provisions.

MR. SPEAKER : You have just now come.

SHRI D.N. PATODIA : If one goes through the various clauses of the Bill, he will notice that more and more power has been given into the hands of the Central Government by passing the Reserve Bank of India. At Present the entire banking sector is more or less controlled by the

Reserve Bank of India in consultation with the Central Government. In the course of years the Reserve Bank has developed an expertise and intelligence and is acting as some sort of a liaison between the commercial banks the Central Government and various other banking sectors and it was functioning satisfactorily—to the satisfaction of the Government, to the satisfaction of banks and to the satisfaction of the business community. There is no reason why the Reserve Bank should be bypassed in such a manner and larger and larger powers should have been given into the hands of the Government. Therefore, my amendment seeks to restore the original situation by which most of the powers will be in the hand of the Reserve Bank and the Reserve Bank will decide everything in consultation with the Central Government.

SHRI GOVINDA MENON : I believe Mr. Potodia is speaking about clause 8. Clause 8 is a copy of the existing provision in the State Bank of India Act. It is provided there that directions will be given by Government only after consultation with the Governor of the Reserve Bank. I think that if sufficient guarantee and I do not understand why Mr. Patodia should attach greater importance to the Reserve Bank which is an agency of the Government than the Governor of the Reserve Bank.

SHRI D.N. PATODIA : Because that is an expert body.

SHRI GOVINDA MENON : So we consult them.

SHRI D.N. PATODIA : They should consult you. Why should you consult them ?

MR. SPEAKER : I will put amendment No. 141 of Mr. Patodia to the vote of the House.

Amendment No. 141 was put and negatived.

MR. SPEAKER : The question is :

"That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill

New Clause 8 A

SHRI DHANDAPANI : Sir, I beg to move :

Page 7—

after line 4, insert—

"8A. In order to decentralise the Banking Administration and to mobilise the deposits in rural and semi-urban parts and to assess the needs of the agriculturists and small entrepreneurs and meet them properly, quickly, adequately and secure the social purpose, the State Governments may also float commercial banks of their own if they so desire." (176)

I have moved this amendment in order to give opportunity to the State Governments to run commercial banks. I have given this amendment because the State Governments have no opportunity to avail of the funds either from the State Bank of India or from the nationalised banks. The Nationalised banks may concentrate their deposits as well as their advances in the larger cities. But if opportunities are given to the States, they will assess the needs of the poor people and at the same time the needs of the agriculturists. Therefore, I request the hon. Minister to accept my amendment.

Secondly, in the States there are so many branches of the State Bank of India. The State Government deposits some amounts in the State Bank of India. Whatever the Government remits into the State Bank of India the State Government have to pay 6 paise per Rs. 100 as

commission. And on whatever they withdraw they have to pay again this 6 paise commission and the total amount of this commission will be a huge amount. So, in this case State Governments are losing very huge amount by means of commission. The commission should remain with the Government itself but at the same time there is the objection and the bar from the Central Government not to withdraw more amount by way of overdrafts from the Reserve Bank. This bar should be removed. So I request the hon. Minister to accept this amendment and allow the State Government to run their own commercial banks. Thank you.

SHRI GOVINDA MENON : There is really no need for his amendment. There is nothing preventing a State Government from registering a Joint Stock Bank and having banking dealings with that bank. Recently all the State Government have begun to start lotteries ; probably they may take to this also and there is nothing at all preventing them from having banks also. Therefore this section or this clause is not necessary. This Bill does not stand in the way of a State Government from sponsoring the registration of a Joint Stock Bank.

MR. SPEAKER : I will put this Amendment of Shri Dhandapani to the vote.

The Amendment No. 176 was put and negatived.

Clause 9—(Power of Central Government to make Scheme)

MR. SPEAKER : I find all the Members are here ; they are moving the amendments.

SHRI MADHU LIMAYE : I beg to move :

Page 7, —

after line 7, insert —

"Provided that every corresponding new bank shall utilise the additional deposits received by it over and above its deposits as on 19th July, 1969 in lending to

the various sector of the economy as per the proportions specified in this behalf by the Central Government and such proportions shall not be less than the undernoted percentage :—

Agriculture-small farmers	40 per cent
Small-scale industries	20 per cent
Self-employed persons	10 per cent :

Provided further that notwithstanding anything contained in any law at present in force, the Central Government shall appoint a one man Tribunal drawn from persons who are or have been or are qualified to be a Judge of a High Court or of the Supreme Court to go into complaints relating to cases of corruptions in sanctioning of advances or other facilities by the various authorities in the corresponding new banks, the minimum punishment of which shall be two years imprisonment extending upto five years". (11)

Page 7,—

for lines 31 to 34, *substitute*—

“(b) representatives of farmers, workers and artisans,

to be elected in such manner as may be specified in the scheme”. (12)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 7, line 13—

for “rupees fifteen crores” *substitute* —

“rupees five crores” (44)

Page 7, line 32,—

for “farmers, workers and artisan” *substitute* —

“farmers, workers, artisans, students, harljans and tribals” (45)

SHRI DEVEN SEN : I beg to move :

Page 7, line 33,—

omit “or nominated” (55)

SHRI M.R. MASANI : I beg to move :

Page 7, line 5,—

for “may” *substitute* —

“shall within a period of six months from the enactment of this Act” (142)

Page 7, line 32,—

after “artisans,” *insert*—

“professional men and other self-employed persons,” (143)

SHRI LOBO PRABHU : I beg to move :

Page 7, line 33,—

for “and artisans” *substitute*

“, self employed persons, manufacturers, traders and experts” (160)

SHRI S. KUNDU : I beg to move :

Page 7, line 29,—

for “, and” *substitute*—

“whose salary is not more than Rs. 700/- p.m. and such representatives shall not be less than one-third of the total members of the Board of Directors and the representatives” (170)

SHRI P. G. SEN (Purnea) : I beg to move :

Page 7, line 32,—

after “artisans” *insert*—

“and the nominees of State Government” (177)

SHRI BENI SHANKER SHARMA : I move :

Page 7, line 5—

for "may substitute "shall" (194)

Page 7, line 7—

add at the end—

"not later than the 30th June, 1970". (195)

Page 7.—

after line 24, insert—

"(cc) the guidelines according to which the loans and advances were to be made with or without security ;

provided that at no time there shall be less than six State-owned New Banks functioning in the country," (196)

Page 7, line 32,—

after "workers" insert—

"small traders, small-scale industrialists" (197)

Page 7, line 34,—

add at the end—

"provided their investment in land, business or industry does not exceed rupees one lakh," (198)

श्री मधु लिमये : अध्यक्ष महोदय, मेरे इस बलाज पर दो संशोधन हैं जिनके बारे में मैं मंत्री महोदय से गुजारिश करना चाहता हूँ कि वह उन्हें मान ले। आज तक कितने कामशॉल बैंक्स रहे हैं? तकरीबन 8 लाख ऐसे खाते थे जिनमें कर्जा देने का इन्तजाम किया जाता था बैंकों के द्वारा। लेकिन कुल जितना कर्जा दिया जाता था उसका तकरीबन आधा या उससे अधिक

658 खातों में दिया गया है। इसी से सम्पत्ति की औद्योगिक सत्ता और आर्थिक सत्ता का केन्द्रीयकरण बढ़ता चला जा रहा है। मैंने अपने संशोधन के द्वारा इस पर रोक लगाने का प्रयास किया है।

मैंने यह कहा है कि जितनी नई शाखाएं खुलेगी या नये डिपॉजिट्स प्राप्त किये जायेंगे उनके आधारे पर जो कर्जे दिये जायेंगे उनमें से कम से कम 40 प्रतिशत छोटे कारोबारियों को दिया जाये। छोटे उद्योग को 20 प्रतिशत और जो स्वयम् अपने श्रम से अपने उद्योग चलाते हैं चाहे रिक्वे वाले हो या कारीगर हो, उन्हें 10 प्रतिशत दिया जाये। यानी 70 प्रतिशत अगर छोटे लोगों को मिलेगा तो सत्ता का और संपत्ति का जो केन्द्रीयकरण हुआ है उसके उपर रोक लगेगी। इसलिए मैं मंत्री महोदय से प्रार्थना करता हूँ कि इस सम्बन्ध में मेरे संशोधन को वह मान लें। दूसरा सुझाव मैंने यह दिया है कि एक ट्रिब्यूनल का निर्माण किया जाये। मुझे डर इस बात का लगता है कि बैंकों के राष्ट्रीयकरण के बाद रिश्वत आदि का सिलसिला शुरू न हो जाए। अगर वह शुरू हो गया तो वह बढ़ता ही जाएगा।

श्री रणधीर सिंह : धनो शुरू हो गया है।

श्री मधु लिमये : मैंने पिछले साल कहा था कि दो सौ रुपये की तक्कावी लेने के लिए लोगों को सौ सवा सौ रुपया घूस का देना पड़ता है, कारोबार को देना पड़ता है। बैंकों के बारे में भी यही होने वाला है। इस तरह की जो शिकायतें हैं उनकी जांच करने के लिए और दोषी व्यक्तियों को तत्काल सजा देने के लिए मैंने कहा है कि ऐसे लोगों को कम से कम दो साल की और अधिक से अधिक पांच साल की सजा दी जानी चाहिये। इसके बिना आपका यह जो राष्ट्रीयकरण का कार्यक्रम है यह कभी

सफल नहीं होगा। जहां तक बोर्ड पर प्रतिनिधि लेने की बात है, पहले इन्होंने चुनने की बात कही थी और अब इनोंने कहा है कि नियुक्ति करेंगे, नामिनेट करेंगे। अब नामिनेशन का मतलब है भाई भतीजावाद। आप अपने चमचो को ही भरेंगे। मैं चाहता हूँ कि किसानों, कास्तकारों, मजदूरों आदि के वास्तविक प्रतिनिधि आएं। यह केवल चुनाव के द्वारा ही हो सकता है। इस वास्ते मेरा सुझाव है कि नुमाइदगी के सिद्धान्त को आप खत्म कर दें और अब आप स्कीम बनायें तो उसमें सिर्फ चुनाव की बात को ही रखें।

श्री शिव चन्द्र भा : मेरे दो संशोधन हैं 44 और 45 नम्बर और 45 नम्बर के। 44 वां संशोधन नई शाखायें खोलने के बारे में है। इनके स्ट्रक्चर के बारे में, इनके पेड अप कैपिटल के बारे में है। सरकार ने कहा है कि कैपिटल स्ट्रक्चर इन शाखाओं का पन्द्रह करोड़ होगा। अगर इतना ज्यादा पेड अप कैपिटल रखा गया तो बहुत कम शाखायें खुल जाएंगी और इसको कम कर दिया गया तो अधिक शाखायें खुल सकेंगी। मेरा संशोधन अगर मान लिया गया तो जिस मकसद के लिए इस विधेयक को लाया गया है वह काफी हद तक पूरा हो जाएगा। इस वास्ते जो मैंने संशोधन दिया है कि पन्द्रह करोड़ को जगह आप पाँच करोड़ रखें, उसको मान लें।

दूसरा मेरा संशोधन 45 नम्बर का है। यह बोर्ड आफ डायरेक्टर्स में जिन लोगों को लिया जाएगा उसके बारे में है। चमचे लेने की बात आप न करें। इस तरह के लोग बोर्ड पर लिये जाएं जो हसी अर्थों में उन इंटरैस्ट्स के नुमाइंदे हो, जिन को रिप्रिजेंटेशन आप देना चाहते हैं। आपने कहा है:

(3) Every Board of Directors of a corresponding new bank, constituted under any scheme made under subsection (1) shall include—

(a) representatives of the employees, and of depositors, of such bank, and

(b) such other persons as may represent the interests of each of the following categories, namely farmers, workers and artisans, to be elected or nominated in such manner as may be specified in the scheme.

इस में मेरा संशोधन यह है :

Page 7, line 32,—

for "farmers, workers and artisans" substitute—

"farmers, workers, artisans, students, harijans and tribals"

मैंने कहा है कि फार्मर्स, वर्कर्स एण्ड आर्टिजन्स के स्थान पर फार्मर्स वर्कर्स आर्टिजन्स स्टुडेंट्स, हरिजन्स एण्ड ट्राइबल्स जोड़ दिया जाए। जो वास्तव में फार्मर्स हैं या हरिजन हैं, वे नहीं आ पायेंगे। चौधरी लोग घुस आयेंगे। ट्राइबल और आदिवासी लोगों के लिए कोई गुंजाइश नहीं हो सकेगी। बीकर सैंकशंस के लिए हम को इस में प्रोवाइड करना चाहिए, हरिजनों, ट्राइबल्स, आदिवासीज, वनवासीज, उनके लिए गुंजाइश रखनी चाहिए। आप बीकर सैंकशंस के कल्याण का डिंटोरा पीटते हैं। लेकिन उनके वास्ते आपको यहाँ भी प्रोवाइड करना चाहिए। इसी तरह से स्टुडेंट्स की जो जमायत है उनकी भी नुमाइदगी होनी चाहिए। जरूरी नहीं है कि आप स्टुडेंट को ही लें। लेकिन उनके जो लीडर हैं, उन में से किसी को आप ले सकते हैं। बहुत से स्टुडेंट्स ग्रध्य-

[श्री शिव चन्द्र झा]

यन के लिए बिदेशों में जाते हैं। उन को फारेन एक्सचेंज देने के संबंध में बेइन्साफ़ी और घाघली होती है। इसलिए यह आवश्यक है कि विद्यार्थी समुदाय का एक प्रतिनिधि भी बोर्ड आफ़ डायरेक्टर्स में लिया जाये। इसलिये मेरा संशोधन है कि "फ़ार्मर्ज, वर्कर्स एंड आर्टिसन्ज" के स्थान पर "फ़ार्मर्ज, वर्कर्स, आर्टिसन्ज, स्टुडेंट्स, हरिजनज एंड ट्राइबल्ज" रख दिया जाये।

21 hrs.

श्री देवेन सेन: अध्यक्ष महोदय, मेरा संशोधन यह है कि पेज 7, लाइन 33 में "आर नामिनेटिड" शब्दों को हटा दिया जाये।

मैं इस बारे में कोई भाषण नहीं करना चाहता हूँ।

श्री रवि राय : अध्यक्ष महोदय, जब श्री मधु लिमये बोल रहे थे, तो हम को लगा था कि मंत्री महोदय हमारी इस तरमीम को स्वीकार कर लेंगे। मैं उन से फिर बिनती करूंगा कि वह कम से कम इस तरमीम को मान लें।

इस बिल की फ़स्ट रीडिंग के दौरान कांग्रेस के मानीय सदस्य, श्री चिन्तामणि पाणिग्रही, ने यह आरोप लगाया था कि एक किसान को बैंक से 500 या 700 रुपया कर्ज लेने के लिए 5000 रुपये की घूस देनी पड़ी। यह मेरे द्वारा दिया गया तथ्य नहीं है। यह बात श्री चिन्तामणि पाणिग्रही के मुखारविंद से निकली है। इस प्रकार की बातों को रोकने के लिये ही हम ने आनी तनमीम में व्यवस्था की है।

मैं समझता हूँ कि सब माननीय सदस्य इस बात को स्वीकार करेंगे कि नामजदगी से प्रजातंत्र की फ़ाउंडेशन, नींव, पर आघात होता है।

इस क्लॉज में फ़ार्मर्ज और वर्कर्स आदि के प्रतिनिधियों की नामजदगी की व्यवस्था का साफ़ मतलब है कि कुछ अफसरों और मंत्रियों के साइकोफ़ेट्स को रखा जायेगा। इसलिये यह आवश्यक है कि इन वर्गों के चुने हुए प्रतिनिधियों को ही बोर्ड आफ़ डायरेक्टर्स में स्थान मिलना चाहिये।

श्री शिवचन्द्र झा ने "फ़ार्मर्ज, वर्कर्स एण्ड आर्टिसन्ज" के आगे "स्टुडेंट्स, हरिजनज एण्ड ट्राइबल्ज" जोड़ने के सम्बन्ध में जो संशोधन रखा है, मैं उसकी तार्किकता हूँ और आग्रह करता हूँ कि मंत्री महोदय उसको स्वीकार कर लें।

SHRI D N. PATODIA : My amendment No. 142 will put the intensions of the Government to test. While discussing clause 7 a little while ago the hon Minister gave a specific assurance that within six months from the date of the enactment he would see to that the scheme for banking is finalised. My amendment seeks to formalise the assurance given by the Minister by suggesting that the scheme shall be finalised within six months from the date of the enactment. So, I see no reason why Government should refuse to accept it.

My amendment No. 143 is to give representation to professional men and other self-employed persons on the Board of Directors. By including these categories we shall be making the Board very much broad-based, and it will be in the interest of banking economy. I therefore request that both these amendments may be accepted.

SHRI LOBO PRABHU : I feel that there is lack of understanding about the nature and content of banking. There is an idea that there is a large sum of money which farmers and Harijans and students can come and spend. I would like to inform the House that banking depends on the deposits freely made by every member of the community, and therefore unless you have a Board which can inspire confidence, you will have

no deposits, you will have no bank. Let us get that very clear. You may require representation of the interests of these people, but unless your Board has men of quality, men who know something about banking, who know how to invest money, your banks are going to be just so many bankruptcy spots. It is a very nice idea to give representation to those who deposit and those who use that money. My good friend here is the President of the Depositors' Association. It was proposed at the time of the earlier Bill that there should be representation for Chartered Accountants, economists, traders etc., but it has not been considered so, what is going to happen? As I said, deposits may increase, but they will be diverted to private banks and not to nationalised banks. So, I would like the Minister not to make a joke of these Banks. Banking is much more than entertaining students and Harijans and Adivasis. Unless you have a Board which is competent, the officials will have their own way, they can easily pull wool over the eyes of your good farmers and good artisans and good students. So, if you want your Board to be accountable, it must be a Board of competent men, chosen on the basis of competence, and not merely have representation of the weaker sections of the community.

SHRI DHANDAPANI : I request the Government to include the nominees of the State Government also. The State Government should have a say in the board of directors. It will help the nationalised banks as well as the State Governments to have a better understanding of the situation and help normal functioning of the banking industry. I request the hon. Minister to accept my amendment.

SHRI S. KUNDU : It is said in clause 9 that the board of directors will consist of representatives of the employees. My amendment is to clarify this point. Employees will mean workers, and other staff and also managers and others. I want that it should specifically refer to representatives of the workers because managers and others would be there. Therefore, I have said that employees whose salary is not more than Rs.700

per month should have one third of the representation. I have said that it shall not be less than one third of the total number on the board of directors. If you keep the term 'employees', it is vague and it may not mean workers' representatives.

I have received a telegram from Bombay that the National Bank Employees Union had been debarred from negotiation. They are one of the patriotic labour union organisations and they always supported the cause of nationalisation. I do not know why they are discriminated against. I hope the Minister will look into it. When fourteen banks are nationalised and a new labour force emerges, proper representation for labour should be given and the views of different sections ought to be considered sympathetically.

श्री बेनी शंकर शर्मा : अध्यक्ष महोदय, क्लॉज 9 पर मेरी अमेण्डमेन्ट्स 194 से लेकर 198 तक हैं। मेरी दृष्टि में यह क्लॉज इस बिल की रीढ़ है, इसी क्लॉज पर समूचे बिल की इमारत खड़ी हुई है, इसलिए हमें इस बिल को काफी चुस्त और मजबूत बनाना है। मैंने जो अमेंडमेंट दिया है, पहले मैं उसे आपके सामने पढ़ता हूँ —

Page 7, line 5—

for "may" substitute "shall"

अध्यक्ष महोदय, "में" के रहने से कोई स्कीम बन भी सकती है और नहीं भी बन सकती है, उसके बनने में एक साल भी लग सकता है, दो साल और पांच साल भी लग सकते हैं। इसलिए मेरा संशोधन है कि "में" स्थान पर "शल" रखा जाय तथा अन्त में 'नोट लेटर देन दी 30 जून, 1970' जोड़ा जाये। जहाँ तक मेरी तीसरी संशोधन का सम्बन्ध 146 है—क्लॉज सी के पश्चात् में जाहूँसा हूँ कि एक

[श्री वेनी शंकर शर्मा]

नई (सीसी) क्लज को जोड़ा जाये। इसमें मैंने कहा है—

Page 7 —

after line 24, insert—

“(cc) the guidelines according to which the loans and advances were to be made with or without security;

Provided that at no time there shall be less than six State-owned New Banks functioning in the country”;

अध्यक्ष महोदय, हम जो भी स्कीम बनाये अगर उसके लिए गाइड-लाइन्ज न दें तो काम नहीं चलेगा, इसलिए मेरी अमेंडमेंट से इसमें सब बातें आ जायेंगी, खास तौर से उन लोगों के लिए जो हमारे बीकर सैकशनज हैं, उनको किस तरह से कर्जा दिया जायेगा। इसलिए मैं आशा करता हूँ कि माननीय मन्त्री जी कम से कम मेरे इस सुझाव को मान लेंगे।

इसी तरह से जहाँ तक बोर्ड आफ डायरेक्टर्स में रिप्रेजेंटेटिव्स का प्रश्न है जिसमें एम्प्लॉईज के रिप्रेजेंटेटिव्स और डिपॉजिटर्स के रिप्रेजेंटेटिव्स रहेंगे उनके साथ साथ मैं चाहता हूँ कि उसमें स्माल ट्रेडर्स और स्माल स्केल इंडस्ट्रियलिस्ट्स के प्रतिनिधि भी रहें क्योंकि बैंकों का जो रूपया है उसको ज्यादातर छोटे-छोटे व्यापारी और कारखानेदार ही लेंगे। ज्यादातर प्रोडक्शन उन लोगों पर ही निर्भर करता है। वही लोग ज्यादा प्रोडक्शन बढ़ायेंगे इसलिए उनको भी उसमें रखा जाना चाहिए।

इसके साथ साथ इसमें बड़े व्यापारी, बड़े पैसे वाले और बड़े कारखानेदार न हो सकें इस लिए मैं यह प्राबिन्धी जोड़ना चाहता हूँ :

“provided their investment in land business or industry does not exceed rupees one lakh ;”

SHRI RAJARAM (Salem) : Mr. Speaker, Sir, I am supporting Mr. Dhandapani's amendment. In the course of their speeches, many hon. Members have been asking us, what is the meaning of a bank and all that? I wanted to tell the House something that has happened in my place in the past six months, that is Salem. Nearly a thousand people have been given loans especially in the Dharmapuri area. About Rs. 30 lakhs have been distributed to nearly 200 people comprising ordinary merchants, vegetable merchants, bangle-sellers and other such small shopkeepers. They are very happy about it. They know what is banking. Depositors are coming. You know how much interest they had been paid in the past? On Rs. 100, Rs. 8 were being collected from them. Now, the banks are collecting only a very nominal sum, and they are very happy about it. So, any one of them can be made a representative in these banks as directors and so on. They will safeguard the people's interest and the policy of nationalisation. They have got faith in this and they would do it. That is my hope. There is no necessity that we must be degree-holders or we must have big banking ideas or any such thing. They must be only citizens of India; that is enough. That is my view. (Interruption) I can prove it. The Chief Minister of my State has distributed nearly Rs. 30 lakhs as loan to them.

SHRI GOVINDA MENON : The House should be very thankful to Mr. Rajaram for having explained to the House his experience in his own town where the nationalised banks have been doing such good service to the local small people. I am very glad to hear that. Had he not intervened I would not have heard of it. (Interruptions)

SHRI RAJARAM : I stand guarantee for the entire amount. There is no monopoly. There is no big industrialist.

SHRI UMANATH : The poor people are more honest; the people over there are more dishonest.

MR. SPEAKER : Order, order.

SHRI RANDHIR SINGH : The village people are more honest than Delhi or Bombay wala.

SHRI GOVINDA MENON : Clause 9 which is a mandate from Parliament to the executive government seeks to produce a scheme regarding the management of these banks and place it before this House for discussion and amendment. I thought the only matter which could be raised on this occasion, when clause 9 is being discussed, was the one raised by Mr. Patodia : how long will you take to prepare this scheme and place it before the House. The clause is silent over that matter. But I had a discussion with my colleagues in the Finance Ministry and I can assure the House that within a period of six months, after the law becomes an Act, this scheme will be brought to Parliament. All the other things which were started here are details to be included in that scheme and therefore I would request the hon. Members not to press any of their amendment.

MR. SPEAKER : I will put all the amendments to clause 9 together. May I do so ?

श्री शिवचन्द्र झा : 45 नम्बर का संशोधन सेपरेटली लिया जाये ।

MR. SPEAKER : All right. I will now put amendments Nos. 11, 12 and 44 to the House.

Amendments Nos. 11, 12, and 44 were put ane negatived.

MR. SPEAKER : I will now put amendment No. 45 of Mr. Shiv Chandra Jha to the House. The question is :

Page 7, line 32,—

for "farmers, workers and artisans"

substitute—

"farmers, workers, artisan, students, harijans and tribals" (45)

Those in favour may say 'Aye'.

SOME HON. MEMBERS : Aye.

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

SEVERAL HON. MEMBERS : No.

MR. SPEAKER : The 'Noes' have it.

SHRI SHIVA CHANDRA JHA : The 'Ayes' have it.

MR. SPEAKER : Let the lobbies be cleared. The lobbies have been cleared.

SHRI M. R. MASANI : On a point of order, Sir. Under rule 367, there is a proviso which says :

"Provided that if in the opinion of the Speaker, the Division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their place and, on a count being taken, he may declare the determination of the House."

So, you may follow this rule.

श्री शिवचन्द्र झा : अध्यक्ष महोदय, नियम का उल्लंघन होगा वर इनका सुझाव न मानिये ।

MR. SPEAKER : I shall accept the advice of the hon. Member and shall ask the hon. Members who support the amendment to rise in their seats.

SOME HON. MEMBERS : rose.

MR. SPEAKER : I think the Noes have it.

The motion was negatived.

MR. SPEAKER : I shall put amendments Nos. 55, 142, 143, 160, 170, 177, 194 to 198 to the vote of the House.

Amendments Nos. 55, 142, 143, 160, 170, 177 and 194 to 198 were put and negatived.

MR. SPEAKER : I shall put clause 9 to the vote of the House. The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

clauses 10 to 19

MR. SPEAKER : I am told that hon. Members were willing to dispose of clauses 10 to 20th together ... (*Interruptions.*) All right, 10 to 19.

SHRI M. R. MASANI : There is some misunderstanding. The idea was to discuss them together. Shall I speak on my amendments Nos. 144 and 146? These amendments are in regard to the employees of the old banks.

श्री शिवचन्द्र झा : ओन ए प्वाएंट ओफ आर्डर, सर। जैसा कि निर्णय किया गया था सीरियलबाइज क्लॉज और अमेंडमेंट्स को लिया जाय और इसलिए श्री मसानी को बुलाने से पहले मुझे क्लॉज 10 पर अपने अमेंडमेंट के बारे में बोलने दिया जाय। क्लॉज 10 और 11 को डिस्पोज ओफ करने के बाद ही 12 क्लॉज लेना चाहिए जिस पर कि श्री मसानी के वह 145 और 146 अमेंडमेंट्स हैं। इसलिए सीरियलबाइज आप क्यों वहीं प्रोसीड करते ?

अध्यक्ष महोदय : नाराज मत होइये, आप क्लॉज दस पर अपने अमेंडमेंट पर बोल लें।

श्री शिवचन्द्र झा : अध्यक्ष महोदय, क्लॉज नम्बर 10 पर मेरा 46 नम्बर का अमेंडमेंट है जिसमें मैंने चाहा है कि हर ऑडिटर की मासिक तनस्वाह 1500 रुपया मासिक से ज्यादा नहीं होनी चाहिए। 1500 रुपया मासिक से ज्यादा तनस्वाह ऑडिटर की नहीं होनी चाहिए और जिस समाजवादी समाज की स्थापना हम करना

चाहते हैं उसमें 1 और 10 का अनुपात रहना चाहिए। अगर मिनिमम 150 हो तो मैक्सिमम 1500 रुपये मासिक हो। यही मेरे संशोधन का मकसद है और मैं चाहता हूँ कि उसे स्वीकार किया जाय।

SHRI S. S. KOTHARI : I have a very important amendment No. 128 and I request the House to give some attention to it. I have proposed in this amendment that besides the statutory auditors, the banks should be subject to a supplementary audit by the Auditor-General of India, as in the case of other public sector undertakings.

This is a very important point because the statutory auditor is supposed to conduct certain checks which are in accordance with the statute but that auditor is not supposed to look into the propriety audit, namely, whether all the powers that had been exercised were within the powers of the Board, whether the actual expenditure was within the budget and whether the banks have acted within the ambit of the credit policy or whether the Reserve Bank directives have been properly followed. In view of this I would strongly urge that the Government should accept that as in the case of other public statutory corporations under section 619 of the Companies Act, the Auditor-General shall have the right to give instructions and directives to the statutory auditors and to conduct a supplementary or test audit as he may consider necessary in his discretion for the purpose of ensuring that a proper propriety audit is conducted and various other aspects of audit are looked into. This is an amendment which is of great importance to ensure that that the nationalised banks function in a proper manner. This should be accepted. Government should give serious consideration to it and should not avoid the scrutiny of the Auditor-General. Even when the Bill with regard to the powers of the Auditor-General was being discussed in the Select Committee this matter came up and almost all the Members of the Select Committee were of the opinion that the Auditor-General should have the right to look and inquire into the affairs of banks as also the life insurance corporation and other finan-

cial institutions. This is a matter of grave importance because propriety audit must be conducted in the case of the nationalised banks; otherwise, there would be many evils in their functioning and these evils would not be checked. Therefore, I would urge upon the Government to accept this amendment. If they cannot accept it, let them provide for it in the scheme at least, because this is of vital importance.

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 8, line 13,—

add at the end—

“but not exceeding rupees fifty hundred per month.” (46)

SHRI S.S. KOTHARI : I beg to move :

Page 9,—

after line 10, *insert*—

“(9) Notwithstanding anything stated above, the auditor of a new Bank shall be appointed or re-appointed by the Central Government on the advice of the Comptroller and Auditor-General of India.

(10) The Comptroller and Auditor General of India shall have power—

(a) to direct the manner in which the company's account shall be audited by the auditor appointed in pursuance of sub-section (9) and to give such auditor instructions in regard to any matter relating to the performance of his functions as such;

(b) to conduct a supplementary or test audit of the company's accounts by such person or persons

as he may authorise in this behalf; and for the purpose of such audit, to require information or additional information to be furnished to any person or persons so authorised, on such matters, by such person or persons, and in such form, as the Comptroller and Auditor-General may, by general or special order direct.

(11) The auditor aforesaid shall submit a copy of his audit report to the Comptroller and Audit General of India who shall have the right to comment upon or supplement, the audit report in such manner as he may think fit.

(12) Any such comments upon, or supplement to the audit report shall be placed before each House of Parliament at the same time and in the same manner as the audit report.” (128)

SHRI LOBO PRABHU : I beg to move :

Page 8, line 47,—

after “Government” *insert*—

“through the Comptroller and Auditor General of India who shall after scrutiny, forward it to the Central Government with his observations”.” (144)

Page 9, line 2,...

after “funds,” *insert*—

“Interest on Government's payment of compensation under section 6”.” (161)

[Shri Lobo Prabhu]

Page 9, line 5,—

for "of profits to the Central Government"

substitute—

"to its Reserve Funds". (162)

SHRI DEVEN SEN : I beg to move :

Page 9,—

omit lines 34 to 40. (56)

SHRI LOBO PRABHU : I beg to move :

Page 10, line 8,—

after "Custodian" insert—

"and employes" (163)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 10, line 17,—

after "Committee" insert—

"or in the procedure" (47)

Page 12, line 11,—

after 'efficiency' insert 'and prompt' (48)

SHRI MASANI : Sir, I move :

Page 9,—

after line 28, insert—

"Provided that if with one year from the commencement of this Act any officers or employee of an existing bank wishes to resign from the service of the corresponding new bank, he shall be at liberty to do so and upon such resignation he shall be paid in full all such retirement benefits by the corresponding new banks as would have payable to him by the existing bank on the basis of continuity of service and without any deduction

whatsoever in respect of any shortfall in the total period of continuous service required for qualifying for such benefits." (145)

Page 9,

for lines 34 to 40, substitute—

"(4) The compensation, if any payable to an Officer or other employee under the Industrial Disputes Act 1947, or under any other law for the time being in force in respect of the transfer of his service from an existing bank to the corresponding new bank shall be paid to him by the corresponding new bank." (146)

The purpose of these amendments is to look after the employees of the banks. They seek to protect the terms of employment and retirement of employees of banks that are nationalised. The first amendment makes it clear that if an employee of a bank wants to retire within one year of the nationalisation of the bank, he should be able to do so on the same terms and retirement conditions as he would have had if the bank had not been nationalised. In other words, an employee of an old bank which is nationalised should be able to retire from the new bank within one year of nationalisation without prejudice to his position; that is, he would get the same retirement benefits as he would have got if the bank had not been nationalised and he had retired. I take it that this retirement benefit being guaranteed for one year is something which is equitable for the employees of these banks and should be accepted.

The second amendment seeks to replace sub-clause (4) of clause 12 which seeks to take away the effect of the Industrial Disputes Act in so far as the rights of an employee on transfer from one bank to another are concerned. Under the Industrial Disputes Act when an employee is transferred from one establishment to another he has certain rights to compensation. For some reason this Bill takes away those rights.

For

"Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employee from an existing bank to a corresponding new bank shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority."

I want to substitute the following :

"The compensation, if any payable to an officer or other employee under the Industrial Disputes Act, 1947, or under any other law for the time being in force in respect of the transfer of his services from an existing bank to the corresponding new bank shall be paid to him by the corresponding new bank."

This, Sir, seeks to project the employee under the law of the country from being denied of his right to compensation on transfer from one nationalised bank to another nationalised bank.

These are the two amendments which I have moved in the interests of the bank employees and I hope they will be accepted by the Minister. I hope all those who claim to be the champions of the employees will now get up and support these amendments moved by me.

श्री बेबेन सेन : मेरी तरफ़ीम भी मसानी जो की तरफ़ीस की तरह से ही है। वह 56 नम्बर की है। मैंने कहा है कि बारह धारा की जो उधारा 4 है, उसको डिलीट कर दिया जाए। इन्डस्ट्रियल डिस्प्यूट्स एक्ट में जो सुविधायें अभी हमें प्राप्त हैं, वे प्राप्त रहनी चाहिए। इस उधारा के अन्दर ये सुविधायें उनको नहीं दी जा रही है। इस लिए मैं चाहता हूँ कि इसको डिलीट कर दिया जाए।

SHRI LOBO PRABHU : I have got four amendments jointly with Mr. Masani and three in my own name. The joint amendment which I want to stress has already been mentioned by Mr. Kothari. Our amendment is slightly simpler than the other amendment. It is necessary to bring the Auditor-General into the picture because public monies are involved. We have come to the conclusion that Government may be responsible even to make good the loss. Therefore, the amendment which we have proposed is similar to that of Mr. Kothari that all reports from the auditor will be routed through the Auditor-General. He would get an opportunity to conduct a propriety audit or any kind of audit which he thinks proper.

The other amendments which I am pressing are my own. My first amendment is in respect of Cl. 10, sub-clause (7). This provides that all the profits of the banks shall be credited to the Government. It has been the intention of Government very frequently observed in this House that the identity of each bank should be maintained. The moment you scoop the profits like this you will leave nothing for the bank to expand and invest in new schemes and its identity will be lost. I would request that you follow the pattern of other public sector enterprises, pay to the Government the interest on your money just like the Railways pay dividend or just like public sector enterprises pay interest on the loans taken by them. Whatever profits the Bank makes after it has paid the interest should go to its own reserve funds. It is only thus that we will be able to allow the bank to keep its identity, have an incentive to improve and have an incentive to make profit. I think this is a very simple amendment and I hope Government will accept it.

My next amendment is to Clause 14 where the Custodian has been declared to be a public servant. I would like to know why the Custodian alone has been singled out for being a public servant. Other employees are just on the same footing as the Custodian and since you have nationalised the banks and since they are Government institutions in every sense of the word except that they maintain their identity, I would seek to add that the Custodian and the employees of the

[Shri Lobo Prabhu]

banks will be public servants in which case they will become liable both to the right and responsibilities of public servants.

SHRI S. M. BANERJEE : I rise to support the amendment moved by Shri Masani and Shri Daven Sen. Clause 12 (4) says : 'Notwithstanding anything obtained in the Industrial Disputes Act, 1947, or in any other law for the time being in force the transfer of the services of any officer or other employee from an existing bank to a corresponding new bank shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.' This is a very simple clause. Whatever has been available to the employees and officers before nationalisation should be protected. That amendment of Mr. Daven Sen which makes a reference to omit those lines should be accepted. If the hon. Minister does not want that or does not agree with that or does not agree with that, at least the amendment which is an improvement suggested by Mr. Masani should be accepted. Their right should be protected.

MR. SPEAKER : Mr. Jha, don't say later on, something is left out. You may speak now.

श्री शिवचन्द्र झा : अव्यक्त महोदय, क्लॉज 15 में मेरा संशोधन संख्या 47 और क्लॉज 19 में संशोधन संख्या 48 है।

क्लॉज 15 में कहा गया है :

"15 (2) No act or proceeding of any Board of Directors or a local board of committee of a corresponding new bank shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such board or committee, as the case may be"

मेरा संशोधन यह है कि "आर कमेटी" के बाद "आर इन दि प्रोसीजर" शब्द जोड़ दिये जायें, ताकि अगर प्रोसीजर में कोई गड़बड़ी रही हो,

तो बोर्ड आफ डायरेक्टर्स का कोई कार्य या प्रोसीजर इनवैलिड न समझा जाये।

क्लॉज 19 में कहा गया है :

19 (2) "Generally for the efficient conduct of the affairs of the corresponding new bank."

मैं अपने संशोधन के द्वारा चाहता हूँ कि "एफिशेंट" के बाद "एंड प्रॉम्ट" शब्द जोड़ दिये जायें, ताकि नये बैंक का कार्य न केवल एफिशेंट हो, बल्कि साथ ही प्रॉम्ट भी हो।

मुझे आशा है कि मंत्री महोदय मेरे इन छोटे से संशोधनों को स्वीकार कर लेंगे।

SHRI GOVINDA MENON : I must say Mr. Masani's reference to clause 12(4) and Mr. Banerjee's support to that reference is due to a misapprehension. What is due to a misapprehension. What is attempted in this clause is this. You have now an existing bank, say, Central Bank of India limited. Now that undertaking, Central Bank of India Limited is taken over and it is then run by the Central Bank of India as a public corporation. So it is only a national transfer of an employee from Central Bank of India Ltd. to Central Bank of India. Now, such transfers should not come within the mischief of the Industrial Disputes Act. That alone is the purpose. It is not at all intended to take away any of the rights of workers.

Regarding Audit all I can say is this. Annual audit is made mandatory and audit report is to be placed before Parliament. And, if there is anything doubtful or shady which is seen from the Audit Report it is open to this House to raise the question whether should not be supplementary Audit.

Government have under consideration the enactment of a Bill defining the powers of the Auditor General. This can be included there also. We are considering the Bill. Now this attitude, that some Members exhibit, of the lack of confidence in Statu-

tory Corporations which we are going to establish is something which I cannot understand. There are also statutory corporations, take for example the Reserve Bank of India and the State Bank of India which are also statutory corporations. We are now adding to the list of statutory corporations these fourteen banks. Therefore by raising a suspicion or raising doubts regarding the way in which these things will be done will not be good for us. We are going to have a further discussion on all these matters when this scheme come up for consideration by Parliament. I would therefore request the House and the Members who spoke not to enter into too many details with respect to this matter. We shall get one more opportunity when the scheme comes when all the details of the scheme can be discussed and all constructive suggestions which emanate from the experienced hon. Members of the made use of.

Sir, we are nationalising these fourteen banks in the public interest because we believe that these big financial institutions should be under public control. I think now Shri Lobo Prabhu said that the profits should not come to Government, What is it that is provided after making provisions for the reserve fund or after making provision for bad debts and after making provision for all these things? Whatever is left comes back to the government as profit be cause, under the scheme which we have, with respect to these banks, the Government or the President of India becomes the sole shareholder of all these things. As in the case of joint stock banks this profit goes to the shareholders, here the profit goes to the Government of India. That is all with respect to this measure. I would very respectfully request the House to withdraw all the amendments.

MR. SPEAKER : I shall now put amendments to clauses 10 to 19 Nos. 46, 128, 144, 161, 162, 56, 145, 146, 163, 47 and 48 to the vote.

Amendments Nos. 46, 128, 144, 161, 162, 56, 145, 146, 163, 47, and 48 were put and negatived.

MR. SPEAKER : The question is, 'That Clauses 10 to 19 stand part of the Bill.'

The motion was adopted.

Clauses 10 to 19 were added to the Bill.

Clause—20 and 21

MR. SPEAKER : Now I shall take up clauses 20 and 21 together.

Shri Banerjee.

21.49 hrs .

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI DEVEN SEN : I beg to move:

Page 12,—

Omit lines 28 to 32. (57)

SHRI S. M. BANERJEE : I beg to move:

Page 12,—

for lines 23 to 27, substitute—

“(a) section 34A shall be omitted.” (96)

Page 12,—

for lines 28 to 32 substitute—

“(b) section 36AD shall be omitted.” (97)

Page 14,—

after line 32, insert—

“(4) Notwithstanding anything contained in the rules of any court or in the Code of Civil Procedure 1898, no suit, appeal or other proceeding of whatever nature challenging any or all of the provisions of this Act shall be heard by a judge who has or had any interest, direct or indirect, in any of the banking companies specified in Column 1 of the

[Shri S. M. Baderjee]

First Schedule as a shareholder, director, or officer of any of said companies."

When I suggested these two Sections 34A and 36AD last time, the entire House divided. When 36AD was imposed at the time of Morarjibhai's famous Bill for social control, it was opposed tooth and nail. Even today after nationalisation, the employees under the banner of the All India Bank Employee's Association who have unhesitatingly supported nationalisation are launching a struggle against this clause which should have been omitted at the very inception. The reactionary forces who opposed the Ordinance and the Act even now want to curtail the trade union rights of employees through 36AD. I would only request the Minister in charge through you to do away with this in the interest of employees-Government relations. Industrial relations cannot be improved as long as 36AD remains in the statute. My amendment No. 126 says :

"Notwithstanding anything contained in the rules of any court or in the Code of Civil Procedure 1898 no suit, appeal or other proceeding of whatever nature challenging any or all of the provisions of this Act shall heard by a judge who has or had any interest, direct or indirect in any of the banking companies shareholder, director or officer of any of the said companies."

The purpose of this amendment is this. It is a sad commentary on our judiciary that on the Constitution Bench which decided the fate of the ordinance and Act which was challenged by some people in the Supreme Court, according to my information two or three of the Judges were share holders owning a huge number of shares in the Punjab National Bank. It is a matter of shame and that is why, to protect the interests of the Government, of the shareholders, and also to keep the judiciary aloof from such pollution, from further pollution, from corrupt practices, I want to say that these Judges who have direct or indirect connection with any banking industry which is under nationalisation or which has been nationalised

should not sit in judgement and decided like Daniel. I say this without imputing any motives to the Supreme Court Judges. We were going to move—166 signatures collected—for the impeachment of certain Judges in this house, and the time is not for when we will House move for the impeachment of those Judges who set in judgement of the Bank nationalisation case having lion's share in the Punjab National Bank. I would request the Government to kindly accept my amendment.

Section 36AD should be withdrawn, and this particular amendment should be accepted by this House. It is fair and reasonable. I am sure other Members will also support including Mr. Lobo Prabhu, if he has a conscience. Let them support this and keep the judiciary away from politics, corrupe iron pollution.

श्री बेवेन सेन : उपाध्यक्ष महोदय, मेरी तरमीम यह है कि धारा 20, उपधारा 1 (वी) में लाइन 28 से लेकर 32 तक को डिलीट कर दिया जाये। मेरी वह तरमीम करीब करीब कामरेड बनर्जी की तरमीम की तरह से है। मैं 36 ए० डी० को हटाना चाहता हूँ क्योंकि मैं इसको इस बिल का सबसे खतरनाक हिस्सा समझता हूँ। मुझे खेद है कि जिस विवेक के जरिए से नेशनलाइजेशन की बात की शुरुआत होती है उस विवेक में मजदूरों का जो मोजूदा हक है उसका हनन किया जा रहा है। इसलिए मैं इसको डिलीट करना चाहता हूँ।

“(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, or

(b) hold, within the office or place of business of any banking company, any demonstration which is violent or which pre-

vents, or is calculated to present, the transaction of normal business by the banking company, or

(c) act in any manner calculated to undermine the confidence of the depositors in the banking Company."

यह सबसे ज्यादा इन्फ्रॉन्ट था। यह बलाजे हम मंजूर नहीं कर सकते, इसका विरोध हमें करना ही पड़ेगा।

SHRI DHANDAPANI : I have moved my amendment Nos. 96 and 97. I referred to section 36AD earlier also. As Mr. Binerjee pointed out, it infringes upon the rights of the employees. The entire banking industry will be affected if this section is not withdrawn. I therefore request the Minister to withdraw this section. The author of this section is not in power now, he has gone out. Because he introduced this section, every labourer in this country has crucified him. So, this should not happen to the others who are in power.

I have already said that we are living in 1970 A. D. and our labour policy should not go back to 36AD.

श्री रवि राय : मैं बनर्जी साहब की तरमीम का जोरदार शब्दों में समर्थन करना चाहता हूँ और मेनन साहब की खिदमत में एक केसला पढ़कर सुनाना चाहता हूँ। गजेन्द्रगडकर साहब का फैसला है, मानिक लाल बर्सेस डा० प्रेम चन्द के केस में वे कहते हैं :

"In dealing with cases of bias attributed to members constitution tribunal, it is necessary to make a distinction between pecuniary interest and prejudice so attributed. It is obvious that pecuniary interest, however small it may be in a subject-matter of the proceedings, would wholly disqualify a member from acting as a judge. But where pecuniary interest is not attributed but instead a bias is suggested, it often becomes

necessary to consider whether there is a reasonable ground for assuming the possibility of a bias and whether it is likely to produce in the minds of the public at large a reasonable doubt about the fairness of the administration of justice."

"It would always be a question of fact to be decided in each case. 'The principle' says Halsbury, 'nemo debet esse iudex in causa propria sua precludes a justice, who is increased in the subject matter of a dispute, from acting as a justice therein. In our opinion, there is and can be no doubt about the validity of this principle and we are prepared to assume that this principle applies not only to the justices as mentioned by Halsbury but to all tribunals and bodies which are given jurisdiction to determine judicially the right of parties."

उपाध्यक्ष महोदय, मैं इतना ही कहना चाहता हूँ कि इस फैसले को पढ़ने के बाद शायद मंत्री जी को कोई दिक्कत नहीं होनी चाहिए माननीय बनर्जी की तरमीम को मानने में। दूसरी बात यह है कि 36 AD संविधान और मजदूरों के इंटरेस्ट के खिलाफ है। इस को जितनी जल्दी स्टेट्यूट बुक से हटा दिया जाय उतना ही अच्छा है।

SHRI P. RAMAMURTI : The socialist pretensions of the Government are going to be tested by the question whether they are going to accept this amendment or not. My friend from the Swatantra Party said: what is wrong about this particular clause? Are there no normal provisions in the law of the country in the IPC, etc.? Why should you make a special provision for the bank employees? Why do you want to single out these people? I know that as far as this discrimination is concerned, the Supreme Court will say that it is very good; that is the type of Supreme Court you have got. When it comes to a question of the fundamental rights of the individual, what did it do?

[Shri P. Ramamurti]

When it was the question of A. K. Gopalan's incarceration, they held a different view. When it concerns the propertyed-class and big business, they hold a different view.

Therefore, I am not concerned with the Supreme Court here. Where does this Government which talks so much, day in out, about solicitude to the welfare of the employees and common men stand? Why does it want to keep this particular clause introduced by a gentleman whom they drove out of their cabinet? How are they in any way different from Mr. Morarji Desai as far as the employees are concerned? That is the question which you have to answer and on this will depend the attitude of the employees towards you.

श्री श्रीचन्द्र गोयल (बड़ोद): उपाध्यक्ष महोदय, जहाँ तक सुप्रीम कोर्ट का सम्बन्ध है वह स्वयं इस सिद्धान्त को स्वीकार करता है कि सरकारी कर्मचारी दूसरे नौकरों से भिन्न नहीं हैं। इस कारण यह उनका एक बुनियादी अधिकार है कि वह अपने अधिकारों की रक्षा के लिए प्रदर्शन कर सकते हैं, अपनी मांगों के लिए सब प्रकार का आन्दोलन कर सकते हैं। इसलिए मैं समझता हूँ कि बैंक के कर्मचारियों को सरकारी कर्मचारियों से भी ऊपर रख कर इस प्रकार का कानून बनाना जो उनके रास्ते में बाधा डाले जिससे उनके ट्रेड यूनियन के अधिकार न चल सकें, यह उचित नहीं है। इसलिए मैं समझता हूँ कि जो संशोधन माननीय बनर्जी ने उपस्थित किया है उसे मंत्री जो स्वीकार करेंगे और मैं उनके संशोधन का हार्दिक समर्थन करता हूँ।

SHRI S. KUNDU : Mr. Deputy-Speaker, when we were on the Select Committee on the Social Control Bill, we fought tooth and nail that this should not be in the Act. We failed and due to brute majority they had their way. We called this a black piece of legislation at the time. I am surprised to find that this indirectly and surreptitiously comes in the acquisition and requisitioning business also. It must be removed as it curtails the right of the wor-

kers to strike indirectly. Nothing should be done to curtail the most essential right of the workers to strike.

SHRI LOBO PRABHU : While I fully share the solicitude of my hon. friend for the workers in banks, I have also a little solicitude for the thousands of persons, many times more than the number of workers, who use these banks. I think that you cannot give the workers a right over the general public... (Interruptions.)

SHRI UMANATH : We are asking for equal rights with all the other sections of the people.

SHRI LOBO PRABHU : I may inform my friends that the railway workers may not strike in the premises. There is a provision under the law. (Interruptions.)

SHRI RAJARAM : He is always thinking of the employees belonging to the Communist party. That is not the truth.

SHRI P. RAMAMURTI : No Member of the Swatantra Party is a worker : I grant it.

SHRI LOBO PRABHU : I am sorry that some friends are so disturbed when I telling them the truth. This shows how limited their loyalty is. Their loyalty is to a very small section of the population. My loyalty is to the workers of the whole country and to the country as a whole.

There is another point. Bank nationalisation is to retain the confidence of the public. If it is to become the battle-ground for union workers, if banking work is to be interrupted, and the people come out to streets.

SHRI UMANATH : You cannot run the banks. Why do you separate the workers from the banks ?

SHRI LOBO PRABHU : You will destroy the very structure of banking. You will destroy the very purpose of nationalisation if you give licence to these workers. (Interruption)

SHRI P. RAMAMURTI : One point of information. The big business people have been undermining the confidence of the public in banking. Why don't you ask for an amendment that they should also be penalised ?

SHRI S. M. BANERJEE : Mr. Lobo Prabhu has conveniently forgotten that senior Members of this House belonging to certain parties had pasted big posters asking the depositors to withdraw their money. What action has been taken against this ? Will you taken action ?

SOME HON. MEMBERS : Shame, shame.

SHRI RANDHIR SINGH : Sir this is a general principle of law: that the interested parties will not be their own judge. This is the law of the land, and the Constitution also embodies it. So, my humble plea is this. If any honourable judge of the Supreme Court or of any high court is interested in a specific matter in the dispute, he should not be the presiding judge in that case. He should not participate in the deliberations.

MR. DEPUTY-SPEAKER : The Minister.

SHRI GOVINDA MENON : Mr. Deputy-Speaker, Sir, Government are extremely gratified to note that whereas there had been certain vested interests who opposed the bank nationalisation, the bank employees as a community welcomed bank nationalisation, and it is with the support of the general masses of our country in which are included the bank employees. that any progressive, socialist policy can be achieved in this country. I remember the fierce controversy which took place in this House when section 36AD was incorporated in the Banking Regulations Act. Nothing the feelings of the House and of the bank employees, and seeing also that genuine activities trade union should not in anyway be disturbed, we will recommend an amendment of the Banking Regulations Act so as to delete section 36AB.

SHRI P. RAMAMURTI: Recommend to whom ?

SHRI GOVINDA MENON : That will be done. Why I put it this way is, there was a petition to Parliament with respect to this matter and the recommendation of the Petitions Committee was as follows :

"The Committee would, however, like to emphasise that while applying these provisions it should be ensured that genuine trade union activities do not receive any setback and also the bank employees are not harassed in any manner."

I am informed that this recommendation has been accepted by Government and the Reserve Bank has already written to the various banks to delete section 36AD. is some technical difficulty in effecting the deletion by this Bill. It has to be done by a separate amending Bill to amend the Banking Companies (Regulation) Act.

There was some reference by some members regarding judges sitting in judgement over certain matters in which they have interest. It is one of the well-known rules of law and equity that where interest and duty come into conflict, bias will be presumed to exist. Therefore, nothing need be introduced in this Bill about it, I am sure the great judges of our country will bear in mind this wholesome rule.

SHRI NAMBIAR : You mean the future great judges. Most of the present judges are not great.

SHRI GOVINDA MENON : We value article 32 of our Constitution to be one of the most important articles, because it gives us a fundamental rights to go to the judges of the Supreme Court in order to get our fundamental rights enforced. One of the Chief Justices of the Supreme Court has said that article 32 itself is a fundamental right. Therefore, I referred to the judges of the Supreme Court as great people to whom we have to take recourse to whenever our rights are affected. But I am sure the sentiments expressed in this House will not go unheeded.

I do not think much more needs to be said about the amendments to this clause,

[Shri Govinda Menon]

I am satisfied that the House as a whole is in favour of this Bill and they want to make it more and more progressive. I hope these two clauses will be approved by the House.

SHRI S.M. BANERJEE : In view of the assurance given by the hon. Minister I do not press my amendments.

MR. DEPUTY-SPEAKER : I have to put the amendments to vote. I will put all the amendments to clause 20 to the House.

Amendments Nos. 57, 96 and 97 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

MR. DEPUTY-SPEAKER : I will now put amendment No. 126 to clause 21 to vote.

Amendment No 126 was put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That clause 21 stand part of the Bill".

The motion was adopted

Clause 21 was added to the Bill.

The Third Schedule was added to the Bill

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 1, line 5,—

*after "Banking Companies" insert—
"nationalisation" (25)*

SHRI LOBO PRABHU : I beg to move:

Page 1, line 9,—

for "19th day of July, 1969" substitute—

"14th day of February, 1970" (129)

श्री शिवचन्द्र झा : क्लॉज 1 की सब क्लॉज में जहाँ पर यह है ।

"the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970"

वहाँ में बैंकिंग कम्पनीज के बाद शब्द नेशनलाइजेशन रखना चाहता हूँ। सरकार चौदह बैंकों का नेशनलाइजेशन करने जा रही है। फिर वह इस शब्द का प्रयोग यहाँ करने से डरती क्यों है? इस वास्ते इस एक्ट का नाम होना चाहिए बैंकिंग कम्पनीज नेशनलाइजेशन एक्ट 1970। ईससे मामला साफ हो जाएगा, इसकी सफाई हो जाएगी और पता चल जाएगा कि हकीकत में सरकार क्या कर रही है और आने वाले दिनों में क्या करना चाहती है। राष्ट्रीयकरण समाज का तकाजा है। इस वास्ते इस कदम को उठाया गया है। इसको ध्यान में रखते हुए मैं चाहता हूँ कि इस शब्द को इसमें जोड़ दिया जाये। डरने की या इसको छिपाने की कोई जरूरत नहीं है। इसका हैम होना चाहिए बैंकिंग कम्पनीज नेशनलाइजेशन एक्ट 1970।

SHRI LOBO PRABHU : My leader, Shri Masani, has already spoken about making this Act effective from the 14th February 1970 because the earlier legislation under which the banks changed their character has been struck down. Now the reply of the Minister was that Government is always competent to give retrospective effect to any legislation. There is no doubt about that. But has he considered as to what is going to happen to actions taken under the old Act and the actions which are not possible under the new Act? There is a conflict between the two Acts. All that was done under the old Act could not be done under the new Act.

SHRI NAMIBAR : What happens to the gap?

SHRI LOBO PRABHU : There is no gap. We have said that after the 14th February 1970 this Act may come into force. I would like the learned Law Minister, who knows law, to resolve this question of conflict between what was done under the old Act and what should be done under this Act.

SHRI GOVINDA MENON : Regarding the retrospective effect of the law I have said earlier today that it is within the legislative competence of Parliament to give retrospectivity to any piece of legislation. This has been done before and this retrospective action or retrospectiveness of Bills had come up for discussion before the Constitution Bench of the Supreme Court, and they have upheld it. We have absolutely no doubt that it is within the legislative competence of Parliament to give retrospective effect, and that is necessary because from the 19th July 1969 the government had taken over these banks and we cannot leave a gap of time when the banks were nowhere, the directors were not there and only the government was there because the Bill was struck down. Therefore, retrospectivity in such matters is highly necessary.

Shri Jha referred to the need for the use of the word 'nationalisation'. Now, 'nationalisation' is not a term which is used in our Constitution, but it is provided for in article 19(6) in the following words:

"the carrying on by the State or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise"

Although the word 'nationalisation' is not used in clause (6) of article 19, it has been understood to be a measure which enables us to nationalise either partially or in full any trade undertaking.

What has been attempted in this Bill is to have partial nationalisation of the banking industry in our country. There is nothing gained by using the word "nationalisation" in this particular clause. I hope, he will withdraw the amendment.

MR. DEPUTY-SPEAKER : I shall put both amendments No. 25 and 129 to the vote of the House together.

Amendments Nos. 25 and 129 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula was added to the Bill.

The Title

SHRI SHIVA CHANDRA JHA : Sir, I move :

Page 1,—

In the Long Title—

for "certain" substitute "all" (22)

Page 1,—

in the Long Title—

*after "to control the" insert—
"commanding" (23)*

Page 1,—

In the Long Title—

*for "national policy" substitute—
"national and socialist policy" (24)*

SHRI LOBO PRABHU : Sir, I move :

Page 1,— in the Long Title,—

omit "and to meet progressively, and serve better, the needs of development of the economy in conformity with national policy and objectives" (155)

SHRI S. KUNDU : Sir, I move :

Page 1,—

in the long Title—

omit "certain" (200)

Page 1,—

in the Long Title—

omit "having regard to their size, resources, coverage and organisation" (201)

श्री शिव चंद्र झा : उपाध्यक्ष महोदय, लॉग टाइटल में "सरटेन बैंकिंग कम्पनीज" का जो उल्लेख किया गया है, मैं अपने संशोधन संख्या 22 के द्वारा यह चाहता हूँ कि उस में "सरटेन" के स्थान पर "बाल" रख दिया जाये। लेकिन चूँकि इस बिल में केवल 14 बैंकों के राष्ट्रीयकरण की व्यवस्था की गई है और यह उसी रूप में पास हो गया है, इसलिए मैं अपने उस एमेंडमेंट को प्रैस नहीं करना चाहता हूँ।

लॉग टाइटल में ही इस बिल का एक लक्ष्य यह बताया गया है : "टु कंट्रोल दि हाइट्स आफ दि इकानोमी।" मैं चाहता हूँ कि इस सम्बन्ध में ज्यादा सफाई लाने के लिये यह आवश्यक है कि "हाइट्स" की जगह पर "कमांडिंग हाइट्स" शब्दों को रख दिया जाये। प्रधान मंत्री ने भी इन शब्दों का प्रयोग किया है। मेरे इस संशोधन को स्वीकार कर लेने से इस बिल का लक्ष्य अधिक स्पष्ट हो जायेगा। यदि हम अपने कार्यों और नीतियों को सही और स्पष्ट नाम दें, तो उन का अधिक प्रभाव होगा। मंत्री महोदय का नामकरण "पी० गोविन्द मेनन" कर दिया गया और वह उसी नाम से जाने और पहचाने जाते हैं और इस बारे में किसी शंका या सन्देह की गुंजायश नहीं होती है। इसलिये मैं आशा करता हूँ कि मंत्री महोदय मेरे संशोधन संख्या 23 को स्वीकार कर लेंगे।

लॉग टाइटल में "इन कन्फर्मिटी विद नेशनल पालिसी" हमारी अर्थ-व्यवस्था के विकास की बात कही गई है। मैं अपने संशोधन संख्या 24 के द्वारा चाहता हूँ कि "नेशनल" शब्द के बाद "एंड सोशलिस्ट" शब्द जोड़ दिये जाएं। केवल नेशनल पालिसी कहने से हमारी बात स्पष्ट नहीं होती है, क्योंकि नेशनल पालिसी के बारे में भिन्न-भिन्न मत और इंटरप्रेटेशन हैं। श्री बलराज मधोक का नेशनल पालिसी और नेशनलिज्म के बारे में जो मत है, क्या सरकार का भी वही मत है? अगर उस में फर्क है, तो उस की सफाई होनी चाहिए। अगर "नेशनल" के साथ "सोशलिस्ट" भी जोड़ दिया जायेगा, तो पता चल जायेगा कि सरकार किस नीति पर और किस दिशा की ओर चल रही है।

SHRI LOBO PRABHU : Sir, I have moved an amendment to delete the words "and to meet progressively, and serve better, the needs of development of the economy in conformity with national policy and objectives" from the Long Title. I can speak on this subject very much but I confine myself to certain findings of the very people who support the Bill.

First I refer to Shri Panigrahi's statement that unless Rs. 600 are paid you cannot obtain a loan of Rs. 5,000. I would like to ask this House and the Minister whether it is the national policy to make it so difficult and expensive to obtain a loan from a bank.

SHRI RANDHIR SINGH : We want to give it to the poor.

SHRI LOBO PRABHU : I am glad that there is somebody who is willing to take bribes from the poor people. That is not what we want. It is a statement not by us but by Shri Panigrahi, namely, that since you nationalised banks this amount of money has to be paid.

Now I come to the statement of another great protagonist of nationalisation, Shri

Madhu Limaye. Mr. Madhu Limaye has said that this has become a taccavi loan which you cannot get unless you pay 25% thereon.

Lastly, I come to my very good friend here who has made such a show of this that the Congress obtained a loan of Rs. 10 lakhs for political purposes from one of the nationalised banks.

SHRI GOVINDA MENON : When ?

SHRI LOBO PRABHU : It was a statement made.

SHRI UMANATH : From a business bank, not from a nationalised bank.

SHRI LOBO PRABHU : I stand corrected in this respect that they obtained this before nationalisation.

I would like to say this also that after nationalisation they probably might have obtained Rs. 20 lakhs, if not more because now it is your own Banks. (*Interruptions*). The point I want to make is that you are not serving the interests of the development by this Bill. You are serving the political interests—call them socialist, call them nationalist, but they are not the interests of the people.

SHRI NAMBIAR : That means that he is opposing the whole scheme.

SHRI GOVINDA MENON : Mr. Deputy Speaker, Sir, I thought that since we are going through the final stages of the Bill, Mr. Lobo Prabhu at least on this occasion would have sounded a better note than what he did. (*Interruptions*)

There is well-known sloka in Sanskrit where it is said that when a mosquito goes to the udder of a cow, it does not go there in search of milk but it goes there in search of blood. Similarly, here is a very great Bill before the House and when we are discussing that Bill, Shri Lobo Prabhu wants to see whether there is some blood which can be extracted out of it and not milk. Any how, experienced as he is with

respect to administration, I can inform him...

SHRI P. RAMAMURTI : He does not know that a bullock has no udder.

SHRI RANDHIR SINGH : Bullock has its hump!

SHRI GOVINDA MENON : It is the intention of the Government to institute a Vigilance Cell in each one of these fourteen nationalised banks and if there is anything wrong going on there, the Vigilance Cell which will be independent of the managing administration of the banks will certainly look into the matter. (*Interruptions*)

Regarding the use of the word 'socialist' and the other amendment which Mr. Jha has moved, I think it cannot be accepted because we have already decided that we are not taking over all the banks in previous votings. Therefore, now in this long title we cannot drop the word 'certain' . . .

SHRI SHIVA CHANDRA JHA : That I am not pressing.

SHRI GOVINDA MENON : ...and include all.

Regarding the use of the word 'socialist', after all what is there in a name? We stand for socialism. That is why we have brought this Bill and even if that word is not used, every one will take it that this is an attempt on the part of the present Government to nationalise the banking industry at least in so far as the commanding heights are concerned.

MR. DEPUTY-SPEAKER : I will put amendments 22, 23, 24, 155, 200 and 201 to the Title to the vote of the House,

Amendments Nos. 22 to 24, 155, 200 and 201 were put and negatived.

MR. DEPUTY-SPEAKER : Now the question is :

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

SHRI GOVINDA MENON : Sir, I move ;

"That the Bill be passed."

I want to remind every one of the Members of the House present here, and those who have left thinking that we will look after the matter properly—that this is a historic day in the annals of this Lok Sabha. Because, a set of determined representatives of the people of India . . . (*Interruption*)

SHRI S. S. KOTHARI : Second historic day. (*Interruption*)

SHRI GOVINDA MENON : . . . sat through the late hours of the night today to have the Bill passed. It is a historic day for the progressive representatives of the

people and it is a historic day for persons like Mr. Kothari, who represent the vested interests.

SHRI S. S. KOTHARI : No. We had one historic day last year and this is the second historic day.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed"

The motion was adopted.

22.32 hrs.

The Lok Sabha then adjourned till Eleven of the clock on Wednesday, March 25, 1970|Chaitra 4, 1892 (Saka).