

1859 hours

SHRIMATI NIRMALA SITHARAMAN: Sir, I wish to thank all the 32 Members, who have participated in the discussion on this Bill. I am not reading the complete list क्योंकि सभी माननीय सदस्य को यह जानकारी है कि कितने वरिष्ठ माननीय सदस्यों ने इसमें भाग लिया है। So, I am not reading the complete list. But I thank each one of the hon. Members for having gone through this Amendment Bill in such great detail and also given their valuable inputs.

(1900/SKS/RP)

Sir, I want to make it very clear that this Bill does not provide for regulation of cooperative banks by the Central Government. इस बिल के अमेंडमेंट का यह मतलब नहीं है कि केन्द्र सरकार सभी को-ऑपरेटिव बैंकों पर निगरानी रखेगी। अमेंडमेंट इसके लिए नहीं है, गलतफ़हमी नहीं होनी चाहिए।

दूसरा, यह को-ऑपरेटिव बैंकों को आज क्या हो गया है, आप क्यों रेगुलेशंस करके इन्हें आरबीआई के हाथ में सौंपना चाह रहे हैं? सर, क्षमा कीजिए को-ऑपरेटिव बैंकों का रेग्यूलेशन आरबीआई के द्वारा वर्ष 1965 से ऑलरेडी हो रहा है। हम कुछ नया नहीं कर रहे हैं, लेकिन जो कुछ भी नया कर रहे हैं, वह डिपॉजिटर्स के हित में कर रहे हैं।

This Bill does not regulate the cooperative banks. The amendment is not for the Central Government to take over cooperative banks or to control the cooperative banks. It is not for the first time that this regulation of extending some powers to the RBI is happening. Since 1965, cooperative banks are already being regulated by the RBI. सर, मैं दूसरा पॉइंट रखना चाहती हूँ, क्योंकि बहुत सारे वरिष्ठ मेंबर्स ने तरह-तरह से इसका जिक्र किया है। "तीसरा, यह स्टेट के अधिकार का उल्लंघन है, आप कैसे इस पर पैर रख रही हैं, यह स्टेट फेडरलिज्म को रिस्पेक्ट नहीं करता है, वगैरह-वगैरह"। पार्लियामेंट की कॉम्पिटेंसी इस विषय को लेजिस्लेट करने की बिल्कुल है, क्योंकि हम बैंकिंग की एक्टिविटी को रेगुलेट करना चाह रहे हैं, जो कि एंट्री नं. 45 में है। हम कुछ भी नया नहीं कर रहे हैं। हमारे पावर में बैंकिंग को रेगुलेट करने के लिए जो है, हम उसका ही उपयोग कर रहे हैं। Entry 43 of the Central List talks about regulation of banking. मैं इसका जिक्र इसलिए कर रही हूँ, क्योंकि 45 और 43 में भी बैंकिंग और रेगुलेशन ऑफ बैंकिंग की पावर डेफिनेटली सेंट्रल लिस्ट में है। हम किसी स्टेट लिस्ट पर, we are not encroaching upon the State List. ...*(Interruptions)* You should have the patience to listen to people who are answering your questions. ...*(Interruptions)* प्रोफेसर साहब सुनने की आदत भी सबमें होनी चाहिए...*(व्यवधान)*

स्पीकर सर, मैं आपके द्वारा यह सबमिट करना चाहती हूँ कि ऑर्डिनेंस पर बार-बार बात हो रही है, ऑर्डिनेंस पर चर्चा हो रही है। अब हम बिल पर चर्चा करने के लिए आपकी अनुमति मांग रहे

हैं। यह बिल पेश हुआ है, बिल पेश होने के बाद वह ऑर्डिनेंस के रूप में नहीं, बल्कि नए बिल के रूप में आएगा। इसलिए यह चर्चा बिल पर ही है। ऑर्डिनेंस का प्वाइंट ऑफ व्यू लाना इन एडिशन हो सकता है, मगर अभी चर्चा बिल पर है। वरिष्ठ सदस्य श्री एन. के. प्रेमचन्द्रन जी ने बहुत ही अहम मुद्दा उठाया है। He raised a very relevant point and I am duty-bound to answer. He wants to know whether the States were consulted as cooperatives are in the State List.

सर, मैं आपके द्वारा माननीय सदस्य को जवाब देना चाहती हूँ। Consultation with States is required only for Union legislation on the items of Concurrent List. Those items which come in the Concurrent List require consultation with the State Governments.

(1905/RCP/VB)

But here, this Bill is in exercise of the Union's legislative power under the Union List. We are not touching the Concurrent List. If I am touching the Concurrent List, yes, I have to do the consultation. But I am doing it on a Union List item, Seventh Schedule read with Article 246. Therefore, consultation with the States is not necessary.

Then, it was said: "You presented a Bill during the Budget Session. You should have come here now. In between, what was the need to get an Ordinance?" Absolutely, there was a need for an Ordinance. Several Members have very nicely highlighted that because of COVID, the uncertainty being what it is, one was not even sure when the next Session of Parliament would be. In the meanwhile, the protection of the depositors is of critical importance. I am sure, many of the well-meaning hon. Members contacted me or the MoS about the depositors who were suffering in many of these co-operative banks. I myself have received the representation from the Guru Raghavendra Co-operative Bank in Bengaluru, the place where I live in Bengaluru. The constituency Member of Parliament, my Member of Parliament, my representative Member of Parliament, Tejasvi Surya spoke very well clearly explaining what is the difference. He and I have received representation from depositors in Guru Raghavendra Co-operative Bank, for whom also, like the PMC Bank, till today, there is no solution given. They are trying and trying and trying; and so were the Punjab and Maharashtra Co-operative Bank members who met me in Maharashtra in Mumbai. Several times after that, several eminent Members – Supriya Sule is one of them – have really, with a very heavy heart come to say:

“Can you not get something done quickly?”. Even today, she has given a very heartfelt appeal. We do not want such things to happen that hurt the depositors. We want to make sure that there is some kind of a provision with which the RBI can do it.

Here, much before I go into the details, I would like to recall because many of the Members have duly said कि इस देश में को-ऑपरेटिव बैंक्स का रोल महत्वपूर्ण है। They have done excellent work. We cannot undermine them. I am fully with you. We cannot undermine and we do not want to undermine. We certainly want to support the co-operative movement. But if the cooperatives are doing banking function, several eminent Committees have said, there is a need to regulate them. There is a need to regulate them so that it is much more professionally run and, professionally, the depositors are handled.

Again, I am sorry to refer to one Member so many times. When the deposit collection of a co-operative bank goes outside of its members, it has got to be brought in through a regulation. It has been explained by so many Members. Therefore, it is not as if we have forgotten the success story of the co-operative movement. हम याद रख रहे हैं कि को-ऑपरेटिव मूवमेंट का इस देश में क्या रोल है। रूरल एरियाज में रूरल डेवलपमेंट में इनकी क्या भागीदारी है, ये सब मुझे याद है। हम उनको अंडरमाइन नहीं कर रहे हैं। फिर भी हमें एक सच्चाई का सामना तो करना पड़ेगा। In the last two decades, 430 co-operative banks have been delicensed and they have gone into liquidation. पिछले दो दशकों में 430 को-ऑपरेटिव बैंक्स के लाइसेंस रद्द किए गए हैं और उनका परिसमापन भी हुआ है। को-ऑपरेटिव बैंक्स का अहम रोल है, लेकिन हम यह भी नहीं भूल सकते हैं कि इतने सारे को-ऑपरेटिव बैंक्स लिक्विडेशन की ओर भी गए हैं।

(1910/SMN/PC)

आप बैंकिंग में इसको विपरीत, ऑपोज़िट देखिए। This is not to say they are not under stress. Cooperative banks are under stress. There are some banks which are under stress but not a single commercial bank. दो दशक की इसी कालाविधि में not a single commercial bank, whose depositors are protected by the banking laws to the full extent of the BR Act, has gone into liquidation. हम यह भी भूल नहीं सकते हैं। Therefore, while I acknowledge the important contribution that cooperative banks have done for this country and are still doing, it is necessary in the interest of the depositors and also the banks themselves that we need some banking laws also to extend to the cooperative banking activity. हम

कोऑपरेटिव सोसायटी के बाकी कारोबार में कुछ नहीं कर रहे हैं, सिर्फ इस लिमिटेड परिधि में हम बैंकिंग में जो कर रहे हैं, उसके लिए ही यह अमेंडमेंट हम लेकर आए हैं।

I want to add one thing. I would like to quote the line from the Banking Laws (Application to Cooperative Societies) Bill. यह वर्ष 1964 में कहा गया था।

“The deposits and working funds of cooperative banks are now so large that the extension of the more important provisions of the Banking Companies Act, 1949 and of certain other allied provisions of the Reserve Bank of India to these banks will be in public interest.”

This was said in 1964. There is more said but I am not going into the details. So, we should remember that it is not as if suddenly, we have come up with something and that is being construed as if we are stepping into the terrain of the States. Not at all.

Why was this Ordinance brought in June? After the Budget Session, it had to come in because for the financial year 2019-20, the annual financial data was made available before June. When we saw the June data, it showed clearly that there is an increase in the gross NPA ratio of the urban cooperative banks from 2018-19 it was seven per cent; it had come to 10 per cent.

So, to stress further, due to the coronavirus, we were worried that many of the cooperative banks would become fragile. So, we wanted to also make sure that this legislation is brought in.

Senior Member Shri M.K. Raghavan asked why we you are asking these cooperative banks to drop the name 'bank'. We are not asking them to drop their names. They can still continue to have the name 'bank' but function like a bank, govern like a bank and be sure that their depositors are not going to suffer like a bank. Therefore, for better governance, we need to have a banking regulation.

There were concerns about the Registrar of Cooperative Societies and also the role of the bank. About section 32 which Prof. Saugata Ray also said 'that did you have a look at it', yes, we have had a look at it. So, the incorporation and regulation are also being done by the Cooperative Society, cooperative banks, State Registrar of Cooperative Societies and powers are not being taken away. They are still doing what they are doing. We are not encroaching into their area.

(1915/MMN/SPS)

There were a number of questions. यह पूछा गया कि क्या मेंबरशिप स्ट्रक्चर को बदलेंगे? इसमें मेंबरशिप स्ट्रक्चर को नहीं बदल रहे हैं। The State co-operative laws define that and it is going to continue like that. The State co-operative laws are not being touched under this present Bill. I know a lot of Members spoke about equal voting rights. The provision of equal voting rights for all members based on the principle of one member, one vote remains unaffected. Let me be clear on that. I hope I make it very clear. यह वन मैम्बर, वन वोटिंग का प्रावधान अभी भी जारी है। We are not touching that.

Are you not overloading the RBI? This question has been repeatedly asked. I just want to make sure that we recall, for the benefit of this House, the preamble of the RBI Act, Section 45L(1). It says "Reserve Bank of India Act provides for the RBI and recognises the RBI as the statutory body and it is statutorily constituted to operate and empowered to regulate the credit system of the country to its advantage. एंटायर कंट्री के क्रेडिट सिस्टम को रेगुलेट करने की अर्थोरिटी, as per the preamble of the RBI Act, is with the RBI. So, when we are bringing this Bill, our standards are that the Registrar of Co-operative Societies regulate the co-operative societies as a whole, while the RBI shall be regulating the banking activities of the co-operative societies only. So, the distinction is very clear.

Hon. Member, Benny Behanan from Kerala raised a lot of questions and said that the high-level committee had said something; and we are going against it. I just want to say that the high-powered Committee on Urban Co-operative Banks, 1999, which was chaired by a former Chief Secretary of the Government of Andhra Pradesh has very clearly made the recommendation. Of the several recommendations, I want to bring to your notice only three points very quickly. That Committee is of the opinion that the Reserve Bank of India should be vested with such a power; it is, therefore, recommending that Section 36AA—some Members did refer to that—of the Banking Regulation Act, as applicable to the banking companies, may also be extended to the urban co-operative banks. That was one observation that Committee gave.

Again, another observation that Committee has given is that it recommends that Section 45 of the Banking Regulation Act should be suitably amended to extend to urban co-operative banks sub-sections 4, 5 and 6 and

also all other provisions of Section 45 of the BR Act as are incidental to or connected with the carrying on banking business, which is what we are doing now. So, it is not suddenly a thought but it is something which has been suggested.

Sir, there were very many questions from several Members. Hon. Members namely, Pinaki Misra and Jayadev Galla, have all asked questions. I will just touch upon one or two of them. But given the consideration of time, I will just highlight one point for each of them. Jayadev Ji had raised the issue of the large exposure framework. The large exposure framework is issued by the RBI in exercise of its regulatory powers. As such, this already applies and it does not require any amendment through the Bill. So, that has to be a kind of clarification given. There were other points also. But I am not getting into the details. I may write a separate reply to the Members of Parliament on some specific details.

(1920/VR/MM)

Sunita Duggal raised this question about land mortgage banks and whether it will apply to them. Simple, anywhere where 'bank' is being used, it will apply. Land mortgage banks use the word 'bank'. Therefore, if they retain this word, they will be governed by this Act.

However, if they do not use the word 'bank' and restrict themselves to their mandate of 'long-term agriculture development credit', they will not come under the Bill's purview as per the amendment that we have been talking about.

Hon. Member, Nusrat Jahan also talked about capital requirement. Capital is necessary for safety of the banks and the depositors. Unlike cooperative societies that do not do banking, cooperating banking societies need to have capital at least as per the regulatory minimum requirement in order to carry safe banking. Therefore, regulatory capital for banking includes not only share capital which has a high cost for the bank but also capital in the form of bonds, which are cheaper for the banks. Therefore, allowing cooperative banks the power to issue bonds will only be in the interests of the banks and also for the depositors.

Sir, I am almost finished. I just want to add one more thing. Dr. Jayakumar felt that as if the State Governments are being treated like *tehsildars*. Even a *tehsildar* will not be treated in the way he, the hon. Member, imagined under Modi's Government. Everybody will be treated with respect.

In response to the way in which the Member spoke and said, 'you are treating the State Governments like *tehsildars*', I would like to say that we treat everybody with respect. After all the Prime Minister says about himself that he is a *Pradhan Sewak*. We do not undermine anybody. But yet if depositors are suffering, we have to stand with them.

किसी की कमजोरी को हम बर्दाश्त नहीं करेंगे। डिपोजिटर्स को सेफगार्ड करने के लिए ही यह कानून लाया जा रहा है। इसलिए इसके बारे में गलतफहमी किसी के मन में नहीं रहनी चाहिए।

"Thiru Jayakumar avargalukku naan solla virumbuvadhu ennavendral naangal yaariyum avamadhikkavillai; yaariyum kuraivaga pesavillai; yellorudaiya nalan kurithuthan naangal ithai seigindrom. Adhanal naangal Thasildaarai treat seivadhulol Maanilangalai treat seigirom endru solladeergal; Pirathamare thannai oru sevagan endru sollum indha naatil yaariyum tharakkuraivaga nadathum arasu idhu illai."

*I would like to say to Hon. Member Shri Jayakumar that we have not shown disregard for anyone; never talked ill of any one; rather we are doing this for the welfare of everyone. Therefore, you please don't say that we are treating the States like Tahsildars. In a nation where the hon. Prime Minister is calling himself as a servant, the government here will not show disrespect to anyone.

Sir, finally, therefore, amendments to Sections 45, 56 and 3 are all required in the interests of the depositors. I would not want to take more of your time.

Thank you very much, Sir, and thank you all the hon. Members.

(ends)

श्री बालूभाऊ उर्फ सुरेश नारायण धानोरकर (चन्द्रपुर): धन्यवाद अध्यक्ष महोदय, मैं आपके माध्यम से माननीय मंत्री महोदय से दो प्रश्न पूछना चाहता हूँ। ये प्रश्न महाराष्ट्र से संबंधित हैं। पीएमसी बैंक के डिपोजिटर्स को उनका पैसा कब वापस मिलेगा? मंत्री महोदय ने यह अपने भाषण में स्पष्ट नहीं किया है। मेरा दूसरा प्रश्न है कि पीएमसी बैंक के डिपोजिटर्स के लिए यह बिल लाया गया है। मंत्री महोदय यह बताएं कि यह बिल लागू होने के बाद वह क्या कदम उठाएंगे ताकि डिपोजिटर्स को उनका पैसा वापस मिल सके?

माननीय अध्यक्ष : प्रश्न यह है :

“कि यह सभा राष्ट्रपति द्वारा 26 जून, 2020 को प्रख्यापित बैंककारी विनियमन (संशोधन) अध्यादेश, 2020 (2020 का अध्यादेश संख्यांक 12) का निरनुमोदन करती है।”

प्रस्ताव अस्वीकृत हुआ।

...(व्यवधान)

माननीय अध्यक्ष : प्रश्न यह है :

“कि बैंककारी विनियमन अधिनियम, 1949 का और संशोधन करने वाले विधेयक पर विचार किया जाए।”

प्रस्ताव स्वीकृत हुआ।

(1925/SJN/SAN)

माननीय अध्यक्ष : अब सभा विधेयक पर खण्डवार विचार करेगी।

खण्ड 2

माननीय अध्यक्ष : श्री टी. एन. प्रथापना

...(व्यवधान)

माननीय अध्यक्ष : श्री एन. के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 2 और 3 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I am moving my amendments.

I beg to move:

“Page 2, line 10,--

omit “does not”. (2)

Page 2, line 11,--

omit “does not”. (3)

माननीय अध्यक्ष : अब मैं श्री एन. के. प्रेमचन्द्रन द्वारा खंड 2 में प्रस्तुत संशोधन संख्या 2 और 3 को सभा के समक्ष मतदान के लिए रखता हूँ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए।

माननीय अध्यक्ष : प्रश्न यह है:

“कि खण्ड 2 विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खण्ड 2 विधेयक में जोड़ दिया गया।

खण्ड 3

माननीय अध्यक्ष : श्री टी. एन. प्रथापना।

...(व्यवधान)

माननीय अध्यक्ष : प्रश्न यह है:

“कि खण्ड 3 विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।
खण्ड 3 विधेयक में जोड़ दिया गया।

खण्ड 4

माननीय अध्यक्ष : श्री एन. के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 5 से 9 को प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I am moving my amendments.

I beg to move:

“Page 3, line 17,--

for “no person”
substitute “a person”. (5)

Page 3, line 19,--

omit “not”. (6)

Page 3, lines 20 and 21,--

for “except to the extend and subject to
such conditions as the Reserve Bank
may specify in this behalf”

substitute “on application of the share holder”.
(7)

“Page 3, line 35,--

for “in consultation with the”
substitute “with the consent of”. (8)

Page 3, lines 36 and 37,--

omit “seeking its comments, if any, within
such period as the Reserve Bank
may specify”.
(9)

माननीय अध्यक्ष : अब मैं श्री एन. के. प्रेमचन्द्रन द्वारा खंड 4 में प्रस्तुत संशोधन संख्या 5 से 9 को सभा के समक्ष मतदान के लिए रखता हूँ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए।

माननीय अध्यक्ष: प्रश्न यह है:

“कि खण्ड 4 विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खण्ड 4 विधेयक में जोड़ दिया गया।

खण्ड 5 विधेयक में जोड़ दिया गया।

खंड 1, अधिनियमन सूत्र और नाम विधेयक में जोड़ दिए गए।

माननीय अध्यक्ष : माननीय मंत्री जी, अब प्रस्ताव करें कि विधेयक पारित किया जाए।

SHRIMATI NIRMALA SITHARAMAN: I beg to move:

“That the Bill be passed.”

माननीय अध्यक्ष : प्रश्न यह है:

“कि विधेयक पारित किया जाए।”

प्रस्ताव स्वीकृत हुआ।

माननीय अध्यक्ष : सभा की कार्यवाही गुरुवार, दिनांक 17 सितम्बर, 2020 को तीन बजे तक के लिए स्थगित की जाती है।

1927 बजे

तत्पश्चात् लोक सभा गुरुवार, 17 सितम्बर, 2020 / 26 भाद्रपद, 1942 (शक)

के पन्द्रह बजे तक के लिए स्थगित हुई।