PARLIAMENTARY DEBATES

RAJYA SABHA
OFFICIAL REPORT
(FLOOR VERSION)

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RAJYA SABHA

Tuesday, the 26th November, 2019/5 Agrahayana, 1941 (Saka)

The House met at two of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

REFERENCE BY THE CHAIR

MR. DEPUTY CHAIRMAN: Hon. Members, today, the 26th of November, 2019, marks the Eleventh Anniversary of the horrific terrorist attacks in Mumbai, which claimed numerous innocent lives and injured many others.

On this day, we remember the supreme sacrifices made by our brave security personnel, who fought valiantly to thwart the sinister motives of the terrorists. We pay our tributes to the security forces for being ever vigilant and dutiful in protecting our country and securing the liberty and freedom of the citizens. We also remember all those innocent citizens, who lost their lives in that gruesome terror attack.

I am sure, the whole House will join me in condemning such incidents in unequivocal and harshest terms. We reiterate our strong resolve to fight the scourge of terror with determination and fortitude, and devote ourselves to protect and strengthen the sovereignty and integrity of our nation.

I request Members to rise in their places and observe silence as a mark of respect to the memory of those who lost their lives in that tragedy.

(Hon. Members then stood in silence for one minute)

GOVERNMENT BILLS

*The Transgender Persons (Protection of Rights) Bill, 2019

MR. DEPUTY CHAIRMAN: We shall now take up the Transgender Persons (Protection of Rights) Bill, 2019. Shri Tiruchi Siva.

SHRI TIRUCHI SIVA (Tamil Nadu): Mr. Deputy Chairman, Sir, thank you for giving me this opportunity to speak. It is a very important occasion when we are celebrating

* Further discussion continued from the 20th November, 2019.
the 70th year of adoption of the Constitution. This House is debating on very important issues. We are law-makers. We legislate laws to resolve issues prevailing in the society. Sir, especially, with regard to the Bill, I am very proud to speak on this because I belong to a progressive party which has always fought for the down-trodden, suppressed and oppressed classes. DMK is a social reformist party. Based on that only, I moved a Private Member's Bill here, in this august House, in the year 2014. It was passed unanimously and sent to Lok Sabha. What prompted me to bring the Bill was a question which was posed to me by many.

Sir, first ever in the country, it was only in Tamil Nadu when DMK was the ruling party and Dr. Kalaignar was the Chief Minister, he constituted a Welfare Board for Transgenders and, later on, Kerala, West Bengal, Maharashtra and many other States constituted it. I thought that a law in place for the welfare of the transgender community, across the country, would serve the purpose because some States may constitute a Welfare Board, but in case some States don't constitute a Welfare Board or undertake any welfare measures for that community, what could be done? It could only be by way of a law in Parliament. So, I moved the Bill. Even before that, I should say, in a case between the NALSA and the Union of India, the Supreme Court gave a historic judgment. The whole community in India were jubilant after the judgment came and my Bill was in conformity with the judgment of the Supreme Court. So, my Bill was also hailed by the community. This is the short story behind the Bill. What is the purpose, actually? In our society, the transgender community is being ridiculed, is abused and sidelined in public places like theatres, malls, hospitals, bus stands, railway stations and everywhere. Justice Radhakrishnan, the Supreme Court judge, who gave the judgment in the NALSA case very clearly observed that by this way of treating them as untouchables by the society, they are conveniently forgetting the fact that the moral failure is with the society which refuses to adopt and embrace gender identities and expressions. This mindset we have to change. This is the observation of the Supreme Court judge. They are also human. They are also living amongst us, and when they are treated otherwise by the family or by the society only the Government has to come to their protection by way of a law. And this Bill which has been passed in the Lok Sabha does not serve the purpose. That is our contention. When my Bill went to the Lok Sabha, I was surprised that — my Private Member Bill was passed unanimously in the House — the BJP Party which supported me here, opposed that Bill. Rather they
stalled the Bill. They killed my Bill and brought one from the Government side. Let the credit go to them. I don't wish that it should come to me only. I want the issue to be resolved. I want some welfare done for the community. They should be uplifted. They should also be treated equally. So, they might have thought that if a Private Member Bill is passed, the credit may come to me, but I am not for it. Thanthai Periyar used to say, 'I am involved in this cause, not because I am the only person. Since no one has come forward, I am doing this.' So, also it was a kick-start programme. I just sensitised the Government. So, if they had accepted my Bill and got it passed in the Lok Sabha, it would have become an Act. Why not a Private Member's Bill become an Act? In Canada, there are 249 Private Members' Bills that have become Acts. In Britain, 19 Bills have become Acts, but in India, it is only seven Bills earlier to mine, and mine was passed after 45 years, after 1970. Had the Bill gone through in the Lok Sabha, got a smooth passage, that would have given a good name to the Government as well as a record in the Indian Parliament how Private Members' Legislations are being regarded and recognised. That is the concern I raised during the debate on the 250th Session of Rajya Sabha, that the Private Member Legislation day is not considered to be a very important one. It falls on a Friday and Members want to go back on Fridays. Most of the days, the House is empty. The Private Member Legislation carries equal importance as that of the Government. What is Private Member Legislation? It is an issue which has not reached the Government's knowledge. Even if it has reached, they have not intended to do something. Even if they have intended but do not have time, the Member has got the equal right and opportunity to do the same. So, bringing a Bill here is not an easy thing. How do we draft that? How much labour we put into it! What researches we do! So, it is not as though any Member has introduced a Private Member Bill and that has been debated. That has been done with a lot of hard work. So, our attempt to bring in a Bill should also be recognised. My Bill was passed and that was not accepted there. It was dragged on. The previous Bill was debated for nine Sessions only to scuttle this. Later when my Bill was taken up, the debate started, and then the Government said, 'We are going to bring a Bill.' Okay. After that Bill was introduced in 2016 by the Government, there was a very big opposition across the country from the transgender community. They said it is totally absurd because one of the definitions in that was about 'transgender'. Still there is a confusion among many of us as to who is a transgender and what the 2016 Bill said, that a transgender person was 'neither a male nor a female'. No more insult can be inflicted upon a person like that. So, much
opposition came. They said they will bring the Bill and in 2018 they brought in a Bill. I have to mention here, that most of the clauses in this Government's Bill have been carved out from my Bill. I am happy in that manner. Many may not know. Some of my colleagues who have been very thorough in this Bill know that and the Government also knows. I appreciate that. That means I have done a very good job, but they have not accepted some of the suggestions which I have made. This Bill has also not invoked a good response from the community. Why, Sir? When was this Bill passed in the Lok Sabha? It was on 5th August, 2019. Why? It was because on that day, in the Lok Sabha, the abrogation of Jammu and Kashmir Special Constitutional Provision was passed and, with that, this was also passed with almost no debate. This very important Bill, which addresses the concerns and issues of a sidelined society, had not been debated in the Lok Sabha. They would say, it had already been sent to a Standing Committee. But what is the experience of the Standing Committee? One of the witnesses who has appeared before the Standing Committee said, — I am sorry to say, I have to quote what they have said, — 'I saw only ignorance there and the questions posed to us were much more humiliating than what we are facing in the society.' This was their experience. Even after that, some of the recommendations which have been given by the Standing Committee have not been accepted by the Government Bill. This is not my personal issue or anything that is going to serve me or my party in particular. This is for a community which is also a part of our society, who are also paying taxes and who also have the right to enjoy all the privileges and rights which we have. They also have the rights, but they do not enjoy. So, I went and spoke with every one. Hence, there is nothing wrong in scrutinising a Bill twice or thrice when an issue is not being addressed or it is supposed to address the issues. Why should it not be sent to a Select Committee? So, they asked me, 'what are the concerns you have?' But I should thank some of the Ministers like our Finance Minister, Ms. Nirmala Sitharaman; Law Minister, Shri Ravi Shankar Prasad and even the concerned Minister, Shri Gehlot, Shri Piyush Goyal and Shri Bhupender Yadav. I went to every one and explained as if I am part of that community. I don't feel sorry for saying that. If anyone is undergoing a suffering, how would he plead for relief? I went and pleaded before them that either bring in some amendments or send it to a Select Committee. A Select Committee will scrutinise the Bill again. It is a matter of two months. In the next Session, you can bring it back. I was pleading for this. In the Surrogacy Bill, no one pursued. Only my
amendment was here. Even without that, it was sent to the Select Committee. Of course, it has to be sent because it is a contentious Bill. That is different. When you send a Surrogacy Bill without much pressure, why don't you send this Bill to a Select Committee? That was my simple request to the Government because scrutiny by the Select Committee and taking witnesses of those who are agitating outside would be good. When the National Medical Commission Bill was passed in this House, there was a very big agitation across the country. Some two lakhs doctors were on road, but they passed the Bill here. Now also the transgender community is on the roads in various other States. In Delhi, for the past two days they are agitating. They are picketing, they are demonstrating. Everything is happening, but you don't take this into account. In the last Session, Sir, 35 Bills were passed. If you see the time, in eight hours, a Bill had been passed. Nothing had been referred to any Committee for scrutiny. Leave alone that. Why not this Bill? When you send Surrogacy Bill, without much pressure, to a Select Committee, why don't you send this Bill? Even now I am telling you. This is my request. Just counting the number of Bills that have been passed in the House by the Government is not a credit. The Bill that has been passed and becomes an Act should serve the purpose. It should address the issues. It should be a very big protection to the people who are suffering. Instead of that, just passing a law and adding to the numbers will not serve the purpose. So, I pleaded before everyone with this request. We did all, but nothing happened. Even this afternoon I asked, 'Is there any progress in this? Is the Government going to bring any amendment?' They said, 'How could it be?' Yes, by a supplementary amendment, a Government can. These are very small amendments. If one of my amendments was accepted and if two amendments from the Government side had come, it would have served the purpose. But, so far nothing has been the outcome. So, with anguish and agony, I am standing here. Why? Members, across the party lines supported that. They even spoke on this debate. Now also, we don't want to say anything or explain. Sending to a Select Committee is like a review petition after a Supreme Court judgement. It ends there. So, if the Report of the Select Committee comes, whatever you do, we are going to support. Nobody is going to do anything more than that. Why don't you yield for just two months or six weeks at least or as my friend Derek O'Brien said, till the next Session? Send it to a Select Committee, let it scrutinise, let the people come here, pour out what all they have and you listen to them. A slow and steady legislation will not do any harm. What for is the second Chamber? It is only a cushion, not for hasty legislations. So, why I am urging it to be
sent to the Select Committee is because I feel that there are some lacuna and setbacks in this. There are many things which I do not want to go in detail. One of the major things is this. The transgender community have called this Bill — it is not my word — as regressive. It is half-hearted. Instead of addressing our problems, it is taking us back to the old days. So, they say, "We need a comprehensive Bill." Why I am speaking here, what the other Members have given in the form of amendments, and why we are asking you to send it to a Select Committee is because a Bill should be complete. It should be wholesome. It should be comprehensive. A Bill means that it is going to become a law. So, what are the main issues? The main issue is, especially, the definitions. Clause 2 of any Bill has definitions. If you just compare my Bill and the Government's Bill, you can find out the difference. There are no definitions for discrimination in the Government's Bill. What is discrimination? My Bill very clearly says, "Discrimination means any distinction, exclusion or restriction on the basis of gender identity and expression which has a purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination." But, there is no definition in the Government's Bill for discrimination. It just says, "Don't discriminate." Supposing a person is not allowed an entry into a temple. On what basis? It is on the basis of caste. So, it should be like this, "No person should be discriminated on the basis of caste for an entry into a temple." Like that, on the basis of gender, there should not be any discrimination. There is no such definition at all in this.

Secondly, the major thing is the definition of a transgender. ...(Time-bell rings)...

Sir, if you permit me, I would like to speak for a few more minutes.

MR. DEPUTY CHAIRMAN: Please.

SHRI TIRUCHI SIVA: So, it is the definition of transgender. Again, the confusion comes which I cannot disclose. In the course of my speech, I mentioned about a transgender person. The person who appeared as a witness in the Standing Committee had said the same thing and that is in the records of the Standing Committee proceedings, but I cannot say that here. The question put was: What is your biological something, something? All these questions were put, very humiliating questions. Who is a transgender? A transgender is a person who is born as a male and who has a sense
of feeling that that person is a female. That is all. How will you define that? When two
persons are talking and discussing, it can be okay, but when it is a law, it must be
explicit. There should not be any ambiguity. So, who is a transgender? It is when the
sense of gender, a person is having, does not match with the gender assigned to the
person at the time of birth. But, what does the Bill say? It says that if the gender of
a person does not match with the gender assigned to that person at birth. The gender
will not change automatically. A person will remain the same, only the sense will
change. So, this is not giving the actual meaning, which is needed for.

Thirdly, even the Supreme Court has said that they should have a right to
determine what gender they belong to. The Supreme Court has recognised them as a
third gender. Earlier, in the 2016 Bill, there was a Screening Committee. Now, it is
removed. They have to appear before a Screening Committee, undergo all tests and
prove themselves. Even now, they have to apply to a DM, District Magistrate, and after
following such procedures, the DM will give a certificate. What are 'such' procedures?
Before a doctor or before someone, they have to go and prove, 'I am so and so,- I feel
like that.' Sir, this sort of humiliation should not be attributed to a human being in a
Republic country, in a democratic country which celebrates the 70th year of adopting
the Constitution. It is totally an insult inflicted upon a human being who is to be
considered equal in our country. They are crying for that. Most of time, they are
agitated. Why? Why do they behave 'otherwise' in the society? When a person is
humiliated, when insulted, anyone will retaliate. When they are hopeless, when they
are support-less, the family disowns them, the society insults them, they don't find
acceptance anywhere, they have no educational opportunity, no employment, what
would they do? Yes, the reaction would be something else. You have to understand
the mindset, the psychology and the reactions of a person as to why it is due to. So,
they retaliate in that manner; and when go for a certificate to declare, 'Sir, I am a
transgender, I need a passport', you say, 'You have to undergo some tests.' What test
is it, who will be there, what questions will be posed? Again, I say, any human being,
based on any reason, should not be humiliated or discriminated.

Third, Sir, to address their grievances, what is the remedy? The Government has
given an option, There will be a National Council headed by the Social Welfare Minister
and 15 other persons from the Ministry and five from the community and in rotation
basis from the State. Sir, how could that be? Would the Social Welfare Minister who
is heaped upon with so much of burden sit often to hear the grievances of the transgender community? Where will they come to give a complaint, ‘Sir, I have been insulted, I have been humiliated, I have been discriminated.’ So, my suggestion is, I have given an amendment, that let it be a Commission like that of a Women's Commission or Scheduled Castes/Scheduled Tribes Commission, let it a statutory commission.

...(Time-bell rings)...

MR. DEPUTY CHAIRMAN: Conclude now.

SHRI TIRUCHI SIVA: Kindly permit me.

MR. DEPUTY CHAIRMAN: I have already given you ....

SHRI TIRUCHI SIVA: Sir, what is the time? A society is shouting and crying, Sir! We are here only to debate.

MR. DEPUTY CHAIRMAN: There was no time. Your Party has already taken it. I have already given you nineteen minutes. Please.

SHRI TIRUCHI SIVA: Sir, when I have sacrificed my Bill, why don't you give me some time?

MR. DEPUTY CHAIRMAN: No, no. Please conclude. I have already given you nineteen minutes. Mr. Siva, don't say that. I have already given you more time. I have been more liberal.

SHRI TIRUCHI SIVA: The Commission, if it is a Commission like that of a Women's Commission, my Bill very clearly says — Sir, kindly permit me to just point out that only —what is the purpose of the Commission or what would be the functioning of my Commission? Then, Sir, you will agree. Through you, I would say 'the Government' what is the National Council's functioning and my Commission's functioning. "The Commission shall, for the purpose of discharging its functions under the Act, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, summoning and enforcing the attendance of witnesses and examining them on oath; discovery and production of any document; receiving evidence on affidavits; reinvesting of public record; issuing commissions,- any other matter which may be prescribed. The Commission may, while investigating a complaint, make written requests. These are all
formalities. "Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228, and for the purposes of Section 196, of the Indian Penal Code, 1860, and the Commission shall be deemed to be a civil court for all the purposes of Section 195 and Chapter 26 of the Code of Criminal Procedure, 1973." Sir, anyone would agree with this purpose. If a complaint is given before the Commission like that of Women's Commission or a Scheduled Caste Commission, immediately they will have the powers to investigate it. What will the Council do? Where will he come and give the complaint, he or she? So, that Council will be only for namesake but it won't serve the purpose. So, if at all, they want to address the issues of the community, there must be a Commission in place.

Third, Sir,...

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI TIRUCHI SIVA: Third, Sir, 'sexual abuse' or 'rape' on any woman is accountable for seven years. But that won't be in accordance with the transgenders. They say, 'We are also insulted. If we go to a police station, give a complaint, you know how they treat us. They don't accept our complaint. They ask silly questions. They insult us much more and they even attribute that you are a person like that.' So, the law should be there to protect them. Please understand my sentiments, the pleadings and the arguments which I am placing before you. If the same law applies to them, they would also be in this. If it applies to them, that will serve the purpose. Sir, it is a very simple thing that they are asking for. Most of all, the Supreme Court has said — this is very, very important — that they should be treated as educationally and socially backward people and reservations must be given to them in employment and education. Sir, my Bill provided for a two per cent reservation. The hon. Minister and the esteemed Leader of the House asked me, 'How is that possible when the Constitution provides for reservation only up to 50 per cent?' There is a small misunderstanding here, Sir. It is not a vertical reservation that asked for but a horizontal reservation.

MR. DEPUTY CHAIRMAN: Please conclude now, Mr. Siva.

SHRI TIRUCHI SIVA: Even in vertical reservation, when you are able to give 10 per cent reservation to EWS by amending the Constitution...

MR. DEPUTY CHAIRMAN: Please conclude, Mr. Siva. I have to invite other speakers.
SHRI TIRUCHI SIVA: Sir, I am speaking for a community.

MR. DEPUTY CHAIRMAN: I know that, but I have already given you 22 minutes. The time of your Party is over. You may see it there. Please conclude now.

SHRI TIRUCHI SIVA: If you allow me to speak for a little more time, I would be happy, Sir.

MR. DEPUTY CHAIRMAN: I know your sentiments and I know about others also.

SHRI SATISH CHANDRA MISRA (Uttar Pradesh): Sir, let him conclude.

SHRI TIRUCHI SIVA: Sir, I would conclude now.

They said reservation is not possible. But recently, they amended the Constitution and provided for ten per cent reservation to the EWS category. That cannot be questioned because we have amended the Constitution. But my suggestion for reservation to this particular category is not a vertical one. It doesn't say 'carve out from the Constitution'. The already existing reservation would be there. Out of that, reservation could be made. There are vertical and horizontal reservations. This is a very simple variation. So, you may give them some reservation in education and employment; no one can deny that. When the RTI Act came into force, schools and educational institutions had to give admission to the poor students. Similarly, if the issues of reservation, Statutory Commission, defining 'transgender' and 'discrimination' and the many other things that I have mentioned here, are addressed, this Bill would become comprehensive and then, I would be the first person to support that Bill.

Sir, my Bill was given support here but not given support there; they took some other stand. I would not go into that. At least, if your Bill serves the purpose, I say it again, I will be the first person to support it. It has not addressed those issues and there is nothing wrong in sending it to a Select Committee. I don't say that we disown the Bill or that it should not be there. Let it be scrutinized once more. The Parliament is meant for only that. The Parliament is meant to discuss and scrutinize the Bills. It could be sent to a Standing Committee or a Select Committee. One more scrutiny would serve the purpose and appease the people who are agitating. Please understand the sentiments of those people and send it to a Select Committee. Thank you very much.
SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Sir, on behalf of my party, I would like to support this Bill. If at all the House decides that the Bill should be sent to a Select Committee, we would have absolutely no objection to that. If it is not sent to a Select Committee, then I would prefer to speak on this subject here.

First of all, I thank the hon. Minister for bringing this much needed Bill for the welfare of the transgender community, which would reduce the discrimination being faced by them. Sir, transgenders are not born as transgenders by choice. It is by virtue of God. Just because they are born as transgenders they can't be isolated or discriminated. Both the other genders humiliate and discriminate them, and this Bill rightly confers the right upon them which would eradicate the discrimination. In fact, I take this opportunity to acknowledge the efforts put in by my colleague, Shri Tiruchi Siva, who introduced this Bill in 2014 to guarantee and provide welfare measures for transgender persons, and he has set the ball rolling in this regard. Sir, this Bill addresses the main reason of discontent of transgender community which is under severe discrimination. The Bill not only prohibits the discrimination, but also prohibits the unfair treatment or denial of service by relations. The Bill provides the basic benefits, and the benefits related to employment, health, education, etc., will finally and statutorily be guaranteed to them. This is much needed. In this regard, I have two suggestions to make to the hon. Minister. I hope the hon. Minister will positively consider them. Clause 4 (2) talks about the self-perceived gender identity. What is this self-perceived gender identity? If a person is given an opportunity to decide his or her gender, probably that will lead to some sort of confusion and misuse of self-certification. If self-determination of one's gender identity were to be the self-criterion to receive the benefits, it could be misused by others to claim such benefits. I, therefore, request the hon. Minister to take cognizance of this suggestion. The second suggestion that I would like to make in this regard is, the person would be recognised as a transgender on the basis of certificate of identity issued by the District Magistrate. Such a certificate will be a proof of identity as transgender and confers the rights under the Bill. The Bill also states that the person who is recognised as a transgender shall have the right of self-perceived gender identity. Given that there is a requirement of certificate of identity under this Bill, it is
unclear whether the term 'self-perceived gender identity' entails how it will be enforced by the law enforcing authorities. With these words, we support this Bill and this Bill has to be passed. We support the Bill on humanitarian consideration.

MR. DEPUTY CHAIRMAN: Shri Ramdas Athawale, not present. Shri Derek O'Brien.

SHRI DEREK O'BRIEN (West Bengal): Mr. Deputy Chairman, Sir, I must thank you in the way you began the House today, that all of us could pay tribute to the brave soldiers and the brave ordinary people who did great service to this country on 26/11.

I come from a State which has always been ahead when it comes to thoughts about women's emancipation and emancipation in general because about 150 years ago it was Raja Ram Mohan Roy who did this and we all know what his views were on women's rights and sati. We have not put a clear number how many transgender persons are in India. There are only two numbers available. One is the kind of official number which says that they are anywhere between 7 lakh and 9 lakhs; they are under a million. There are some estimates to say that there are 4 million or 40 lakh transgender persons. It may be a large number because people don't come out and say they are transgender persons. I want to talk about this legislation and its history and how that Private Member's Bill got passed here unanimously. My colleague, Shri Tiruchi Siva, brought the Bill. That afternoon was a very historic afternoon. The Bill came in the afternoon in Rajya Sabha, and we have to give credit to the Leader of the House, Shri Arun Jaitley, who was also a Minister then. He is no more with us today. And let us be very clear here that the Bill would never have got through that Friday afternoon if it wasn't for the statesmanship-like leadership of Arun Jaitley/who got all of us together and said in his typical style, "Listen, we will do something for them." The little I know of Mr. Jaitley, one sensed that there was a deep passion to do something for transgender persons and that is why he said, "Hold it; we will bring this Bill in the other House." What happened after that is a very bleak area. The task of passing the Bill was done but where are we on the quality of the Bill? Sir, I would join Tiruchi Sivaji and everybody else, to appeal to the current Leader of the House, who is also the Minister, piloting this Bill, to think about this, to think about what were the views of his predecessor Leader of the House, on this Bill. We appeal to him, through you, Sir,
appeal to his conscience, to please send this Bill for further examination to a Select Committee. Give it six weeks, two weeks. Nobody from the transgender community — with 30 lakh or 40 lakh — are represented in any House. We can't hear them here. Let us open our ears and listen to what they say in a Select Committee. There is no politics in this. None at all.

Sir, the second thing that I want to leave, as a constructive suggestion, with the Minister is that when you look at this Transgender Bill, in the future you need to look at, at least three or four other legislations where we can also empower transgenders. We need to look at it. May not be in this Session, but start looking. Look at the POCSO, Protection of Child from Sexual Offences. That Bill needs to be looked at again, if you want to protect Transgender. You need to look at Indecent Representation of Women, the second Bill, please look at. Look at the Sexual Harassment of Women at the Work Place, and look at the Protection of Women from Domestic Violence. Because, if you look at the legislations together, then over the years, we can find a solution. Sir, I am not a lawyer like Satishji is or Arun Jaitleyji was. But, as a layperson, who was reading this Bill, and trying to understand it, here is the next question that I want to understand, through the Minister and through all the legal luminaries, as a layperson. If a man rapes a woman, the punishment is minimum ten years or life imprisonment; if a man rapes under twelve years of age, the punishment is twenty years or life imprisonment or death, very good; for attempt to rape, punishment is five years, and here is this serious lacunae! What happens if a man rapes a transgender? ...*(Interruptions)*... That is not two years. The maximum here, listed in this Bill, is sexual offence and other such offences, six months to two years. Sir, this is not politics. This is a question as to how we can pass such a Bill. In other words, say, the message is, rape a woman; yes, very bad; rape a child, worse; but, the transgenders, these people are on streets, they are begging, they are under high risk, and what is this Bill that we are passing? This is not about politics. This is about thinking this through. I was not listed to speak on this Bill. But, I thought I must speak. Now, in this situation, I don't think it is so dark, frankly. I am a lot more positive than Tiruchi Sivaji is. And, I will tell you why. This Bill was not there for all this time. The fact that the Bill is coming. But, there is hope because there are States like Tamil Nadu; there are States like Bengal, who are doing things. I am glad that we keep discussing it because we are doing it in a friendly yet comparative way. The first State in the country to set up a Transgender Board is either Tamil Nadu or Bengal, but we won't fight. It is one and two. It's not a match here; it's
about doing it together, giving a message. In Bengal, the transgenders have ID cards. With those ID cards, they can get education, health, employment, but there is no formal reservation. But it is happening today. With a sense of delight, imagine a college Principal in Bengal is from the transgender community. What a fantastic message it gave across the State. Manabi B. There are about 20 to 25 colleges already. There will be more colleges later where there is a transgender toilet. The bigger colleges have a toilet for them. So, they just feel a sense of comfort. These are some of the suggestions. That is why, we are asking. The starting point in this was the passing of that Private Member Bill. Then, I told you about the statesmanship displayed by everybody. Now, we need to listen to everybody more. Otherwise, if we do not do this good scrutiny, then it will be seen as a half-baked piece of legislation, even though, I believe, even with half-baked legislation, strong State Governments can still do well for the community.

Now, Sir, I come to my final two points. Since we started with 26/11, today, with a lot of sadness, no anger at all, and a lot of respect, seventeen Opposition parties, on the Constitution Day, sat for 100 minutes under the statue of Dr. Ambedkar. Through you, Sir, I want to make a minimum point. If we can discuss and pay tribute to 26/11; today is the Constitution Day. I have 20 seconds only to say. I am not making any political point, but seventeen of them or more Opposition parties sitting next to Dr. Ambedkar statue...

MR. DEPUTY CHAIRMAN: Derekji, come to the subject.

SHRI DEREK O'BRIEN: This is the subject. That is my point. That is exactly the point. I am glad that you got on to the subject. I am on the subject. What has happened today, Sir...

MR. DEPUTY CHAIRMAN: That is not on the agenda. ...(Interruptions)...

SHRI DEREK O'BRIEN: Sir, I am making a limited point.

MR. DEPUTY CHAIRMAN: On this subject? You are a seasoned Parliamentarian. ...(Interruptions)...

SHRI DEREK O'BRIEN: Sir, on the Constitution Day, I am making a point on the Constitution. That's all I am saying.
MR. DEPUTY CHAIRMAN: But, in the Rajya Sabha, आप जानते हैं कि बहस का विषय है - हम अभी संविधान पर बहस नहीं करेंगे - उस पर बहस करेंगे। इसलिए अगर हमें बात करनी है तो transgender Persons Bill पर करनी है।

श्री देरेक ओब्रीन: तो क्या मैं Constitution डिसकस नहीं कर सकता?

MR. DEPUTY CHAIRMAN: You are always most welcome, but not on this.

...(Interruptions)...

SHRI DEREK O'BRIEN: My belief is, with all humility, जो मेरी limited समझ हैं...

MR. DEPUTY CHAIRMAN: As per the Rules of Procedure in Rajya Sabha, जो विषय अभी हम discuss कर रहे हैं, उस पर बात करेंगे।

श्री देरेक ओब्रीन: तो मैं आर्टिकल-14 डिसकस करूंगा, मैं आर्टिकल-21 डिसकस करूंगा। संविधान में जो लिखा है, वह transgender के लिए भी लिखा है, वह man and woman के लिए ही नहीं लिखा है इसलिए हम लोगों ने जो बाहर बोला, वही हम अंदर बोल रहे हैं - वह हमें allow कीजिए। Thank you very much, Sir.

So, there is hope for Bengal, there is hope for Tamil Nadu because the original hope was given by Raja Ram Mohan Roy and Vidyasagar more than 100 years ago. I end with a very humble request. We want to do this in a good spirit. In that good spirit, let the Government, let the Minister, at least, bring one Amendment. We are not pushing, we are not begging. We are just asking the Government to answer the questions that we have raised. Bring one Amendment, or, put it off for six weeks. Of course, the reason we are discussing it in the first place because a private Member brought a Bill and the then Leader of the House, of the NDA, at that time, said, "Yes, bring the Bill". In that spirit, through you, Sir, I make this appeal to the Government. Thank you, Sir, for giving me this time. You have been very generous.

DR. K. KESHA V A RAO (Andhra Pradesh): Sir, I get up with a kind of heavy heart for two reasons. I do not know why there is this haste at all. I am for the Select Committee not for any other reasons, rhetoric and all other things. The Bill has a lot of loopholes. You are trying to bring out a Bill which is more emotional in its content than mere words on the paper.

Number one, this is rarest of the Bills, about which we have no idea at all. Unless you go deep into the very human nature, the culture in which a particular section lives,
unless you understand them, the milieu, you cannot do it. So, that is another thing. There are hardly a couple of States in the world like the U.S., Canada, the U.K. or South Africa which have legislations of this nature. This legislation is very new to us. So, to say that we are experts, we know everything and whatever we are bringing in is final, is not right. I will only go point by point. I am not trying to discuss it at all. You need to look into it more. For example, the U.K. does not believe in binary method. It says, 'either male or female'. Canada has introduced it only last year. They have brought in that case. So, these are some of the things that need to be looked into. I have a few issues. Sir, Shri Siva has rightly mentioned and as everybody knows that this has come from the judgement of NALSA. What did the judgement say? It asks for the welfare of these people. First of all, the judgement asks us to recognize them as the 'third gender', which we have done. Shri Siva has already said it, and I do not want to repeat it. The very definition of how to recognize or define a transgender is very different and controversial in this Bill and that needs to be looked into. I am trying to make a case to go to a Select Committee where these issues need a relook. Sir, if we talk about discrimination, Shri Satish and everybody else will agree that it is a general type of right. The big case that Shri Siva has built is, not necessary. But, even then, suppose a person is discriminated, the penalty for that has not been mentioned in this Bill. Sir, then let me talk about the procedures. Suppose, you have to give a certificate of recognition, and you have not given the reasons for refusal. In case the reasons for refusal are given what will happen; can go for an appeal against it? What is the stand, what is the ground and the base on which I can go for the appeal? Sir, Satishji has rightly said that there is also no penalty for that. Sir, then, you want me to go to somebody else for recognition of the identity. Sir, hon. Supreme Court has so specifically said that "self determination of a gender is an integral part of personal autonomy and falls within the realm of personal liberty guaranteed under the Constitution". I determine my own sex, I need not go to a doctor or to some Commission or Committee for recognition of my gender. Now, I will go back from where I have started. In the year 2013, you constituted an expert Committee, please look into the report of that Committee. Then, in the year 2014, the NALSA Judgement was there, please go into the detailed seven points of that judgement. They wanted the medical safeguards. But, you did not do anything about that. There is no timeline. It is not clear as to what kind of machinery you have brought in for the medical safeguards. So, kindly go through the expert
Committee, go through that NALSA judgement, go through Shri Siva's Bill, go through the recommendations of the Standing Committee—of course, the Standing Committee has not much to offer—then, go through the issues that are coming in newspapers and also the discussions and all other issues that are being raised here. I am giving you the issues. Sir, now, we have the right to stay anywhere. These are the fundamental and basic rights, to stay in a place of our choice. Here, the right to stay for these people is dependent on their cultural background. This particular section lives in a particular culture and with particular traditions. Now, you say that if the parents or near families do not accept them, then you send them to the rehabilitation centers. What is a rehabilitation centre? What will happen to that child there? We must think about it. So, this has to be revisited. I am just raising these issues and not trying to give an answer. Let the Select Committee go into the details and find out all these things. I am just raising the issues. Sir, I have already said that for the medical safeguards, we do not have a timeline. The Bill, of course, on the very periphery is affirmative. But, there is no machinery, there is no system which will stand in guard to what you have said. For example, let us talk about reservation. Though, the NALSA judgement is there, there is no mention about reservation in the Bill at all. Even if they had made a mention, you must know that with kind of controversies we had about the Backward Classes. I do not think this will be taken up unless it has its own special mention and also special answers to them in the Bill. Are these provisions applicable to private entities? That also has to be made clear.

Mr. Derek brought the issue of punishment of six months to two years and to that of ten years in case of rape and sexual abuse of TG and others respectively. That is there in your law whereas the other law says that it is ten years, twenty years and death penalty. I don't want to take much time.

Lastly, I come to confidentiality part of it. After all, we live our life with dignity and some confidentiality. If you subject me to some kind of test, which will be made open, the confidentiality will be lost. This has to be protected. NALSA judgement also says this. I want to know from the Minister only four things. You have before you the Expert Committee Report. You have before you the Private Member's Bill. You have before you the Report of the Standing Committee. You have before you the press reports. Then you have what this section says that 'it is regressive'. What exactly regressive is that we must find out from them by calling them. That is how you must revisit those things through Select Committee.
In conclusion, I would say one thing. This is not just a human issue. More than a human issue, it is a social issue. They suffer a social stigma. You have not addressed that at all. Unless you address that, the very word 'welfare' will not help because this is a section which is suffering a social stigma. How do you remove that? You all talk so big. Are you able to go and shake their hands and bring a TG here and make him sit next to you? ... (Interruptions)... Yes, you can do that. I live with them, don't bother about that. I am one of the protagonists, so one need not worry about that. What I am saying is that please think of a machinery where we can have training centres for them. We have to have training centres for them to provide them special orientation. We need to provide them orientation sessions. That also must be factored in while bringing in a Bill like this. What I am saying is that I have brought out 13 points which are not addressed in the Bill and those can be revisited by a Select Committee. There is nothing wrong in doing that. There is no haste. You will be surprised to know this. Last time when it went to the Lok Sabha, hardly half an hour was given. Of course, many people spoke about it. Even the other day, the Minister replying to one of our questions said that in the Budget, 2016-17, for transgenders’ welfare, you had allocated Rs.15 crore, but you spent one lakh rupees.

MR. DEPUTY CHAIRMAN: Please conclude now.

DR. K. KESHAVA RAO: In the Budget 2017-18, it was ₹ 4 crore, but you spent two lakh rupees. In 2018-19, you gave only one crore rupees and spent one crore rupees. Even here we have become very casual. Let us be serious about this issue. Let us send it to a Select Committee so that we can call more people and revisit few of the issues which have been raised here and which I have also raised. Thank you very much, Sir.
इस विल के बारे में बोलते हुए, मुझे बहुत अच्छा लग रहा है। हमने ऐसे लोगों को, दोस्तों को बहुत करीब से देखा है। इस विल में क्या-क्या है, actually इस देश में अभी भी बहुत सारे लोग जो गूंज या इंटरनेट के चरण पर नहीं जाते हैं, उनको यह किया गया है नहीं है कि ट्रांसजेंडर है क्या? It has a physical part. It also has an emotional part. जिनके फिजिकल सैक्सुअल ऑर्गन्स ठीक से बनते हैं, तब वे ट्रांसजेंडर बनते हैं और जिनके सब अभी नामित बनने के बाद भी, उनके हार्मोन्स ठोड़े-से अलग होते हैं, तब उनके बाद में कीलखंड होती है कि उस शायद अपना सैक्सुअल ऑरिंग्जेंसन केबल कराना चाहते हैं। महोदय, इतने समय से बारे हो रही है कि वे लोग धीरज़ हैं, वे लोग अलग तरीके से जीते हैं, society से executed हैं। इस विल में अच्छा क्या है- यदि उन्हें स्कूल में भर्ती करना है, तो कोई रोक नहीं सकेगा, यदि उन्हें rent पर घर लेना है, तो कोई रोक नहीं सकेगा, उनके साथ कहीं पर भी कोई ill-treatment नहीं कर सकेगा, यदि वे medical treatment लेने जाएं, तो गई उन्हें रोक नहीं सकेगा। यदि उनमें से कभी कोई यही Government job या private job में भर्ती हुए है और यदि उसके बाद उन्होंने jöck change किया है, तब भी उन्हें कोई नींवरी से निकाल नहीं सकता है। अगर early detection हो, तो बच्चों के लिए भी अच्छा है और parents के लिए भी अच्छा है। इस विल में हर जगह पर छोटी-छोटी चीजों के उपर ध्यान दिया गया है। जैसे यह Council किसे लिए बनाई गई है-काउंसिल में सारे लोग हैं, सारी Ministries हैं और सारे लोग हैं, जो इस विषय में चर्चा करे।

महोदय, मैं तो मंजी जी से यह पूछूंगी, क्योंकि यहाँ पर डिटेल में लिखा हुआ नहीं है, शायद इसमें है, हालांकि मुझे समझ में नहीं आया, अगर ऐसा होता कि कोई मां-बाप भी जबर्दस्ती बच्चे को discard करना चाहते हैं…(प्रवाहण…)

सामाजिक व्यय और अविकारिता मंजी (शी थाकर चन्द गहलोत): वह प्रावधान भी इसमें है।

श्रीमती रुपा गांगुली : है, तो ठीक है। यदि कोई community आकर बच्चे को जबर्दस्ती ले जाना चाहती है, तो वह भी नहीं हो सकेगा।

महोदय, अगर कोई detection और operation चाहता है, तो उसे District Magistrate या Medical Superintendent अथवा Chief Medical Officer के पास जाकर अपना परीक्षण कराना होगा और उसके बाद DM के पास जाकर अपनी identity और अपना name change करना पड़ेगा। यह तो अच्छा है, लक्ष कोई भी institution उनका गलत treatment करके, उनके पेसा नहीं खींच सकेगा और उनके emotional disturbance का इत्तमाल कर के, उन्हें परेशान नहीं कर सकेगा। यह तो सही मामले में सरकारी तौर पर ही हो जाएगा। इस विल में यह व्यवस्था भी है कि इसके साथ किसी भी प्रकार की discrimination नहीं हो सकती है। आज इस देश में, ऐसे विषय पर चर्चा हो रही है, जस्ते 'New India', word के साथ यह बात जुड़ जाती है।
3.00 P.M.
[Shri A. Navaneethakrishnan]

Mr. Deputy Chairman, Sir, I welcome this Bill. I would tell what the Amma Government had done for transgender persons. According to us, the Transgender Persons Bill may be called as the Third Gender Bill because the Supreme Court has declared them as 'third gender'. So, the name may be changed. Then, a National Council alone is contemplated for in this Bill. Our humble submission would be this. States are very home close to third gender. So, State Councils may be constituted. The Tamil Nadu Government has given necessary orders for 'third gender' to be mentioned in all the applications. The Tamil Nadu Slum Clearance Board has allotted 491 tenements. And each and every one in the age group of 40+ years are getting a sum of ₹1,000 per month. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Now, Shri A. Navaneethakrishnan; you wanted only one minute.

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I welcome this Bill. I would tell what the Amma Government had done for transgender persons. According to us, the Transgender Persons Bill may be called as the Third Gender Bill because the Supreme Court has declared them as 'third gender'. So, the name may be changed. Then, a National Council alone is contemplated for in this Bill. Our humble submission would be this. States are very home close to third gender. So, State Councils may be constituted. The Tamil Nadu Government has given necessary orders for 'third gender' to be mentioned in all the applications. The Tamil Nadu Slum Clearance Board has allotted 491 tenements. And each and every one in the age group of 40+ years are getting a sum of ₹1,000 per month. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Just conclude. One minute is already over.

SHRI A. NAVANEETHAKRISHNAN: Now, Sir, the Amma Government is a role model for the whole India. As I said, we are providing employment. Even in Police Department, one candidate joined as third gender. So, I welcome this Bill. Thank you, Sir.

SHRI SATISH CHANDRA MISRA: Sir, before I start, I thank and congratulate...
Tiruchi Sivaji that because of him, we are seeing this Bill from the Government on this day. I have to flag only three Clauses. I just wanted to have the attention of the hon. Minister and some clarifications from him on three Clauses.

If we see Clause 16, it defines who would be the members of the Council. It is almost 30 in number who would be the members of the Council and all of them are of a very top hierarchy. It starts from the Cabinet Minister, the State Minister, then almost of every Ministry, the Secretaries and officials from there, and then five each from States and five from the Union Territories. If this combination is seen, 30 persons would be required to sit together and take decisions under Clause 17 because functions have been declared under Clause 17. The entire Act is to be controlled by the Council. The result is how the Council functions because it says it would advise, it would monitor, it would review, it would redress the grievances and it would perform such other functions. Now, this entire Act is to be controlled by a Council consisting of 30 top officials but nowhere is it mentioned how many times this Council would meet. As rightly pointed out by Mr. Siva, with so many members sitting together, it would not become possible. The hon. Minister says that in the rules, he would provide that there would be a meeting of the Council within three months or within one month or regularly. Then only, it would perform the functions under Clause 17 and give some results; otherwise, it would be a Council on paper and it would be nothing else.

The last thing which I have to point out is about Clause 18 which is about offences and penalties. Now, the offences and penalties have been defined. If some official, some police officer or the doctor who has been authorized to issue this certificate, they do not perform their duties, they humiliate and throw them out and do not give the certificate or do not respond to them, then, there is no penalty for that. Penalty is for other things that if denial is done of certain rights which have been mentioned in this Act that these would be the rights provided for them. But if these persons deny the very basic thing, then, there is no punishment provided to them. It should be there so that it acts as a deterrent to these persons that they should perform their duties.

These were the only suggestions because my colleague has already spoken on behalf of my Party. So, this is what I wanted to add. Thank you.
श्री वधुर चन्द्र गहलोतः नागरीनी उपसर्गावति महादय, अभी तक तीस नागरीनी सदस्यों ने इस विषयक पर अपने विचार व्यक्त किए हैं। बहुत अच्छे सुझाव भी आए हैं, बहुत सारे बातें सामने आई हैं और बहुत सारे विषयों पर शंका-कूशक भी की गई है। मैं प्रयास करना कि उन सभी का उत्तर हूँ, पर आप सभी की मर्मिता होगी, तो फिर कठिनाई होगी, नहीं तो फिर आप जितना समय देंगे, मैं उसमें अपनी बात समाप्त करूंगा। मैं नागरीनी सदस्यों के नाम पढ़ कर सुनाईंगा, तो और समय लगेगा, इसलिए मैं तीस नागरीनी सदस्यों का आभार व्यक्त करता हूँ कि उन्होंने इस बारे में भाषा दिया और अपने महत्वपूर्ण सुझाव दिए। मैं तिरूच्छी विषय जी का विशेष आभार मानता हूँ और उनके कबाई भी देता हूँ कि वे लंबे समय से प्रयास करके एक प्राइवेट मेम्बर बिल यहाँ लाए थे और इस सदन ने उसको सर्वाधिक से पारित किया था। स्वीकार अरुण जेल्ली जी का उल्लेख आया कि उन्होंने उसको सर्वाधिक से पारित करवाया था, जब वे यहाँ सदन के नेता थे। मैं सदन से निवेदन करना चाहिये कि यह बिल भी उनके दृष्टांत ही बनाया गया है। यह जो बिल हम लेकर आए हैं, यह बिल भी उनके दृष्टांत ही बनाया गया है। वे विद्रोही मंत्री थे। यह बिल 2016 से बनाये-बनाये, एक बार लोक सभा में पाक हुआ और बाद में जब लोक सभा के हुनाव हो गए, तो लोक सभा भंग हो गई, इसलिए उससी बार लोक सभा में यह बिल फिर से पारित हुआ। इस तरह लोक सभा ने इसको दो बार पारित किया है।

यहाँ हुई बारे में यह बतार भी आई कि स्टेडिंग कमेटी ने जो सुझाव दिये थे, उन पर ध्यान नहीं दिया गया था या तिरूच्छी विषय जी का जो प्राइवेट मेम्बर बिल था, उस पर ध्यान नहीं दिया। मैं सदन का विचार दिलता हूँ कि उनके विचार पर भी ध्यान दिया गया, स्टेडिंग कमेटी ने जो राय दी, उस पर भी गौरवा से विचार किया गया और साथ ही साथ सुप्रीम कोर्ट ने 15 अप्रैल, 2014 को ड्रॉसन्डर बिल बनाने के संबंध में मौलक दिया था, उस पर भी गौरवा से विचार किया। इसके बाद मंडल को इससे संबंध में कुछ शंकाएँ-कूशकाएँ थीं, तो हमने सुप्रीम कोर्ट में रिपोर्टिंग भी लगाई थी, कि इसका स्पष्टकरण दें, उसका स्पष्टकरण दें। तत्काल में नागरीनी सुप्रीम कोर्ट ने जो स्पष्टकरण दिया, उसके आधार पर ही यह बिल बना है। मैं यह कह सकता हूँ कि इसे बनाने समय आदर्शसी विषय जी के बिल पर भी विचार किया गया, स्टेडिंग कमेटी के सुझाव पर भी विचार किया गया, सुप्रीम कोर्ट के निदेशों पर भी विचार किया गया, उसके बाद ही यह बिल बनाया गया है। इस बिल को लेकर जो आदर्शसी-कूशकाएँ सामने लाई गई है, वे सब निर्मल हैं। अगर आप इस बिल का बारीकी से अध्ययन करेंगे, बारीकी से पढ़ेंगे, तो आपकी बातों का समाधान हो जाएगा।

इसके अनुसार 14 एवं 15 में जिन बातों का उल्लेख किया गया है, उन बातों को ध्यान में रख कर ही माननीय उच्चतम न्यायालय ने राज्यीय विधिक सेवा प्राधिकरण सम्बन्ध भारत संघ के मामले में, 15 अप्रैल, 2014 को पारित अपने आदेश द्वारा, अन्य बातों के साथ केन्द्रीय सरकार और राज्य सरकारों को उपयोगिता समुदाय के कल्याण के लिए विभिन्न कदम उठाने और संविधान के मामले में अनियंत्रित रूप से राज्य विधायन कंटेंट द्वारा बनाई गई अन्य विधियों के अधीन

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उनके अधिकारों की सुरक्षा के प्रयोजन के लिए, उन्हें तुलनात्मक लिंग के रूप में मानने का निर्देश दिया। हमने सुप्रीम कोर्ट के इस निर्देश का अलगाव: पतन किया है। इसके साथ-साथ जिन राज्यों ने पहले से ही ग्रामीणरूप से लिंग तीव्र लिंग निर्देश के लिए बहुत सारी कल्याणकारी योजनाएं बनाई हुई थी, उनमें तात्पर्य एवं दूसरे अन्य राज्य शामिल हैं। इन राज्यों के उम्मेदवारी समुदाय के लिए जो-जो कल्याणकारी योजनाएं बनाई थी, उन योजनाओं का भी अध्ययन किया गया और उनमें से जो-जो अच्छा हो सकता था, उनका समावेश भी इसमें करने का प्रयास किया गया है। अब जिस उद्देश्य से यह विशेषज्ञ लाया गया है, इसका उद्देश्य स्वरूप है। उम्मेदवारी व्यक्ति को परिवर्तित करना, उम्मेदवारी व्यक्ति के विरुद्ध विवेद का प्रतिवेद करना, उम्मेदवारी व्यक्ति को उसी रूप में मान्यता देने के लिए अधिकार प्रदान करना और स्वतंत्रता: अनुमोदन की जाने वाली लिंग पहचान का अधिकार प्रदान करना। उम्मेदवारी व्यक्तियों को पहचान प्रभाव-पत्त जारी करने का उपबंध करना, यह उपबंध करना कि कोई स्थायित्व, नियोजन, भूमि, प्राप्ति और अन्य मुद्दों से संबंधित विषयों में किसे उम्मेदवारी व्यक्ति के विरुद्ध विवेद नहीं कराया, स्थायित्व एवं शासन में विषयक संज्ञापन में स्थानांतरित करने की व्यवस्था का प्रावधान करना इत्यादि इसमें शामिल है। इसमें राष्ट्रीय उम्मेदवारी व्यक्ति परिषद की स्थापना करने का भी प्रावधान है, साथ ही प्राप्तवेद विवेद के उपबंधों का उल्लंघन करने के लिए डंडा देने का भी प्रावधान है। अब जिन उद्देश्यों को लेकर यह चलता है, अगर हम उन उद्देश्यों की ही अध्ययन करते हैं, तो समझ लीजिए कि इस ऐसे में किसी प्रकार की कोई खामी नहीं है। अगर कोई छोटी-छोटी खामी या तेजस्विकल मिठेकेल सामने आएंगी अथवा जो कुछ भी वास्तव नहीं रहे गए, हम उनका अध्ययन करेंगे, तो निषिद्ध रूप से निषेध बनाते समय हम उन पर कार्यरती होगे।

इस विश्वास के बारे में अध्ययन-2 में जो विवेद की बात आई है, उसका प्रविधेश करने के लिए भी इसमें प्रवाहित किया है। किसी भी प्रकार से विवेद नहीं होगा। विवेद का प्रविधेश करने के लिए "कोई व्यक्ति से स्थायित्व किसी उम्मेदवारी व्यक्ति के विरुद्ध निम्नस्तिक्षित आवारों पर विवेद नहीं करेगा, अथवा... शैक्षिक स्थानों ...."- जो बात अभी आयी थी। बहुत सारे लोगों ने आशंका आकार की, रूपाली की, कोळेजी की, तो:-

"(क) शैक्षिक स्थानों और उनकी सेवाओं का प्रत्याख्यान या उन्हें जारी न रखना या अनुमित यथाहृत यथाहृत;

(ख) नियोजन या उपलब्धिका में या उसके संबंध में अनुमित यथाहृत;

(ग) नियोजन या उपलब्धिका का प्रत्याख्यान या समाधान;

(घ) स्वास्थ्य देखरेख सेवाओं का प्रत्याख्यान या उन्हें जारी न रखना या उनमें अनुमित यथाहृत;

(ङ) जन दानादान के उपयोग हेतु समर्थित या जन साधारण को सुझाव रूप से उपलब्ध किन्हीं माली, वात-सुविधा, सेवा, सुविधा, फायदा, विशेषाधिकार या उपयोग पर ठहराया या उसके उपबंध या अधिमोह अथवा उपयोग का प्रत्याख्यान या उन्हें जारी न रखना;"
[श्री शाकर वन्द गहलोता]
(६) संचालन के अधिकार का प्रविष्टांक या उसे जारी न रखना या उसके संबंध में अनुचित व्यवहार;

(७) निवास करने, क्रय करने, किराए पर लेने या अन्यथा किसी संपत्ति को अधिभोग में लेने के संबंध में अधिकार का प्रविष्टांक या उसे जारी न रखना या अनुचित व्यवहार;

(८) पब्लिक या प्राइवेट पद के लिए खड़े होने या उसे धारण करने के लिए अक्सर का प्रविष्टांक या जारी न रखना या अनुचित व्यवहार;

(९) सरकारी या प्राइवेट स्थापना, जिनकी देखरेख या अभिमुखा में कोई उभारिलगी व्यक्ति है, में पहुँच का प्रविष्टांक या उनसे हटाना या उनमें अनुचित व्यवहार करना।"

ये इसने सारे बिनु है, जो वह सप्त रखते है जैकी भी किसी प्रकार तो कोई भेदभाव नही होगा। आज भी उसके चुनाव लड़ने का अधिकार है। मै मन्त्र प्रदेश से आता हूँ। वहौं व्रजसेंडर महापैर भी रहे हैं, वहौं व्रजसेंडर विद्याक में है। अन्य राज्यों के भी उदाहरण है। वर्षद भी हैं, चुनाव लड़ने की पात्रता भी है। नौकरी करने की पात्रता भी है और जो सार्वजनिक उपयोग के स्थान हैं, वहौं आपने-जाने का और दूसरी को जो लाख मिलता है, वह तब लाख लेना का उनको अधिकार है। उनके किसी प्रकार से रोकने का या उनमे बाधा डालने का कोई प्रयास अगर कोई करेगा, तो वह अपराध की क्ष्रषण में आयेगा और जो अपराध करेगा, उसको दंड का प्रविष्टांक भी किया जा येगा।

इस प्रकार से अध्याय ३ में "उभारिलगी व्यक्तियों की पहचान को मान्यता" की बात है। पहचान के विषय में भी बहुत सारी बातें आयी हैं। इसमें सप्त है। इसको अगर बारीकी से अगर पढ़ेगे, तो सारी शक्तियों का सम्बन्ध हो जाएगा। जैसे:-

"(१) उभारिलगी व्यक्ति को उसी स्थ में इस अधिनियम के उपर्योग के अनुसरण में मान्यता प्राप्त करने का अधिकार होगा।

(२) उपवासा (१) के अनुसार उभारिलगी के स्थ भी मान्यता प्राप्त व्यक्ति को सत्य-अनुचित की गई सिंह पहचान का अधिकार होगा।"

अब इससे ज्यादा सप्त और क्या बात होगी? उसने जो कह दिया, उसी को माना जायेगा, इससे इस का अर्थ यही निकलता है। अन्वाप्राप्त शक्तियें पैदा हुई हैं, ऐसा मैं मानता हूँ। Perception ऐसा बना है क इसमें तो बहुत बड़ी खामियों है।

"उभारिलगी व्यक्ति जिला माजिस्ट्रेट को, उभारिलगी व्यक्ति के स्थ में प्रमाणपत्र जारी करने के लिए ऐसे प्रस्तुत और ऐसे रीति में तथा ऐसे दस्तावेजों, जो विहित किये जाएं, के साथ आवेदन कर सकेंगा।" पहले हमने यह कहा था, पिछले वाले विचारण में, जो पास हुआ था, उसमें कि
"कलेक्टर को आवेदन होगा, दीर्घ को आवेदन होगा और दीर्घ मेडिकल पैनल से उसकी जाँच करायेगा।" परन्तु उस पर आपसी हुई थी कि खंड़न, जॉंक-प्लांट और यह सब नहीं होना चाहिए। तो उस कलेक्टर को हमने इसमें से हटा दिया। अब बारीकी से जॉंक-प्लांट करने की कोई आवश्यकता नहीं होगी। कलेक्टर कितने दिन में प्रमाणपत्र, किस रीति से देगा, ये नियम बने हुए हैं। हूँफ़ कलेक्टर अनुसूचित जाति, जनजाति, ओपीसी आदि वर्ग की जातियों के प्रमाणपत्र देने के लिए अधिकृत अधिकारी हैं, इसलिए हमने भी कलेक्टर को ही अधिकृत अधिकारी के रूप में माना है, क्योंकि अगर एक कलेक्टर प्रमाणपत्र देगा, तो उसको सारे देश में मान्यता मिलेगी। अगर किसी और अधिकारी से प्रमाण पत्र दिलाने की बात करते, तो जो नियम, कानून, कायदे बने हों, उनका उल्लंघन माना जाएगा। इसलिए हमने कलेक्टर को इसके लिए अधिकृत किया है।

पहचान का प्रमाण पत्र - जिला मिन्स्ट्रेट, आवेदक को धारा 5 के अधीन पहचान का प्रमाणपत्र ऐसी प्रक्रिया का अनुसरण करने के प्रयास और ऐसे प्रस्तुति और ऐसी रीति में, ऐसे समय के भीतर, जो विषय किया जा पाए, ऐसे व्यक्ति के लिए कम व्यवस्थित किया हुआ, एक प्रमाणपत्र जारी करेगा। इससे स्पष्ट है कि जो उसने कहा है, उसी आवेदक का प्रमाणपत्र उसको मिलेगा और नियम नमंत्र समय, कितना समय और क्या देना चाहिए, इसका उल्लंघन हम उससे कर देंगे।

इसके भाग (2) के अनुसार उम्मीदवार के लिए सभी वातावरण दर्शावेजों में उपचारा (1) के अधीन जारी प्रमाणपत्र के अनुसार अभिलिपित किया जाएगा। जो प्रमाणपत्र उसको मिल गया है, उसी आवार पर सरकारी रिकॉर्ड में उसका इंद्राज हो जाएगा और उसको उसकी मान्यता मिल जाएगी। कहीं कोई शिकायत न की जाएगी।

इसके भाग (3) की उपाधि (1) के अधीन किसी व्यक्ति को जारी प्रमाण पत्र अधिकार प्रदत्त करेगा और उम्मीदवार के रूप में उसकी पहचान की मान्यता का संभव होगा। इसमें और भी बहुत सारी बातें हैं, जिनको मैं पढ़ कर सुनाना चाहिए।

उम्मीदवार के व्यत्यास, पुरुष या स्त्री के रूप में अपने लिंग में परिवर्तन के लिए शल्य किया करवाएगा, तो ऐसा व्यक्ति इस निमित्त उस चिकित्सा संस्था, जिसमें उस व्यक्ति ने शल्य किया करवाई है, के चिकित्सा अधिकारक या मुख्य चिकित्सा अधिकारी द्वारा जारी प्रमाणपत्र के साथ जिला मिन्स्ट्रेट को पुनरीचित प्रमाणपत्र के लिए ऐसे प्रस्तुति, ऐसी रीति में आवेदन करेगा, जो विषय की जाएगा। जिला मिन्स्ट्रेट, चिकित्सा अधिकारक या मुख्य चिकित्सा अधिकारी द्वारा जारी प्रमाणपत्र के साथ आवेदन की प्राप्ति पर और ऐसे प्रमाणपत्र की सज्जना का समापन हो जाने पर लिंग में परिवर्तन को उपदेशित करेगा है। ऐसे प्रस्तुति और शरीर ऐसे समय के भीतर, जो विषय
लेखक महोदय, यह सब उल्लेख इस बात को स्पष्ट करता है कि उसको प्रमाणपत्र में और उसकी पहचान में किसी प्रकार की कोई विभाजनीय नहीं है। अगर हम नियमों को पढ़ेंगे, तो सारा स्पष्ट हो जाएगा।

'सरकार द्वारा कल्याणकारी उपाय' - जैसा मैंने बताया कि बहुत सारे राज्यों में उनके लिए कल्याणकारी योजनाएं बनाई गई हैं, हमने भी कुछ प्रारंभिक योजनाएं यथा स्वाभाविक रूप से, इस सुविधा उपलब्ध कराने आदि बनाई हैं। अन्य राज्यों से हमने कुछ सीखा है, समझा है और उसके आधार पर ऐसा प्रयास किया है।

इसकी धारा 8 (1) के अनुसार समुचित सरकार उम्मीदियों व्यक्तियों की पूर्ण और प्रभावी मागीदारी को सुनिश्चित करने का सामान्य उद्देश्य में उन्हें समावेश करने के लिए कदम उठाया गया है।

यह जो कदम उठाने की बात है, उसमें सब प्रकार की बातों का रामप्रेरण है। समुचित सरकार का आशय, केंद्र और राज्य सरकार, दोनों से है। सुप्रीम कोर्ट का निर्देश है और हमने भी इसमें प्रवर्तन किया है कि केंद्र सरकार भी नियम और कानून बनाएं तथा राज्य सरकारें भी नियम और कानून बनाएं। इसमें ये दोनों सरकारें के लिए है।

कल्लौंज 8(2) - "समुचित सरकार ऐसे कल्याणकारी उपाय करेगी, जो उम्मीदियों व्यक्तियों के अधिकारों और हितों को संरक्षित करने के लिए तथा सरकार द्वारा विशेषता कल्याणकारी स्कीमों के अन्तर्गत यह प्रदेश को सुकूर बनाने के लिए विभिन्न किया जाएगा।" ये आपनी योजनाएं बना सकते हैं, कल्याणकारी योजनाएं बना सकते हैं। इससे राज्य ने कोई योजना बनाई और उसी से संबंधित कोई योजना भारत सरकार की भी है, तो उससे भी उन्हें विभिन्न नहीं किया जाएगा। इसका एक होगा कि ये उस योजना का भी लाभ ले सकें। अगर कोई केंद्र की योजना का लाभ ले रहा है और राज्य सरकार की भी कोई योजना है, तो यह राज्य सरकार
की योजना का लाभ लेने का हकदार होगा। यह बहुत स्पष्ट है। इसमें कहीं कोई आशंका नहीं होती चाहिए।

कर्णज 8(3) - "समुचित सरकार कल्याणकारी स्थिति और कार्यक्रम तैयार करेगी, जो उम्मीदों से संबंधित, लोगों ने नहीं बाल करने तथा गैर-विभेदकारी होगे।" महोदय, इन योजनाओं के कार्यन्यान का लाभ लेने के लिए उनके साथ किसी प्रकार का भेदभाव नहीं किया जाएगा, यह भी इसमें स्पष्ट है।

कर्णज 8(4) - "समुचित सरकार उम्मीदों व्यक्तियों की आवश्यकताओं को पूरा करने के लिए ऐसे व्यक्तियों के उदार, संस्करण और पर्यावरण हेतु कदम उठाएगी।" जो सरकार की योजनाएं हैं, जो दायरे में आती होंगी, उन सभी योजनाओं का लाभ उन्हें मिलेगा। उनके पिछले को दूर करने वाला कार्यक्रम के मार्ग पर ले जाने के लिए और पुनर्जाग की दिशा में आगे कदम बढ़ाने का और योजना बनाने का प्रावधान है।

कर्णज 8(5) - "समुचित सरकार उम्मीदों व्यक्तियों के सांस्कृतिक और मनोरंजन क्रियाकलापों में भाग लेने के अधिकार का संस्करण और संरचना करने के लिए समुचित उपाय करेगी।" इसमें उन्हें संरचना और संस्करण सभी प्रकार का प्रावधान है।

इसके साथ ही साथ अन्य खात्मा पैर - राजनीति और अन्य व्यक्तियों की बातचीत से संबंधित है।

कर्णज (9) - "कोई स्थान, नियोजन, जिसके अंतर्गत भर्ती, प्रोत्साहन और अन्य संबंधित मुद्दे हैं, कितना उस तक ही सीमित नहीं हैं, के संबंध में किसी उम्मीदों व्यक्ति के साथ कोई विभेद नहीं करेगा।" यह मै धारा-9 का उल्लेख कर रहा हूँ। इससे नीतियों में, प्रमोशन में, आरक्षण में उन्हें किसी प्रकार की कोई दिक्कत नहीं आएगी।

कर्णज (10) - "प्रत्येक स्थान इस अधिनियम के उपबंधों की अनुपालन सुनिश्चित करेगा और उम्मीदों व्यक्तियों को ऐसी सुविधाएं उपलब्ध कराएगा, जो विविध की जाएगी।"

कर्णज (11) - "प्रत्येक स्थान, इस अधिनियम के उपबंधों के अतिक्रमण से संबंधित शिकायतों से निपटने के लिए शिकायत अधिकारी के रूप में किसी व्यक्ति को नामिनियत करेगा।" जैसे कई संस्थान हैं, जहां बाल ने लागू काम करते हैं, वहाँ अगर किसी प्रकार की कोई शिकायत होती, तो वहाँ अलग से एक शिकायत निवारण अधिकारी नियुक्त होगा, एक विंग होगा, जो इनकी शिकायतों को सुनकर समाधान करेगा और उन्हें न्याय दिलाएगा।

कर्णज 12(1) - "किसी बालक को उसके माता-पिता से या उसके निकट कुटुंब से उसके उम्मीदों होने के आधार पर शिकार, ऐसे बालक के हित में सक्षम न्यायालय के आदेश के, पुरात कहीं किया जाएगा।" अगर किसी बालक के बारे में पहचान होती है कि वह उम्मीदों है, तो उसके माता-पिता उसे घर से अलग नहीं कर सकते हैं। उस संरचना
[Shri Shivar Chand Gahlot]

Shri Shivar Chand Gahlot: The purpose for which it is.

Mr. Deputy Chairman: Please listen to the hon. Minister's reply.

Shri Tiruchi Siva: Sir, we know for what purpose it is.

Mr. Deputy Chairman: Please listen to the hon. Minister's reply.

Shri Tiruchi Siva: Sir, it is not a reply.

Shri Tiruchi Siva: All the Members have read the Bill. ...(Interruptions)...

Mr. Deputy Chairman: Please; you are a very senior Member.

Shri Tiruchi Siva: All the Members have read the Bill. Then only, they have participated in the debate. ...(Interruptions)...

Shri Tiruchi Siva: All the Members have read the Bill. Then only, they have participated in the debate. ...(Interruptions)...

Mr. Deputy Chairman: Please; you are a very senior Member.

Mr. Deputy Chairman: Please; you are a very senior Member.

Mr. Deputy Chairman: Please; you are a very senior Member.
श्री थाकर चन्द गहलोतः यह दिल लगाने में आपकी अधिक भूमिका है और आपने लम्बा विवाद य्कत किया है, उसका जजव ने दे रहा हूँ। बाकी लोगों ने जो बोला है, उसका जजव भी मैं दूर्गा।

क्लीज 2(2) "(ब) ऐसे गृहस्थी या उसके किसी भाग से अपर्याप्त न करने का अधिकार होगा; (ग) ऐसे गृहस्थी की सुविधाओं का गैर-विवेकवादी रीति में उपभोग करने का अधिकार होगा।"

हर परिवार वाले जैसा रहते हैं, वैसे ही उसको रहने का अधिकार होगा, यह भी इसमें है। फस अध्याय 6 में "उम्मीदिंगी व्यक्ति की शिक्षा, सामाजिक सुरक्षा और स्वास्थ्य" - इसका भी समान अधिकार है। मैं इसके बारे में भी पढ़कर कुछ बताना चाहूँगा।

धारा 13. "समृद्ध सरकार द्वारा वित्तवशिष्ट या मान्यताप्राप्त प्राप्त शिशिंग संस्थासमावेशी शिक्षा और क्रीड़ा, मनोरंजन और अवकाश कार्यक्षेत्रों के लिए उम्मीदिंगी व्यक्ति को बना किसी विवेक के अन्य व्यक्तियों के साथ समानता के आधार पर अवसर उपलब्ध कराएगी।"

धारा 14. "समृद्ध सरकार उम्मीदिंगी व्यक्तियों की गौरवकोशिक्षा को सुरक्षित रूप में और उसमें सहायता करने के लिए, कल्याणकारी स्कील्स तथा कार्यक्रम, जिसके अंतर्गत वृत्तिक प्रशिक्षण तथा स्व-रोजगार भी हैं, तैयार करेंगी।"

इसमें उनके लिए रिक्त- ट्रेनिंग की भी यथायथ है, उनको रोजगार देने की भी यथायथ है, आर्थिक सहयोग देकर उनको स्वामित्व बनाने की वृद्धि से भी अनेक प्रावधान है। उनको स्वास्थ्य की देखरेख सुविधा का भी अधिकार है।

अब अध्याय 7, जिसकी चर्चा हुई।

धारा 16. (1) "केंद्रीय सरकार, उसे इस अधिनियम के अंतर्गत शासकों का उपयोग करने और सीधे गए कुलें को करने के लिए अधिसूचना द्वारा एक उम्मीदिंग व्यक्ति राष्ट्रीय परिषद का गठन करेंगी।"

हम इस परिषद का गठन इसलिए कर रहे हैं, क्योंकि वर्ष 2011 की जनगणना के आधार पर ट्रान्सजेंडर्स की संख्या 4,87,000 है और राष्ट्रीय परिषद को अधिकार-संपन्न बनाकर ऐसे में जो प्रावधान किये जा रहे हैं, उन सब प्रावधानों का अनुपालन करने के लिए हम उसको अधिकार प्रदत्त करेंगे। जहाँ तक एससी आयोग, एससी आयोग तथा अन्य किसी आयोग का समाव, है, तो यह को सुनने का अधिकार तथा समन करने का अधिकार इन आयोगों को ही है तथा ये सब करने के बाद जो आयोग निर्ममत निर्माण है, वह अपनी सलाह संबंधित सरकार को देता है।

अगर वह भारत का आयोग है, तो वह अपनी सलाह भारत सरकार को देता है, क्योंकि ऐसे ना
[श्री शाहर चन्द गहलोत]
टैकन तो सरकार को ही करता है, परंतु यहाँ यहाँ काम परिषद करेगी और इसके लिए हम परिषद को अधिकार दे रहे हैं। चूँकि हम परिषद को अधिकार दे रहे हैं, इसलिए यहाँ आयोग की बजाय राष्ट्रीय परिषद ही ज्यादा अधिकार-संपन्न होगी। इस परिषद में 30 सदस्य होंगे और ये 30 सदस्य मिलकर इनके अधिकारो का और कायदे एवं नियम-कानून का पालन करवाएगे।

अध्याय 8 में धारा 18 से लेकर आगे, अपराध आदि के लिए शास्तियों का प्रावधान है। सर, एक और विषय आया है। ...(व्यक्ति).... सुनिए। श्री देसंक ओशियन साहब ने सेक्सूअल एब्जुट का विषय उठाया और उन्होंने कहा कि इसके लिए इस विल में 6 महीने से 2 साल की सजा का प्रावधान है। उन्होंने उसकी तुलना करते हुए कहा कि रेप के लिए 7 साल से लेकर 10 साल या 20 साल तक की सजा का प्रावधान है। सर, मैं उनको बताना चाहता हूँ कि यह सेक्सूअल एब्जुट रेप की परिभाषा में नहीं आता है। यह सामान्य छेड़छाड़ और काम के स्वाभाव पर प्रेषण करता, उस प्रकार का है। हमें इस अंतर को समझना पड़ेगा। मैंने रवि शंकर जी से इस विषय पर समझने की कोशिश की थी, हमारे वकील, मुरुण्ड यादव जी से समझने की कोशिश की थी। उन्होंने कहा कि रेप और sexual abuse में जमीन-आसमान का फ़र्क है। यह सामान्यतः छेड़छाड़ से संबंधित नहीं है। इनके साथ जो भी अपराध होगे, वे सब आईपीसी धाराओं के अंतर्गत treat किए जाएँगे। इन्हें उन धाराओं का उपयोग करने का अधिकार रहेगा। यह तो केवल sexual abuse के लिए है।

शास्त्री समिति की सिफारिशों को लेकर, हमारे उन सिफारिशों को भी इसमें स्वीकार किया है।

शास्त्री समिति में लम्बे समय तक लगभग 10-11 महीने तक चला हुआ। शास्त्री समिति ने जो सुझाव दिया थे, हमने उन सुझावों को इसमें सम्मिलित करने का काम किया है। उन्होंने सुझाव दिया था, "ड्रेस-जेडर व्यक्तियों को फिर से परीक्षित करना", हमें इसमें प्रावधान कर दिया, "ड्रेस-जेडर व्यक्तियों को चिकित्सा शीर्ष का कार्यक्रम देना...

रा उपसमाप्ति: माननीय मंत्री जी, आप conclude कीजिए।

रा शाहर चन्द गहलोत: सर, मुझे अपनी वात कहने दें।

रा उपसमाप्ति: माननीय मंत्री जी, आपने काफी चीजें स्पष्ट कर दी हैं, अब आप conclude कीजिए।

रा शाहर चन्द गहलोत: महोदय, तिरुत्स्नामि शिवा जी के भी जो-जो संशोधन हैं, उनके भी मेरे पास जाबक हैं। उन्होंने जो वातें उठायी थीं...

रा उपसमाप्ति: माननीय मंत्री जी, आप conclude कीजिए।

रा शाहर चन्द गहलोत: महोदय, यहाँ जो विचार-विमार हुआ, उससे अनेक सुझाव आए हैं, मैं उन सब माननीय सदस्यों को निवेदन करके आवश्यक करना चाहता हूँ कि जब हम नियम बनाएंगे.
MR. DEPUTY CHAIRMAN: I shall first put the amendment moved by Shri Tiruchi Siva for reference of the Transgender Persons (Protection of Rights) Bill, 2019, as passed by Lok Sabha, to a Select Committee of the Rajya Sabha, to vote.

The question is:

"That the Bill to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto, as passed by
Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shrimati Vandana Chavan
2. Prof. M.V. Rajeev Gowda
3. Dr. L. Hanumanthaiah
4. Prof. Manoj Kumar Jha
5. Shri Derek O'Brien
6. Shri K.K. Ragesh
7. Shri Tiruchi Siva
8. Shrimati Wansuk Syiem
9. Shri Vaiko
10. Shri Binoy Viswam

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha”.

SHRI TIRUCHI SIVA: Sir, before asking for a division, let me make a submission. Let the Government be magnanimous. We have been requesting them. We are not insisting that the Bill must be done away with. We thank the Government for having brought a Bill, which is the need of the hour, but let it be a comprehensive one. There is nothing wrong in a Bill being scrutinized again in a Select Committee. The Government may have the numbers and they may vote me out, but if they oppose me, they would be exposed. The community is waiting outside. I don’t believe in all those things. Their curse would have its say in the future. I want division, Sir. ...*(Interruptions)*... I am only requesting, be magnanimous.

SHRI T.K.S. ELANGOVAN (Tamil Nadu): Sir, there is no politics here. This is only about supporting a community. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Shri Tiruchi Siva, do you want division?

SHRI TIRUCHI SIVA: Yes, Sir. ...*(Interruptions)*...
MR. DEPUTY CHAIRMAN: Division, please. ...(Interruptions)...

SHRI TIRUCHI SIVA: Sir, let the Minister respond. If the Minister responds, there would be no need for division. I expect him ...(Interruptions)... Please be magnanimous. Two months is not an issue at all. Let the Bill be scrutinized. If he is not yielding, I have no other go but to ask for division.

SHRI JAI RAM RAMESH (Karnataka): Sir, it is the same procedure. ...(Interruptions)... The Surrogacy Bill was sent to the Standing Committee, it was passed by the Standing Committee, it came to the Rajya Sabha and the Government moved the motion for sending it to a Select Committee. It is the same procedure that needs to be adopted for this Bill too. ...(Interruptions)...

SHRI TIRUCHI SIVA: Sir, some magnanimity is expected from the Government.

MR. DEPUTY CHAIRMAN: Mr. Siva, are you pressing for division?

SHRI TIRUCHI SIVA: Yes, Sir. Since he is not yielding. ...(Interruptions)... I say it again, you may oppose and defeat me, but you would get exposed.

PROF. M.V. RAJEEV GOWDA (Karnataka): Sir, the Minister ...(Interruptions)... that is not the procedure. ...(Interruptions)... Let him explain.

MR. DEPUTY CHAIRMAN: Let the lobbies be cleared. ...(Interruptions)...

SHRI P. WILSON (Tamil Nadu): Kindly treat them as human beings. ...(Interruptions)...)
MR. DEPUTY CHAIRMAN: I shall now put the amendment moved by Shri Tiruchi Siva for reference of the Transgender Persons (Protection of Rights) Bill, 2019, as passed by Lok Sabha, to a Select Committee of the Rajya Sabha, to vote.

The question is:

"That the Bill to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:

1. Shrimati Vandana Chavan
2. Prof. M.V. Rajeev Gowda
3. Dr. L. Hanumanthaiah
4. Prof. Manoj Kumar Jha
5. Shri Derek O'Brien
6. Shri K.K. Ragesh
7. Shri Tiruchi Siva
8. Shrimati Wansuk Syiem
9. Shri Vaiko
10. Shri Binoy Viswam

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes : 55
Noes : 74

AYES - 55

Anand Sharma, Shri Antony, Shri A.K.
Bachchan, Shrimati Jaya
Bajwa, Shri Partap Singh
Banerjee, Shri Ritabrata
Bharathi, Shri R. S.
Bharti, Shrimati Misha
Bhattacharya, Shri P.
Bhunia, Shri Manas Ranjan
Biswas, Shri Abir Ranjan
Bora, Shri Ripun
Chandrashekhar, Shri G.C.
Chhetri, Shrimati Shanta
Elangovan, Shri T. K. S.
Fayaz, Mir Mohammad
Gowda, Prof. M. V. Rajeev
Gupta, Shri Narain Dass
Hanumanthaiah, Dr. L.
Haque, Shri Md. Nadimul
Hariprasad, Shri B. K.
Jha, Prof. Manoj Kumar
Kareem, Shri Elamaram
Ketkar, Shri Kumar
Khan, Shri Javed Ali
Khan, Shri Mohd. Ali
Mistry, Shri Madhusudan
Punia, Shri P. L.
Ragesh, Shri K. K.
Ramesh, Shri Jairam
Rangarajan, Shri T. K.
Rao, Dr. K.V. P. Ramachandra
Rathwa, Shri Naranbhai J.
Ravi, Shri Vayalar
Ray, Shri Sukhendu Sekhar
Seetharama Lakshmi, Shrimati Thota
Selja, Kumari
Sen, Dr. Santanu
Shanmugam, Shri M.
Singh, Shri Akhilesh Prasad
Singh, Shri Digvijaya
Siva, Shri Tiruchi
Somaprasad, Shri K.
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Tamta, Shri Pradeep
Thakur, Shrimati Viplove
Tlau, Shri Ronald Sapa
Vaiko, Shri
Verma, Shri Ravi Prakash
Verma, Shrimati Chhaya
Viswam, Shri Binoy
Wilson, Shri P.
Yadav, Ch. Sukhram Singh
Yadav, Prof. Ram Gopal
Yajnik, Dr. Amee

**NOES - 74**

Acharya, Shri Prasanna
Agrawal, Dr. Anil
Akbar, Shri M. J.
Alphons, Shri K. J.
Baishya, Shri Birendra Prasad
Bajpai, Dr. Ashok
Chandrasegharan, Shri N.
Chowdary, Shri Y. S.
Dudi, Shri Ram Narain
Dungarpur, Shri Harshvardhan Singh
Ganguly, Shrimati Roopa
Gehlot, Shri Thaawarchand
Goel, Shri Vijay
Gokulakrishnan, Shri N.
Hembram, Shrimati Sarojini
Jain, Dr. Anil
Jaishankar, Shri S.
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev, Shri Ranvijay Singh
Kardam, Shrimati Kanta
Lokhandwala, Shri Jugalsinh Mathurji
Mahatme, Dr. Vikas
Malik, Shri Shwait
Mandaviya, Shri Mansukh
Manhas, Shri Shamsher Singh
Meena, Dr. Kirodi Lal
Mohammedjan, Shri A.
Mohapatra, Dr. Raghunath
Muraleedharan, Shri V.
Nadda, Shri Jagat Prakash
Nagar, Shri Surendra Singh
Naqvi, Shri Mukhtar Abbas
Navaneethakrishnan, Shri A.
Nirmala Sitharaman, Shrimati
Panchariya, Shri Narayan Lal
Pandey, Ms. Saroj
Patra, Dr. Sasmit
Perween, Shrimati Kahkashan
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Puri, Shri Hardeep Singh
Rajbhar, Shri Sakaldeep
Ram Shakal, Shri
Rao, Shri G.V. L. Narasimha
Reddy, Shri V. Vijayasai
Rupala, Shri Parshottam
Sable, Shri Amar Shankar
Sahasrabuddhe, Dr. Vinay P.
Selvaraj, Shri A. K.
Shekhar, Shri Neeraj
Shukla, Shri Shiv Pratap
Singh, Shri Ajay Pratap
Singh, Shri Gopal Narayan
Singh, Shri K. Bhabananda
Singh, Shri Ram Chandra Prasad
Sinha, Shri Rakesh
Sinha, Shri R.K.
Soni, Shri Kailash
Suresh Gopi, Shri
Tasa, Shri Kamakhya Prasad
Tendulkar, Shri Vinay Dinu
Thakur, Shri Ram Nath
Tomar, Shri Vijay Pal Singh
Trivedi, Dr. Sudhanshu
Tundiya, Mahant Shambhuprasadji
Uikey, Shrimati Sampatiya
Vadodia, Shri Lal Sinh
Vaishnaw, Shri Ashwini
Vats (Retd.), Lt. Gen. (Dr.) D.P.
Vemireddy, Shri Prabhakar Reddy
Verma, Shri Ramkumar
Yadav, Shri Harnath Singh

The motion was negatived.

MR. DEPUTY CHAIRMAN: Now, the question is:
"That the Bill to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto, as passed by Lok Sabha, be taken into consideration."

**The motion was adopted.**

MR. DEPUTY CHAIRMAN: Now, we shall take up the Clause-by-Clause consideration of the Bill. In Clause 2, there are nine Amendments - Amendments (Nos.1 and 2) by Dr. T. Subbarami Reddy; Amendment (No.8) by Shri Tiruchi Siva; and Amendments (Nos.18 to 23) by Prof. M.V. Rajeev Gowda.

Dr. T. Subbarami Reddy is not present. Mr. Tiruchi Siva, are you moving the Amendment?

**CLAUSE 2 - DEFINITIONS**

SHRI TIRUCHI SIVA: Sir, I move:

(No.8) That at page 2, after line 7, the following be inserted, namely:-

"2(aa) "barrier" means any factor including attitudinal, psychological, cultural, economic, institutional, political, religious, social or structural factors or practices or stigma which hampers the full and effective participation, of transgender persons in society:

2(ab) "discrimination" means any distinction, exclusion or restriction on the basis of gender identity and expression which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all rights and fundamental freedoms and includes all forms of discrimination, including denial or termination of or unfair treatment in providing reasonable accommodation, healthcare services, enjoyment or use of facilities dedicated to the use of the general public such as public toilets, etc."

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

MR. DEPUTY CHAIRMAN: Prof. M.V. Rajeev Gowda, are you moving the Amendments?
PROF. M.V. RAJEEV GOWDA: Sir, the Minister said that he would put all these clarifications in the rules, but the definitions need to be there in the actual Bill. For example, he was clarifying that the term 'abuse' is not defined. This is one of the Amendments that I have brought, which actually clearly defines that. I move these Amendments, and I urge the Government to support them. I move:

(No.18) That at page 2, after line 1, the following be inserted namely:-

"(a) "abuse" includes verbal and physical, emotional, economic and sexual abuse, either by omission or commission.".

(No.19) That at page 2, after line 7, the following be inserted namely:-

"(b) "barrier" means any factor including attitudinal, cultural, economic, institutional, political, religious, social or structural factors which hampers the full and effective participation of transgender person(s) in society;

(c) "discrimination" means any distinction, exclusion, disability, liability, condition or restriction on the basis of gender identity and expression which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination, including denial of reasonable accommodation;"

(No.20) That at page 2, line 16, after the word "law", the words "by choice, or as per traditional and cultural practices within the transgender community" be substituted.

(No.21) That at page 2, after line 16, the following be inserted namely:-

"(d) "human rights" shall have the meaning assigned to it in clause (d) of section 2 of the Protection of Human Rights Act, 1993".

(No.22) That at page 2, after line 34, the following be inserted namely:-

"(k) "reasonable accommodation" means an accommodation needed to ensure transgender persons the enjoyment or exercise on an equal basis with others, of all human rights and fundamental freedoms".
"(I) "rehabilitation" refers to a process aimed at enabling transgender persons to attain and maintain maximum independence, full physical, sensory, intellectual, psychiatric, social and vocational ability, and inclusion and participation in all aspects of life on a voluntary basis".

(No.23) That at page 2, lines 39 and 40, for the words "aravani and jogta", the words "aravani, jogta, etc." be substituted.

The question was put and the motion was negatived.

Clause 2 was added to the Bill.
Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there is one Amendment (No.24) by Prof. M.V. Rajeev Gowda. Are you moving the Amendment?

PROF. M.V. RAJEEV GOWDA: Sir, again, I want to clarify. They just say, 'it's male, female or transgender'. There is a variation and these are self-identifications. So, it should not be restrictive. That is the whole point.

MR. DEPUTY CHAIRMAN: Are you moving the Amendment?

CLAUSE 4 - RECOGNITION OF IDENTITY OF TRANSGENDER PERSON

PROF. M.V. RAJEEV GOWDA: Sir, I move:

(No.24) That at page 3, line 22, after the words "to be recognized", the words "in the gender of their choice, including, but not limited to transgender, intersex, male, female, etc." be inserted.

The question was put and the motion was negatived.

Clause 4 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 5, there are two Amendments; Amendment (No. 3) by Dr. T. Subbarami Reddy, he is not present; Amendment (No. 9) by Shri Tiruchi Siva.

CLAUSE 5 - APPLICATION FOR CERTIFICATE OF IDENTITY

SHRI TIRUCHI SIVA: Sir, I move:
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(No. 9) That at page 5, line 27, after the words "certificate of identity", the words, "as a man, or as a woman, or" be inserted:

The question was put and the motion was negatived.

Clause 5 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 6, there are two Amendments, Amendments (Nos. 10 & 11) by Shri Tiruchi Siva.

CLAUSE 6 - ISSUE OF CERTIFICATE OF IDENTITY

SHRI TIRUCHI: Sir, I move:

(No.10) That at page 5, line 32, after the words "of identity", the words, "as man, or as woman, or" be inserted:

(No.11) That at page 5, line 35, after the words "transgender person", the words, "either as man, woman or transgender," be inserted:

The question was put and the motion was negatived.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 8, there are four Amendments, Amendment (No. 12) by Shri Tiruchi Siva and Amendments (Nos. 25 to 27) by Prof. M.V. Rajeev Gowda. Prof. M. V. Rajeev Gowda is not moving his amendments.

CLAUSE 8 - OBLIGATION OF APPROPRIATE GOVERNMENT

SHRI TIRUCHI SIVA: Sir, I move:

(No. 12) That at page 4, after line 19, the following be inserted, namely:

"8 (1) (a): The appropriate Government shall take steps to ensure the removal of 'barriers' which hampers integration of transgender persons into society."

The question was put and the motion was negatived.

Clause 8 was added to the Bill.
MR. DEPUTY CHAIRMAN: In Clause 9, there is one Amendment, Amendment (No. 4) by Dr. T. Subbarami Reddy, he is not present.

Clause 9 was added to the Bill.
Clauses 10 & 11 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 12, there are three Amendments, Amendments (Nos. 28 to 30) by Prof. M.V. Rajeev Gowda.

CLAUSE 12 - RIGHT OF RESIDENCE

PROF. M. V. RAJEEV GOWDA: Sir, I move:

Sir, these are crucial amendments. These will affect the ability of the child to stay in the family home. The way the Bill is drafted, the children will be thrown out and that is why I am urging the Government to be compassionate and accept these amendments.

(No.28) That at page 4, lines 38 and 39, be deleted.

(No.29) That at page 4, after line 45, the following be inserted namely:

"(d) the right to inherit property as per existing laws on inheritance and devolution of property",

(No.30) That at page 5, lines 1 to 3, be deleted.

The question was put and the motion was negatived.

Clause 12 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 13, there are three Amendments, Amendment (No. 5) by Dr. T. Subbarami Reddy, he is not present, Amendment (No. 13) by Shri Tiruchi Siva.

SHRI TIRUCHI SIVA: Sir, the Minister needs to reply. He assures that they will be given employment without any discrimination. But, it could be only words and not on paper. That is why I said very clearly that it is a horizontal reservation, at least, give a small percentage of reservation to them and enable them for employment as well as education. Sir, this is my amendment, if that is accepted, it is fine, or, else I will move the amendment.

श्री तिरुची सिवा: सर, इस समाचार में मैं पहले निश्चित कर चुका हूं और मैं उनको आवश्यकता करता हूं कि निर्देश में प्राप्त करने समय हम इन बातों का ध्यान रखेंगे.
4.00 P.M.

SHRI TIRUCHI SIVA: Sir, I take his word. I am not moving my amendment.

MR. DEPUTY CHAIRMAN: There is one more Amendment, Amendment (No. 31) by Prof. M. V. Rajeev Gowda.

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

CLAUSE 13 — WAS ADDED TO THE BILL.

MR. DEPUTY CHAIRMAN: In Clause 14, there is one Amendment (No.32) by Prof. M.V. Rajeev Gowda. Are you moving it?

PROF. M.V. RAJEEV GOWDA: No, Sir.

CLAUSE 14 — WAS ADDED TO THE BILL.

MR. DEPUTY CHAIRMAN: in Clause 15, there are three Amendments, Amendment (No.6) by Dr. T. Subbarami Reddy and Amendments (Nos. 33 and 34) by Prof. M.V. Rajeev Gowda. Dr. T. Subbarami Reddy is not present. Prof. Gowda, are you moving the Amendments?

PROF. M.V. RAJEEV GOWDA: Sir, this is to provide transgender people with surgery, counselling, etc. They are extremely poor people and I am just suggesting that these should be provided free of cost.

MR. DEPUTY CHAIRMAN: Are you moving the Amendments?

CLAUSE 15 — HEALTHCARE FACILITIES

PROF. M.V. RAJEEV GOWDA: Sir, I move:

(No. 33) "That at page 5, line 18, after the words "hormonal therapy", the words "free of cost", be inserted.

(No. 34) "That at page 5, line 19, after the word "counselling", the words "free of cost", be inserted.

The question was put and the motion was negatived.

Clause 15 was added to the Bill.
MR. DEPUTY CHAIRMAN: Insertion of new Clause 15 A. There is one Amendment (No. 35) by Prof. M.V. Rajeev Gowda. Are you moving it?

PROF. M.V. RAJEEV GOWDA: Sir, this again clarifies a range of welfare possibilities that can be provided to them. If the Minister says, yes, we are going to take care of these things, I won't move it. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Are you moving the Amendment?

PROF. M.V. RAJEEV GOWDA: Yes, Sir. I am moving.

**INSERTION OF NEW CLAUSE 15 A - ADEQUATE STANDARD OF LIVING AND LIVING CONDITIONS**

PROF. M.V. RAJEEV GOWDA: Sir, I move:

(No. 35) "That at page 5, after line 28, the following be inserted, namely:-

"16A The appropriate Government shall promulgate necessary schemes and programmes to safeguard and promote rights of transgender persons to adequate standard of living and living conditions to enable them to live independently in society and all schemes in this regard shall provide:-

(a) Safe and hygienic community centres with decent living conditions in terms of nutritious food, sanitation health care and counselling;

(b) Facilities for persons including gender non-conforming children who have no families or have been abandoned, or are without shelter or livelihood;

(c) Access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(d) Pension to transgender persons subject to such income ceiling as may be prescribed;

(e) Unemployment allowance to unemployed transgender persons registered with special employment exchange for more than two years and who could not be placed in any gainful occupation".

The question was put and the motion was negatived.
MR. DEPUTY CHAIRMAN: In Clause 16, there are three Amendments, Amendment (No. 7) by Dr. T. Subbarami Reddy and Amendments (Nos. 14 and 15) by Shri Tiruchi Siva. Dr. T. Subbarami Reddy is not present. Shri Tiruchi Siva, are you moving the Amendments?

SHRI TIRUCHI SIVA: Sir, it is about the National Council. I suggested for a National Commission but the Minister has said that the Council has got the powers. What we suggested and again I would like to urge, at least, you should say that the Council will sit every quarter. Here, there is no specific mention as to when the Council will sit. Since it is headed by a Union Minister, we cannot expect it to sit every now and then. If the Minister assures that the Council will sit, at least, every quarter, they could hear the grievances and address their problems.

SHRI TIRUCHI SIVA: Okay.

MR. DEPUTY CHAIRMAN: Now, are you moving the Amendments?

SHRI TIRUCHI SIVA: No, Sir. I am not moving the Amendments.

Clause 16 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 17, there are two Amendments (Nos. 16 and 17) by Shri Tiruchi Siva. Are you moving the Amendments?

SHRI TIRUCHI SIVA: No, Sir. I am not moving the Amendments.

Clause 17 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 18, there is one Amendment (No.36) by Prof. M.V. Rajeev Gowda. Are you moving the Amendment?

PROF. M.V. RAJEEV GOWDA: Sir, these are not amendments for us, the Members. These are for the transgender community. Please do give that assurance that you will include these in the Rules. That is what we are asking. I am not moving the Amendment.
Clause 18 was added to the Bill.
Clause 19 to 21 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 22, there is one Amendment (No. 37) by Prof. M.V. Rajeev Gowda. Are you moving the Amendment?

PROF. M.V. RAJEEV GOWDA: No, Sir.

Clause 22 was added to the Bill.
Clause 23 was added to the Bill.

CLAUSE 1, THE ENACTING FORMULA AND THE TITLE WERE 
ADDED TO THE BILL.

The question was put and the Motion was adopted.

The Chit Funds (Amendment) Bill, 2019

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE; AND THE 
MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS (SHRI ANURAG 
SINGH THAKUR): Sir, I move:

That the Bill further to amend the Chit Funds Act, 1982, as passed by Lok Sabha, be taken into consideration.

Sir, the Chit Fund Act, 1982 was enacted to provide for regulation of chit funds which have conventionally satisfied the financial needs of the low income households. इस पर ज्यादा जानकारी के बजाय मैं इसे संक्षेप में रखना चाहूंगा ताकि आप इस पर विस्तार 
में बोल पाएं। जब 1982 में यह एक्ट बना था तो उसके बाद लंबे समय तक एक गांठ थी कि 
जो low income households है या छोटे व्यापारी हैं, उनके पास बचत का कोई माध्यम नहीं 
था, जिसके माध्यम से उन्हें facility मिल सके। हालांकि कई बार धारणा यह भी रहती है कि 
कुछ लोग इसे unregulated deposit या Ponzi Schemes के साथ जोड़कर देखते हैं। मैं सदन 
के ध्यान में यह लाना चाहता २५ कि चिट फंड registration के माध्यम से लीगल है और दोनों 
में एक अंतर है। जो regulated है, वहां पर deposits लिए जाते हैं और चिट फंड subscription 
based है, जिसमें समय-समय पर आपको एक निर्धारित धनराशि वहां पर देनी पड़ती है और चिट 
के माध्यम से आप इसका पैसा भी ले सकते हैं। Nine regulators के बाहर जिनका regulation 
नहीं था, उन्हें unregulated deposit में गिना जाता था, जिसे Ponzi Scheme कहते थे। स्थ, 
जब लोक सभा में वर्षा हुई तब कुछ लोगों ने इसे mix-up किया, इसलिए मैं यह बात सबके 
ध्यान में लाना चाहता था।
सर, इसलिए बड़े बदलाव का किया गया, उनके बारे में बताना चाहता हूँ। पहले तो इसमें key advisory group बनाया गया, ताकि इसमें क्या-क्या संशोधन होने चाहिए, उनके संबंध में वह प्रकाश डाल सके। Standing Committee on Finance ने इस पर अपने सुझाव दिए, जिसकी जानकारी 25वीं रिपोर्ट में दी गई है। फिर Action Taken Report लेने के बाद भी Standing Committee on Finance ने इसमें कहा कि the Government should review the existing legal regulatory and institutional framework for chit fund and its efficacy, and suggest legal and regulatory initiatives required for the orderly growth of the sector. बाद में Key Advisory Group और Standing Committee ने इसमें जो recommendations दी हैं, उसमें इन्हें साफ तौर पर यह कहा, that it should include amendments with the objective of reducing the regulatory or compliance burden of the chit fund industry on the one hand and also protecting the interest of the subscribers of the chit funds. इसमें इन दोनों ही बातों का ध्यान रखा गया है।

सर, कुछ मिलाकर अगर आप देखें, तो इसमें पहले जो सिफारिश की, वह individuals के लिए एक लाख रुपये थी, जिसके तीन लाख रुपये किया गया और कमाल के लिए छः लाख रुपये थी, जिसको बढ़ाकर 18 लाख रुपये कर दिया गया। ऐसा इसलिए किया गया, क्योंकि 2001 से इसको inflation के साथ सिक देखा गया और उसके दिन अब से इसे तीन गुना बढ़ा दिया गया। जो foreman इस सबको चलता है, उसकी कमीशन को भी 5 प्रतिशत से बढ़ा कर 7 प्रतिशत कर दिया गया, क्योंकि वास्तव में उसका कमीशन बदला नहीं था। Compliance को भी पहले से थोड़ा ज्यादा बढ़ा दिया गया है। इसके अलावा चिड़क निकालने के समय कई बार लोग उपदेश नहीं होते थे, तो उसमें यह प्रायोजन किया गया है कि video-conference के माध्यम से भी आप जुड़ सकते हैं। जो video-conference से जुड़ने, फोरेमन की जिज्ञासारी होगी कि दो दिन के बाद वह उससे संदेश देता है कि इसमें अदालत की तय रह रहें और जवाबदेही भी तय हो सके। जिस तरह जिसे फिलहाल कुछ सालों में अदालत का नाम खाली हुआ है, इसको कई उदाहरण हम सबके सामने आए हैं, इसलिए इसकी छवि को बदलने के लिए, इसमें दो नए नवमद्वार का सुझाव भी दिया गया, जो 'Fraternity Funds' और 'Rotating Savings and Credit Institutions' हैं। अब इन नये नवमद्वार से भी इसको जाना जा सकता है। इसके अलावा डिविडेंड के लिए देखें यह धारणा भी dividend distribution ज्यादातर Companies Act में किया जाता है, लेकिन अब इसके share of discount कहा गया है, ताकि इसे अब पुरानी धारणा के साथ जोड़ कर न देखा जाए। इसलिए जो पैसा बचेगा, उसको वितरित कर दिया जाएगा।

सर, इसमें जो एक त्रम्य सूची की जाती थी - chit amount, उसको gross chit amount के साथ रिलेंस कर दिया गया है जो price amount था, उसको अब net chit amount कहा गया है। बूँद इसमें बहुत ज्यादा confusion रहता था, इसलिए इसको ऑफिस पारदर्शी एवं user friendly बनाया गया है, compliance को कम किया गया और अब हम इसको, जो छोटे निवेशक हैं, उसके हितों में लेकर आए हैं।

(उपरामभाष्य, डा. सत्यनारायण जटिया प्रवक्तासेवी हुए)
The question was proposed.

SHRI P. BHATTACHARYA (West Bengal): Mr. Vice-Chairman, Sir, I belong to West Bengal and my State was severely affected by chit fund. I understand what the hon. Minister has said that ponzi schemes and chit funds are not the same. I understand these things but the poor people and the lower middle class people do not take chit funds and ponzi schemes as separate. They think that both are same. My submission would be like this. In my State, I have got the information and we had the experience of seeing this thing and also in other States like Odisha, Maharashtra and Assam where hundreds of thousands of people were severely affected. So many people had died. Common people, those who are poorest of the poor, were cheated. They committed suicide since they did not get the money. Sir, one of our friends went to the Supreme Court. He filed a case. The Supreme Court ordered for investigation and, as a result, investigation started. Still, it is going on. Some political people were arrested. I am not abusing anybody but some political people were arrested. Some non-political people were also arrested. It has been found very clearly that the ordinary people were cheated like anything. Unfortunately, only the State Government wanted to give them some amount but that was most insufficient, but the Government of India did not come out with a single paisa to help these poor people. As a result, still, they are waiting without knowing when they would be getting their money. That is the most unfortunate thing that I have observed in my State and other States too.

Now, the question is this. In this Chit Fund (Amendment) Bill, the hon. Minister has correctly said and I have no intention to say that he is not serious to settle this issue but there is this para 4 in the Statement of Object and Reasons. It says: The Chit Funds (Amendment) Bill, 2018 was introduced in Lok Sabha on 12th March, 2018. The Bill was referred to the Department-Related Parliamentary Standing Committee on Finance on 27th April, 2018 for examination and report.’ Then, what did the Committee say? What had exactly the Committee said, that has not been mentioned here. We do not
know what exactly the recommendation of the Committee was but here is a very important line, and what is that! 'However, before the recommendations of the said Committee could be examined, the term of the Sixteenth Lok Sabha came to an end and the Bill was lapsed.' That is correct. So, it was not properly examined in Lok Sabha first time when you brought it, and, in our House, in Rajya Sabha, you did not give us the detailed Report of the Standing Committee. So, we did not have the opportunity to go into the details and examine this matter very clearly. On the basis of that, I would request the hon. Minister — I have no hesitation to say that you have good intentions to bring this Bill — to make this thing clear. Can you not send it to a Select Committee to make it clear? Things have to be clear. What exactly was being said by the Standing Committee? Otherwise, I tell you, all the stakeholders would be deprived severely. Sir, he has stated in paragraph 5 (b): "to substitute the expressions "gross chit amount", "share of discount" and "net chit amount" for the expressions "chit amount", "dividend" and "prize amount" respectively in the Act..." What do they mean to say? It is hazy. I am sure the Minister would agree with me. On all these things, I do not know what the comments of the Committee were. When your intention is to protect stakeholders, how they would get benefitted by this Act, I do not understand. So, my feeling is very clear that unless and until it is cleared by the Government of India in regard to the Amendment of the Chit Fund, the chit fund, as it is, we observe, and we have been seeing, that is not a ponzi scheme. I understand that these are two different things. But, these chit funds itself also cheated the common people, lower-middle-class people and poorest of the poor people. So, how will you protect them? This provision is absent here. Suppose, as a subscriber, I deposit Rs. 50,000 to a chit fund. But if the chit fund, on one fine morning, says, "We don't have the money and we cannot pay it to you," then, where would I go? There is no timeframe here as to when they will return it back. I am sure of it that the people, those who will deposit their money, will be in a difficult position. On the basis of that, my request is to kindly send it to a Select Committee to clarify one, two, three, four, five, all these important things. And, after that, you bring this Bill and, definitely, we will accept it. We have no hesitation to accept this thing because we feel it very clearly that the people are to be protected, otherwise; the common people, the ordinary people are going to suffer like anything. With all these few words, I would like to conclude. Thank you very much.
DR. NARENDRA JADHAV (Nominated): Mr. Vice-Chairman, Sir, I rise to support the Bill subject to certain caveats. The current Chit Funds (Amendment) Bill, 2019 is a welcome addition because it seeks to introduce some changes, which have been long overdue.

In particular, I would like to highlight two provisions which are very welcome. First is, periodically increasing the limits within the Act which is necessary to make the chit fund less restrictive and rigid.

The second provision which is very welcome is the presence of subscribers at the time of drawing the chits, is now allowed through video conferencing. This will certainly make the process more convenient and accessible to subscribers.

Sir, at the same time, I have some reservations about some penalty provisions. First, currently, the punishment for various contraventions, including non-registration of Chit Funds with the State Government, is only up to two years of imprisonment and five thousand rupees as fine. Getting sanction of the State Governments to operate such a Fund is necessary because without the oversight, the likelihood of fraud is extremely high. Escaping from such a critical contravention by payment of just five thousand rupees, as a fine, is severely inadequate.

The second provision which I would like to recommend is that there is an imperative need for a provision in the Bill for punishment and penalty for those individuals and companies which operate with the fraudulent intention to dupe people into believing that they are investing in the chit funds. Most of the pyramid schemes which have been unearthed in the recent past were chit funds in the beginning, to lure in the gullible investors and, later on, they become ponzi schemes.

With these caveats, I strongly support the Bill.
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The differentiation of financial inclusion has become the main focus of legislative work. The government has introduced various bills to promote financial inclusion. The Finance Bill, 2019, for example, proposes measures to enhance financial inclusion by providing incentives for financial inclusion.

In the context of the financial inclusion movement, various companies such as Rose Valley Group, MPS Group, iCore, Prayag, and Vibgyor have been involved. These companies have been instrumental in promoting financial inclusion through various initiatives.

However, the implementation of these bills has been challenged by the banking sector, which argues that it may lead to an increase in costs and compliance requirements. Despite this, the government is committed to achieving financial inclusion for all citizens.
Lors of these meetings, the government bills were read and discussed. These bills are for the 16th Parliament, and they cover various aspects of the economy and society.

The bills include measures to promote the growth of 1.5 crore (15 million) people. These measures are aimed at reducing poverty and creating employment opportunities. The government is also focusing on improving the infrastructure, such as roads and water supplies, to enhance connectivity and facilitate trade.

The bills also address issues related to education, health, and social security. There are provisions for setting up new institutions and providing assistance to vulnerable sections of the population.

Overall, these bills aim to improve the quality of life for the common man and create a more inclusive society. They are an indication of the government's commitment to addressing the needs of its citizens.
SHRI MANISH GUPTA (West Bengal): Sir, I rise to support the Bill. At this juncture, we must admit our inability to address the full complexities of the challenges that face us. As a result, half-measured efforts are taken, existing laws are partially amended periodically and we are not facing the actual ground situation or reality head on. Piecemeal amendments to the existing law is a reactive approach. It is a kind of gut reaction to the situation which develops on the ground. So, legislation to tackle deep-rooted problems need deeper study and should cover all transactions. Sir, we are legislating for the future and to protect public interest. But we are not really focusing, in this Bill, on rural credit. We all know that there is distress in the farm sector where money-lenders are holding sway for centuries. There is no mention, in this legislation or any other, to weed out money-lenders who lend money to the poor people at high interest rates.

The big question here is: What is to be done about the past? As an Hon. Member said, it is how we act to recover old dues and return duped people's money. Chit funds...
are common in many States. We all know about the cases that occurred in the States of Odisha, West Bengal, Gujarat and Delhi. There was a Pearl Chit Fund ghotala of Rs.49,000 crore. A former constitutional functionary was the legal advisor of that group. The other large ghotala was in Gujarat, by the Oscar Chit Fund. Sir, this is still hanging fire as the investigation is not complete.

The reason for the spread of illegal chit fund companies in certain areas of the country is also due to an ineffective regulatory system. So, there is also confusion with regard to organized and unorganized chit funds. The organized sector should also be included in this law and not left to be glossed over.

We are saying that this Bill secures the interests of the 'Foreman', but, it is silent on the security of the subscriber. This is a huge loophole. Section 16 of the Principal Act seeks the presence of two subscribers which can be done through video-conferencing. We all know that even today many rural areas don't have mobile or internet facilities. The chit fund sector is largely 'unorganized'. You need to include this in the Bill.

Under Section 85 of the Principal Act, this law will not be applicable to chit funds or enterprises started before the enactment of the law. This should be effected retrospectively. I request the Minister so that this issue is also included in the law.

Sir, my next point is about the SEBI and RBI. We have seen in the past, the infirmities that are there in the work of the RBI as far as chit funds are concerned, is so far as unsecured deposits are concerned. The RBI does not include 'Subscriptions to chits'. SEBI rules do not specifically mention chit funds. These have been excluded. I would like to draw the attention of the Hon. Minister as a case here to amend the RBI Act and the SEBI Act. Sir, notably Section 87 and Section 88 of the 1982 Act refers specifically to the role of the RBI. Also, Section 47 of the RBI Act empowers the RBI to inspect chit books and records of any chit fund. SEBI, in the past, received many complaints. These matters were also brought to the notice of the RBI, but because of the infirmities in their area of operation, no action was taken. They have now been activated. Sir, the Ministry of Corporate Affairs runs an investors' education programme through their websites. The websites are there for collecting information on such funds and the promotors. But, how many people in rural India can access websites. So, this is a weakness which needs to be corrected. Also, the banning of Unregulated Deposit

[Shri Manish Gupta]
Bill provides an option to the Government for amending three laws, the Reserve Bank of India Act, 1934; the SEBI Act, 1992 and the Multi-State Cooperative Societies Act, 2002. This shows the path forward. There are multiplicity of agencies that are operating and they need to be empowered substantially and transparently so that they can tackle this menace of chit funds.

The West Bengal State Assembly as far back as in 2003 passed a draft Bill for controlling chit funds, but for almost 10-12 years they have been struggling with the Government of India to get it passed, to get Presidential assent. Even in 2013 and 2014 several moves were made, but nothing fructified. Then, only in 2015, the Presidential assent was obtained. So, there has been a delay in the interaction between the Centre and the State. At the initiative of Ms. Mamata Banerjee, the Justice Shyamal Sen (Retd.) Commission was set up and a Special Investigation Team constituted to arrest the wrong-doers in certain chit fund scams. A sum of Rs. 500 crore was budgeted as a corpus fund from which around Rs. 250 crores was paid to investors who had lost their money.

[THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA) in the Chair.]

This had to be stopped as the case was handed over to the CBI for investigation. There is a case here, which I would request the Minister to look into. Sir, this is a deep-rooted and wide-spread problem of people who have lost crores and crores of rupees. The Central Government should consider coming forward with a budgetary allocation and the Fifteenth Finance Commission can allocate additional resources to the States for compensating duped investors.

The banking system in India is very poor and is not people friendly. So, the banking system needs to be extended. For example, there are twelve bank branches per one lakh adults in India. This needs to be improved. Otherwise, we will not be able to wean away and protect the livelihood of those people who constitute mostly poor people like pensioners, employees, workers, small businessmen, shopkeepers and farmers where lives have been destroyed by rogue chit funds. That is why there is a need to have a re-look at this entire matter. Insurance cover should be provided for the chit funds. This should be made mandatory through a proper law. The proposed amendments do not appear to be adequate to protect the less literate and less conscious investors.

Thank you.
SHRI N. GOKULAKRISHNAN (Puducherry): Thank you Mr. Vice-Chairman, Sir, for giving me this opportunity.

The Chit Funds (Amendment) Bill, 2019, is introduced to amend the Chit Funds Act, 1982. It ensures transparency in chit fund schemes and aims to protect subscribers. It will also facilitate the orderly growth of chit fund sector to remove bottlenecks and enable greater financial access to people. The Bill was referred to the Standing Committee on Finance and the Committee gave its recommendations. And, now, it is brought before the House to give protection to money of economically weaker sections.

Sir, chit funds are popular among low-income families, as they offer both access to funds and options to save. There is a dire need to protect investors' interest. Chit funds play a crucial role in India's rural economy, providing people with easy access to funds and wider investment opportunities.

In the recent past, we have come across several alleged frauds pertaining to chit fund companies as they lured gullible investors to deposit money in their schemes in lieu of abnormally high returns and subsequently closed their business without any announcement, leaving behind the rural poor in lurch. Since 2016, the RBI has received over 5,200 complaints related to chit fund scams.

Sir, injustice to customers is not only from the small-scale chit fund operators but also from the organized financial institutions like chit fund companies and banks. Therefore, both of them should not be treated at par in case of default or cheating.

This Bill also raised the monetary limits for chit funds by three times, thereby the maximum amount of chit fund collected by an individual kept at Rs. 3 lakhs and by the firms which have more than four partners is up to Rs. 18 lakhs. The individual operators should not be subjected to undue regulations. Since most of them are housewives or middle-class men, it may be difficult for them to maintain records as stipulated in the Bill. Sir, better it may be exempted.

The Bill also raises the commission for the person, who is named as foreman to manage the fund, to 7 per cent from the current 5 per cent. It also allows him a right to lien against the credit balance from subscribers. The Bill further proposes to allow the subscribers to join the process of drawing chits through video conferencing. This is in line with the current digital age and, therefore, is welcome.
Hon. Minister of State for Finance had stated that there are more than 30,000 registered chit fund companies in the country. But, the unregularised chit funds would be more than 100 times than this number and the money flow in this sector would, certainly, be phenomenal. Perhaps, because of that, the Bill aims to bring more people under the formal sector. This is a welcome decision. But, the Government should consider that the small-scale operators are functioning under harsh economical conditions. Therefore, care should be taken that they are not subjected to undue harassment. Otherwise, they may quit business much to the hardship of the rural people. As a result, this will only aggravate the unemployment problem, especially in semi-urban and rural areas. The Government should come up with more stringent provisions against big players who flyaway with hard-earned money of poor investors.

The poor people who invest in chit fund at a very low maturity amount of Rs. 10,000 to Rs. 50,000 comprising a group of people is all manned by an individual. This amount will be used by them at the time of emergency, say, health problems, urgent family expenses, agricultural use, etc. For all these purposes, there is no present system available with banks to help them on need-basis. That is why they turn to the practice of saving their money through investment in chit funds in order to get a minimum monthly dividend.

Sir, presently, the Government has increased GST on chit fund from 10 per cent to 12 per cent. When we insist on savings, this will only add to the woes of the subscribers. Paying 12 per cent GST is a huge burden on them and, ultimately, there will not be any gain on their part thereby forcing them to close their chit fund business. This goes against the spirit of encouraging savings. Therefore, I would request the hon. Finance Minister to keep the GST for the large-scale operators at 12 per cent and exempt the small-scale operators totally. When these amendments come into force, the Government of Tamil Nadu has to issue notification with regard to prescription of amount of chit.

With these, I support the Bill on behalf of my party. Thank you.
[श्री राव प्रकाश वर्मा]
समझौता करना पढ़ रहा है, उस देश ने इस बात का विचार ही नहीं किया कि इस देश में
एक अपार क्षमता थी, लोगों के पास जो छोटी-छोटी savings थी, उन savings को channelize
करके कुछ बड़े काम किए जा सकते थे। अभी हमारे पूर्ववर्ती वक़्त का बात रहे हैं कि इन बिट
फंड कम्पनियों में अब तक लगभग 3 लाख करोड़ रुपए की पूंजी नष्ट हो चुकी है, यानी लोगों
ने इतने पैसे जमा कराए, लेकिन वे भाग गए, उनका कुछ पता ही नहीं चला। महोदय, तीन लाख
करोड़ रुपए कोई छोटी रकम नहीं होती है। अगर आप आप इसका मूल्यांकन करने और इसकी
तह में जाने की कोशिश करेंगे तो आपको पता चलेगा कि बाक़ी क्या ये 3 लाख करोड़ रुपए
हो या उससे कहीं ज्यादा है क्योंकि जो पूंजी का संकट पेंडा हुआ है, उसमें आप सभी लोगों
को, छोटे और मध्यम वर्ग के लोगों को भी पेसी के जरूरत पड़ने लग गयी है। जो हमारे organised
financial institute है, वे कहते हैं, लेकिन कर नहीं पाते, उनकी सीमाएँ हैं। तो स्थानीय
आयुक्तकारों की पूर्वी के लिए ये बिट फंड कम्पनियां बन रही हैं और कम कर रही हैं।

महोदय, यह दर्ज है कि लगभग 30 हज़ार कम्पनियां हैं जो रिजर्विंग है, लेकिन याद
इससे तीन से चार गुना या उससे भी ज्यादा, जो लोग काम कर रहे हैं, वे रिजर्विंग ही नहीं
हैं। जब इस बात का आकलन किया जा रहा है कि हिन्दुस्तान के लगभग 15 करोड़ से ज्यादा
उन लोगों ने. जो निवडन, क्या या गरीब तबके के लोग हैं, 3 लाख करोड़ रुपए की रकम खोयी
है - वह रकम ज्यादा भी हो सकती है - तो इन परिस्थितियों में इन संस्थाओं का जो पंजीकरण
होता है, जहां issue बहुत महत्वपूर्ण हो जाता है। आप कंसे उनको समालोगे? स्थानीय सरकार
बहुत से लोग इकदम बन जाते हैं और बीसी कर्के स्थानीय बाजारो में चलता है तथा दुकानदारों
के बीच में या हमेशा लोगों के बीच में पैसे इकट्ठे किए जाते हैं। उसमें बहुत से लोग ऐसे होते
हैं जो पढ़-लिख नहीं होते - उन्हें ऐसे किसी बहुत अनुभव होता है, लेकिन वे पढ़े-लिख नहीं होते,
दुकान बनाते हैं, लेकिन पढ़े-लिख नहीं हैं। उन्हें regulations के बारे में या financial norms
cे बारे में ज्यादा जानकारी नहीं है, उनकी schooling ही नहीं है। अल मुलाक़ाती need बन रही
है, एक ऐसा क्षेत्र पैदा हो रहा है, जहां लोगों को बड़े पैमाने पर वित्तीय उप-संस्थानों के बारे
के वित्तीय साक्षरता के बारे में जानकारी होनी चाहिए - हर आदमी को होनी चाहिए। महोदय,
इंदी देश में अगले सेंसरस 85 परसेंट आबादी नींवजानों की हो जाएगी। ज़रा पूछिए, कितने
लोग इस बारे में जानते हैं कि उन्हें पैसे खोजने के लिए आवेदन करने की कौन सी संस्था होती
उसकी जानकारी होती है, हर आदमी को होनी चाहिए। महोदय, इस देश में अगले संसर्ग 85 परसेंट
आबादी नींवजानों की हो जाएगी। ज़रा पूछिए, कितने लोग इस बारे में जानते हैं कि उन्हें पैसे खोजने
cे बारे में जानकारी होनी चाहिए - हर आदमी को होनी चाहिए। महोदय, इस देश में अगले संसर्ग
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cे बारे में जानकारी होनी चाहिए - हर आदमी को होनी चाहिए। महोदय, इस देश में अगले संसर्ग
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cे बारे में जानकारी होनी चाहिए - हर आदमी को होनी चाहिए। महोदय, इस देश में अगले संसर्ग
85 परसेंट आबादी नींवजानों की हो जाएगी। ज़रा पूछिए, कितने लोग इस बारे में जानते हैं कि उन्हें पैसे खोजने

5.00 P.M.

DR. AMAR PATNAIK (Odisha): Sir, as I rise to speak about this topic, the first thing that comes to my mind which I also heard from the hon. Members is that there is this chit fund, then there is this 'ponzi schemes' and there are something called credit cooperative societies. They perform almost similar functions, and, unfortunately, all three are under different regulations, and there is one, which is not. There is no regulation at all. That is the 'ponzi schemes.' In the provision, in the original Chit Fund Act, I find that Section 47 talks about RBI's powers and duties. Section 73 gives only advisory role. I really don't understand why RBI should not exercise any kind of control over these chit fund companies, particularly, in the light of what has happened in the chit fund or in the NBFC sector as a whole. The word 'may' is there in all the provisions. In the entire provisions of Section 47 and Section 73, it is 'may'. 'RBI may do'; 'RBI may...
do’. There is no compulsion for RBI to do even a sample check. In the cooperative sector, there is similar provision. The credit cooperative sectors in many States also have similar provision. I have a feeling that an integrated approach towards this particular business has not been taken by Government and formation of a Committee which is looking at this particular Act only in isolation is not going to help.

Sir, in the chit fund scams that one has talked about, two main issues were there. One, lack of regulatory control; second, investors were gullible. You have to increase — as Ravi Prakash Vernaji said — investors’ knowledge. To protect the investors' interest, the first thing is to increase their knowledge. Nowadays you are going out for outreach of loan, loan. To distribute loans at the retail level, the banks are going for an outreach. Similar kind of exercise to educate the investors about this thing is not taking place. With the result, what is happening is that investors invest in this; they don't ask anybody. But, finally, it is the State Government which is asked to settle this crisis from out of Budget provisions which is from people, from the taxpayers' money who were actually not involved in any way in this business. It is actually unfair. Now, at the same time, in Section 8, which talks about capital adequacy of one lakh rupees, I think, there is absolutely no application of mind here because the capital adequacy norms have to be increased if you want to have some semblance of protection of investors' interest. In Section 12, there is a provision for inspection, records. In Clause 24, the appointment of an Auditor has been left completely to the chit fund company. There is absolutely no control over that. You just get certified financial statements from the chit fund company itself and then carry on the business. We know how the certificates are obtained. Talking about Clause 12, how do you regulate? We know of several chit fund companies which have not given any intimation. By the time the police have realized that they have come into play, they have already collected huge amounts of money. It is not possible to inspect them. Unless there is an intimation which is coming from people, you cannot find out if they have already started operating and have started collecting money. So, I think all the changes that have come are welcome, but I think they are very cosmetic. They have not got into the root of the problem. The harmonization and consolidation of regulatory authorities regulating the acceptance of defaulters from public, about which I have spoken, is most important. There is no whistleblower mechanism prescribed. On increasing the insurance for the deposits, the Standing Committee had said, "There should be provision for insurance coverage for the subscribers the cost of which will be borne by the chit fund company. This is a protective measure for the vast number of subscribers." The Committee,
therefore, recommended that the provision may be brought in the Bill incorporating relevance of insurance coverage for the chit subscribers. But we haven't really taken care of this.

So, in essence, I would say that even if it is a credit plus savings scheme, the first thing is, as some of the Members expressed, if you have to distinguish this from a ponzi scheme, you should rename the Bill and try to bring in the regulation mechanism much more stringently in which case the people who are actually going to get the benefit will not be cheated in future. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you very much, Dr. Patnaik. Shri Ram Nath Thakur.
DR. BANDA PRAKASH (Telangana): Thank you, Mr. Vice-Chairman, Sir, for giving me this opportunity to speak on this Bill. On behalf of our Party, Telangana Rashtra Samithi, we wholeheartedly support this Bill. But there are some limitations in the sections that they are amending. I wish to bring those sections, through you, to the kind notice of the hon. Minister and this august House. One amendment is related to Section 2(b). Earlier it was the Chit Funds Act. Now, they want to add here the words "fraternity fund, Rotating Savings and Credit Institution". That is there in Sections 11 and 2. If you take the experience of Telangana, so many poor people start savings scheme within the locality, particularly in an area where there may not be any foreman, that is, an elected body. They collect ₹100 every month. Whenever money is required, they take the money by signing and providing one guarantor from among the members. So, they take ₹30,000 or ₹40,000 and pay back the money in 30 or 40 instalments, as the case may be, with one per cent interest. This is more useful where bankers are not going to the common man and it is here that all these people take money this way only. If we include Rotating Savings scheme into the Chit Funds Act, there will be a problem of harassing the people under the Chit Funds Act. Nobody will pay commission of 5 per cent or 7 per cent; nobody will take money and everybody will work on honorarium basis as elected President and Secretaries. Now, everybody works for two or three days and protect the interest of all the members. Sometimes, it crosses one thousand members. Therefore, whatever Sections are mentioned in the Bill should be clarified. Another thing that I would like to bring to the notice of the august House is that earlier the amount was ₹100. Already chit fund companies are running fifty lakh chits, that is, every month draw is conducted for ₹50 lakhs and so on. It is a huge amount. At a time, the number of chits in chit funds is not in one area only, but they are spread over so many different areas. They have companies in fifty or sixty places in different parts of the country. Once a small company, they are spread over entire country and have started business in different areas such as insurance, finance, vehicle finance, etc. There is no clarity in the Chit Funds Act as to what they have to do with the money they have collected from the people. They can take away one instalment without distributing to the members; all the chit fund companies take out one chit amount and invest it in some other area of finance. Is there any provision like that in the Bill? It is nowhere mentioned in the Chit Funds Act. But so many chit fund companies are doing the same thing. We have no objection to increase in the commission of 5 per
cent to 7 per cent, but I request that some clarification may be given on Rotating Savings and Credit Institution in Sections 2 and 11.

SHRI K.K. RAGESH (Kerala): Sir, I don't think that cosmetic changes in the Act in the form of some amendments can resolve the issue that needs to be addressed today. Why am I saying so? It is because of a large number of chit fund scams that are happening in our country. What are all the amendments? The Act specified various names to refer to chit fund and two more names have been added and also certain terms in the Act have been changed. For example, subscribers are allowed to be present during the time of draw through video conferencing; foreman's commission has been increased from 5 per cent to 7 per cent and the aggregate amount of the chit has also been increased. These are all the amendments. We are doing some cosmetic changes and saying that we are doing something big to address the real issue. Sir, if the Government is serious, I am requesting the hon. Minister to ensure a deposit insurance scheme to protect the subscribers, the customers. It should be made mandatory for all the private companies. As we all know, three types of chit entities are there in our country. One is basically run by various State Governments or maybe by some cooperative institutions etc. The second one is the registered private chit companies. And, the third one is unregulated chit entities mainly closed group associations. So far as the registered private chit companies are concerned, I am asking the hon. Minister, if a company is bankrupt and if it is filing for bankruptcy, what will happen to the subscribers? Whether the RBI or the Government will pay back the subscription that they had already deposited? There is no provision for protecting the subscribers. I am requesting the Government to bring an amendment in the Act to ensure deposit insurance for the subscribers of the chit fund. I think that is very important. Secondly, what about online chits? Nowadays, online chits are very, very common and very, very popular. They are allowed to conduct online auctions. Subscribers are allowed to pay monthly dues online and they can receive thrice the amount online. There is no mention of online chits. It is already there. You are talking about video conferencing but, at the same time, there is no mention of online chits. That is also a very important issue. Thirdly, non-transparency is also an issue. Non-transparency in regard to transaction also has to be addressed. Yes, Sir, we had enacted a legislation to ban unregulated deposit schemes.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you very much.
SHRI K.K. RAGESH: One minute, Sir. Why are instances of chit fund scams rising? We have witnessed Saradha Chit Fund Scam, Rose Valley Scam and even an ex-Chief Minister of State, ex-Chief Minister's son and an ex-MP of a State are also named in a chit fund scam. Sir, why big, big politicians are involved? Why are people being subjected to such kind of frauds? The basic issue is the financial illiteracy. When these companies are promising with huge returns on deposit, poor people become the victims of such fraud. So, I think, it is extremely important to ensure financial literacy and there should be a scheme on financial literacy also. Yes, of course, it is a popular type of saving institution in our country. It provides access to poor people for savings. Because of the limited access to banks, it is really very difficult for the poor people to access the banks. Hence it is, of course, a very important instrument for economy. That has to be protected. But, I am requesting the Government to bring out certain amendments to enrich the Act.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Yes, you made your points.

SHRI K.K. RAGESH: Thank you, Sir.

THE VICE-CHAIRMAN (SHRI TIRUCHI SIVA): Thank you very much, Mr. Ragesh. Now, Mr. Wilson.

SHRI P. WILSON: Thank you, Mr. Vice-Chairman, for allowing me to speak on this Bill. The DMK party had suggested certain modifications in the Bill. The Bill does cosmetic changes and is a window dressing, and does not address the real problems in the chit fund transactions. The chit fund transactions, right from remote village to heart of city, operates as a cash economy and is a parallel economy, which caters to the need of the low income groups and poor people. The Bill is silent as to who are the regulators. Is it RBI, CBI, State Government or any other authority? While the principal Act was enacted to regulate chit fund transactions, the Amendment Bill tries to expand the scope of the Act by including fraternity fund, rotating savings and credit institutions. Unfortunately, these new transactions are not defined in the Amendment Bill leading to vagueness in the Bill. The Act indulges in substitutions of terms and redefining 'chits', but does not solve any substantial issues. Now, this Bill does not have a provision for insurance coverage, no safety for the subscribers in case of scams, leaving ultimately the subscribers in lurch. Hon. Finance Minister has to clarify the discrepancies in the Bill. Take the case of Amendment of Section 13. If you compare
the old Act and the proposed Amendment, there are discrepancies. Kindly see Section 13(i). The old Act says, "rupees twenty five thousand", whereas in your Amendment, it says, "rupees one lakh". Which one is correct? Likewise, in Section 13(ii)(a), the old Act mentions the amount as "rupees one lakh", whereas you have shown in your Amendment as "rupees six lakhs". Which one is correct? Is the Amendment Bill wrong? Have the drafters seen what the real Act is? Without noticing, they have introduced this Amendment giving a wrong amount.

(MR. DEPUTY CHAIRMAN in the Chair)

I would want the hon. Finance Minister to clarify because he himself has enclosed the Act along with this Bill. At page no. 7, I can see the amount that has been described in 13(i) is "twenty five thousand rupees", whereas the Amendment says, "rupees one lakh". Likewise, in 13(ii) also, as I pointed out, the old Act shows "rupees one lakh", whereas the Amendment Bill says it is "rupees six lakhs". Therefore, there are a lot of discrepancies. The hon. Minister has to clarify as to why there are discrepancies. Thank you, Sir.

SHRI V. VIJAYASAI REDDY: Mr. Deputy Chairman, Sir, I thank you for giving me an opportunity to speak on this very important Bill, which is another step in streamlining the operations of the chit funds in India and protecting the interests of the investors, mainly the economically weaker sections of the society.

Sir, in the recent past, your goodself might have seen the scam in Andhra Pradesh, that is, Agri Gold scam. It had extended to the neighbouring States of Karnataka and Tamil Nadu also. More than thirty-two lakhs of poor and middle-class people were affected because of this scam and they have been duped by the chit fund company. Therefore, I have a bigger reason to support this Bill while giving a few suggestions.

There are some of the positive aspects in this Bill. This Bill addresses not only the need to reforms felt by the stakeholders, the Bill also tries to address the regulatory burden and brings measures to protect the interests of the subscribers. The Amendments have been proposed to facilitate orderly growth of the chit funds to remove the bottlenecks and enable greater financial access to the financially weaker sections of the society as per the Bill. The Bill substitutes the words 'chit amount', 'dividend', 'prize amount' and various definitions have been given. This makes it clearer for the people to understand the chit fund schemes as well as it will be easier for the court to prosecute the offenders. This Bill also enables greater control of the respective State Governments on these funds.
Sir, I have a few suggestions to be made to the hon. Minister. First, a system of paying back the cheated depositors should be institutionalized. In fact, as I have told just now, in the recent past, in the Agri Gold scam, where 32 lakh depositors have been cheated, the Government of Andhra Pradesh and the hon. Chief Minister of Andhra Pradesh, Jaganmohan Reddy garu, has given back the deposits from the State Exchequer to the extent of Rs.10,000 for each of the depositors. Therefore, in case of cheating by these companies, a mechanism can be worked out which can be institutionalized where the depositors will not be put to loss. Sir, the chit funds are needed because of the lack of financial inclusion of the rural and semi-urban people. Therefore, I support the Bill. The Government should further take steps towards the financial inclusion of the poor and those in need of emergency money. The last suggestion which I would like to make in this regard is that the chit funds give both lending and saving facilities to those under served by financial institutions. Therefore, I urge the Finance Ministry to ensure that the financial institutions are accessible everywhere and for everyone.

Thank you very much.
इससे छोटे निवेशकों में ऐसी किसी स्कीमों के प्रति विश्वास बढ़ना और उन्हें इनके जरिए धन जुटाने में आसानी होगी। घिट फंड के मुख्यियों का किराया भी 5 से बढ़ा कर 7 फीसदी करने का प्रस्ताव है, जिससे वे छोटे निवेशक को बचावा रकम को एडजर्ट कर सकेंगे और घिट से पूँजी निकाल चुके अंशधारकों को असंबंधित किया जा सकेगा। इससे स्कीम के डिफ़रैंट होने और पूंजी खुदने का खतरा कम होगा।

पॉजी स्कीमों पर पहले भी सरकार कानून लेकर आयी है, परन्तु देश में घिट फंडों द्वारा लोगों के अंग जानने का काम बहुत समय से चल रहा है। देश के विभिन्न राज्यों में लोग उनी के जल्द में फंड से और सेंटर लोगों ने आवेदन किया है। एक घिट के कॉलोर देश में लगभग 2 करोड़ छोटे निवेशकों का करीब 4 लाख करोड़ रुपए फंसा है, जिसमें अकेले पश्चिम बंगाल, ओडिशा, असम और नियुक्तियों में 194 कंपनियों के खिलाफ खिलाल बच रही है, जिन पर आरोप है कि उन्होंने कोई रिटर्न का सहारा दिखा कर लोगों का पैसा उठा लिया और निवधक-कानून की धक्कादायक उड़ते हुए निवेशकों को 60,000 करोड़ रुपये का बुरा लगाया।

इसमें जनता का पैसा जमा करने वाली कई स्कीम कंपनियों में चींटीसे ने भाग बोला है, जिनमें बहुत से गरीब और मध्यमशील लोगों ने अपना पैसा मंजिला दिया। मंज़ भारत में है कि घिट फंडों और जमा योजनाओं की निगरानी, लेखा परीक्षण और नियमन ऐसे क्षेत्र है, जहाँ केंद्र सरकार और स्वतंत्र अधिकरण हमेशा ही निवेशकों के मामले में नकाम होते आये हैं, जिसमें घिट फंड योजनाएँ नियमन की खामियों का दुरुपयोग करती हैं।

महादेव, मैं सरकार के साथ मंग करता हूँ कि वह अपूर्व और फाइली योजनाओं से निवडने के लिए अनुसंधान और जागरूकता को बेहतर बनाये। विशेष रूप से फाइली को रोकने के लिए केंद्रीय कॉमीनिस्ट राज्यों के बीच बेहतर समन्वय स्थापित हो और विशेष योजनाओं के मामले में नियमन के लिए एक एकीकृत नियमत विश्वसनीय हो और नियमन के मामले में नियमन के लिए एक एकीकृत नियमत स्थापित की जाए, जिससे सामान्य के अनुसार में बदल बिल्ली। घोटलों की पुनरुत्थता को रोकने के लिए जनता को शिक्षित एवं जागरूक करने की जरूरत है, ताकि उन्हें वैश्विक और फाइली तकनीकों के अन्तर्गत समझ में आ सकें और बड़े-बड़े वातावरण के मामले में वह साक्षात्कार बरस सकें। मैं चाहिए कि वह अंशधारकों के लिए सुरक्षा की हो सकेगी और उनका संघर्ष धन वापस हो सकेगा।

महादेव, मैं कुछ और सुझाव देना चाहूँगा। जैसे, मध्यम वर्ग और गरीब वर्ग इससे ज्यादा प्रभावित हुए हैं, इसलिए जो घिट फंड कंपनियों बनती हैं, उनका रजिस्ट्रेशन करने सामय यह देखा जाए कि उनके पास उनकी समयता है या नहीं है, ताकि उनके गायब होने के बाद कम से कम उससे बसूला जा सके। दूसरा, इस तरह की कंपनियां बनती हैं, ओरिजिन सूचना है और लोगों से पैसा लेने के लिए जा सकते हैं। जब पैसा इकट्ठा हो जाता है, तो राजीव-रात्रि अफिसर गायब हो जाता है और अनसारी गायब हो जाते हैं। मेरी यह मांग है कि इसके लिए केवल कानून बनाया जाए।
SHRI RITABRATA BANERJEE (West Bengal): Sir, 30,000-plus registered chit fund companies are dealing in ₹ 40,000 crores. Naturally, the enormity of the unregistered chit fund industry is manifold as compared to the registered one. Sir, in our State, from the late seventies, the chit funds were operating. The Sanchayita scam was the first big scam that came up. In 2013, the present Bengal Government brought the Protection of Interest of Depositors in Financial Establishment Act but the Central assent was not given till 2015. The State Government also introduced a scheme for payment compensation and created a corpus of ₹ 5,000 crores. Now, enforcement of a Commission was also rendered. What are the safeguards available for investors? The Minister is here. The insurance companies are not involved in the process. They could, at least, safeguard the interest of depositors who are generally from the marginalised section. The Union Government continues to remain in a state of denial over the fact that the Indian economy has virtually entered into a state of recession. The Government, in two instalments, has announced packages of ₹ 2.15 lakh crore in the form of tax cuts and benefits to the corporates. The huge Non-Performing Assets have piled up because of large-scale defaults by big corporate houses. In last five years, NPAs have risen fourfold, and, loans of, at least, ₹ 5.5 lakh crore have been written off since 2014. In this scenario, people are forced to turn to small investment schemes.

I want to know from the Government as to whether the Government has considered collating data of investors and companies. If so, what is the regulating oversight? The data protection Bill, Sir, has still not been tabled in the Parliament. The question of privacy and surveillance needs to be addressed by the Government.

Lastly, creation of awareness for promotion of financial literacy amongst small investors regarding the pros and cons needs to be effectively implemented. Through you, Sir, I will request the Government to look into this matter. Thank you.

SHRI NARAIN DASS GUPTA (NCT of Delhi): Sir, I thank you for giving me this opportunity to speak on this Chit Funds (Amendment) Bill.
Sir, -I have risen to support this Bill with a few suggestions to the hon. Minister. Sir, I would like to draw the attention of the hon. Minister to two technical amendments which need to be incorporated immediately in this Bill.

Sir, sub-Section 2 of Section 1 of the Chit Funds Act, 1982 states that this Act extends to the whole of India except the State of Jammu and Kashmir. I think, the words "Jammu and Kashmir" need to be deleted from the original Act. This is first technical amendment. Secondly, Sir, I would like to draw the attention of the hon. Minister to Section 24 of the original Act of 1982 which mentions about the maintenance of accounts and balance sheet, and, where they have given the reference that it should be audited by the auditor who is eligible under the Companies Act, 1956. Sir, being the Minister of State in the Ministry of Corporate Affairs, you are aware that now the Companies Act, 1956 does not exist and as such it should be substituted by the Companies Act, 2013. These are the two small amendments to be incorporated in the original Act itself. Apart from this, I would also like to refer to two suggestions. Sir, you have taken a decision to extend the aggregate chit fund from one lakh rupees to three lakh rupees and six lakh rupees to eight lakh rupees. I agree with this. But my suggestion is that it can be left to the discretion of the States because it differs from State to State. You have said that you have increased it because of inflation that has taken place over the years. While referring to it, you have increased the commission from five per cent to seven per cent. I think that does not go with the inflation. If you increase the aggregate amount here, it will automatically take care of the commission of the foreman. If you think so, it can be restricted to five per cent.

Section 2(b) of the Act says that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead). Why is it restricted to grains? 'Grain' can be replaced with 'certain things in kind'. Why is it restricted only to grains? If you are giving the benefit of subscription in kind, then it should be written here 'certain things in kind'.

I would like to draw your attention to Section 24 where audit is prescribed. It is all right because audit should be done. But as per the provision, it will certify the financial statement. It is a technical subject and a number of compliances are required. Even under the Income Tax Act, there are a number of provisions where separate audit reports are required other than the report on the financial statement. My submission is that here we can mention 'audit be done as per the Companies Act and as per the prescribed format'. Rules will take care of that and that matter can be referred to the Institute of Chartered Accountants. They may come out with a format of the audit, especially for the chit funds. With these suggestions, Sir, I fully support the Bill. Thank you very much, Sir.
SHRI BINOY VISWAM (Kerala): Sir, I am sure the Government also will join me in admitting that the economy of the country is in deep crisis. Five trillion dollar economy of our dreams will not become a reality soon. Indian rural life is in great despair. In that situation, chit funds are coming to the poor people with a lot of promises. What has happened, Sir? All over the country, we can see chit funds have become cheat funds. They cheat the people. They loot the people. How do they do it? Saradha Chit Funds cheated ₹ 25,000 crore from 1.7 million people. Rose Valley plundered ₹ 17,520 crore from five million people. Another name is Agri Gold. Nobody knows how many people they have cheated and how many crores they have plundered. The list is so big. I want to read all the names here. All the chit funds are hiding somebody, who are big people of the Government or have political life behind them. Without them, no chit fund can plunder the people. Only with the political support of the big people at the helm of affairs, this has happened. The interest of the poor people has to be protected. But it cannot be done by this kind of cosmetic amendments. The amendments are brought here only for the sake of bringing them. Some names have been changed. Some per cent of commission has been increased. But with that, what can we save? The interest of the poor people cannot be saved by this. Chit funds have to be regulated in the most effective manner for which the Government has to be ready politically and administratively also. The banking system is in a very poor shape. Day by day, banks are closing down rural branches. Coming together of banks has helped whom? Only the rich. The poor are the sufferers. Once upon a time, they looked up to chit funds with great hope that chit funds were for them only. When rich players came to the field, even chit funds became a rescue for the big people and the poor became only a prey to be plundered and looted. That is what is happening here. In this situation, we need basic changes. A small thing but a good thing is that the depositors’ savings have to be insured by the Government. In this Bill also, that part is silent. It is a very important part but the Government wants to keep mum on that part. I request the Minister to take it seriously and make a provision to see that the money of the poor men is insured by the Government itself. By RBI or SEBI or by some kind of strong Acts, it can be secured. Otherwise, what you are saying here will bring no results. The poor will remain poor. Their money will be taken away by the rich. I am sure that big people and their political parties are the criminals behind this play. With these words, I conclude.
महत्त्वपूर्ण है, क्योंकि इसका उद्देश्य यह है कि जो लोग छोटी-छोटी बचत करते हैं, उनको किस तरह से प्रोत्साहन मिले। उसी को मददकर रखने हुए यह बिल लोक समा में पास हुआ है और अब इसकी राय समा में प्रस्तुत किया गया है। मेरे पूर्व वक्तव्यों ने अभी कहा कि सरकार संबंधित नहीं है और इस संबंध में महत्त्वपूर्ण कदम नहीं उठा रही है, जबकि अधिकांश सदस्यों ने यह कहा कि यह बिल बहुत बढ़ाई है और उन्होंने कुछ सजीवता दिए, जो कि अच्छी बात है।

माननीय उपसभापति जी, इसके जो features है और इसके जो advantages हैं, उनको बताने से पहले मैं आपके माध्यम से यह स्पष्ट करना चाहूँगा कि माननीय नरेन्द्र मोदी जी के नेतृत्व की यह सरकार कितनी संबंधित नहीं है और यह financial matters के अंदर कितनी संबंधित नहीं है। देश के करोड़ों लोग, जो अपनी छोटी-छोटी बचत करके जिन बैंक में अपने पैसे डिपोजिट करते थे, वे financial institutions, चाहे वे पवित्र हों, प्राइवेट हों या वे non-banking finance से संबंधित हों, उन्हें अपनी डिपोजिट का end use और लोन के माध्यम से प्राप्त जगह पर इस्तेमाल न करके जो मिसाल होता था, उस पर रोक लगाई जा सकें। उनके पैसे का मिसाल यह होता था कि कुछ होशियार लोग, जो लोन तो किसी और कारण से लेते थे, लेकिन उनका end use जो होना चाहिए था, वह न करके उनको किसी और सेक्टरों में इन्क्वर कर देते थे। वे उनके पैसे का investment करते थे, बल्कि मैं यह कहूँ कि उनके पैसे के illegal transactions किए गए।

जैसा कि मेरे पूर्व वक्तव्यों ने बताया है कि financial matters के अंदर, चाहे वह फाइंड हो, लॉंडरी स्वीम हो या इन्नाम स्वीम हों, उनके माध्यम से करोड़ों लोगों को ठगा गया और इस तरह से लाखों-करोड़ों रुपये के एपाउंड का दूर्वैज्ञान्यक हुआ। उन सबके लिए कहा गया कि जो छोटी बचत करते हैं, उनमें लोग किस तरह से ठगे होते हैं। सर, उसका एक ही कारण था कि देश की बैंकिंग व्यवस्था के संबंध में सिद्धांत होने के लिए यह है कि उससे हमारी बचतों को प्रोत्साहन मिलें, छोटी-छोटी बचत करने के लिए बैंक में खाते हो और उन खातों में वे सेविंग्स सुरक्षित रहें, परस्तु दुर्भाग्य यह रहा कि पवित्र सेक्टर में भी बैंक खाते गए और प्राइवेट सेक्टर में भी बैंक गए, लेकिन बैंकिंग सेक्टर में छोटी सेविंग्स करने वाला व्यक्ति, इन्क्वर करने वाला व्यक्ति उससे लाभार्जित नहीं होता था। विशेष रूप से, कशर परियोजना तथा सेमी-अब्बर परियोजना में छोटी बचत करने वाले लोगों को बहुत सारे प्रोत्साहन देकर उनकी बचतों को irregular method से collect कर लिया जाता था। उन्हें बचने के लिए माननीय नरेन्द्र मोदी जी ने आते ही यह कहा कि देश के लिए financial inclusion और financial literacy बढ़े, देश के लोगों को बैंकिंग व्यवस्था का ज्ञान हो और बैंकों में उनके एकांउंट्स हों। महोदय, मैं आपके माध्यम से बताना चाहूँगा कि जिस देश में वर्ष 2014 तक 12 करोड़ अकाउंट्स खोले गए हो और करोड़ों-करोड़ गरीबों को बैंकिंग व्यवस्था से दूर कर दिया गया हो, उनको राहत देने के लिए 36 करोड़ से भी अधिक लोगों के अकाउंट्स खोले गए। जब अकाउंट्स खोले गए तो बहुत सारी बातें उठी कि उनके पास पैसा नहीं होगा, जीरो बैलेंस के अकाउंट से banking industry को नुकसान होगा, वे कैसे
[श्री राममुकुमार वर्मा]

अकाउंट्स मेंटेन करेगे? लेकिन हमारी करोड़ रुपये की सेविंग उन बैंकों में जमा हुई। इस तरह से हमारे छोटे डिपोजिटर्स को राहत मिली, उन्होंने अपनी बचत को जमा किया और बैंकें व्यवस्था में जब इन्क्रेडिट की बात हुई तो, उनके लिए पैसा मिला, advances भी बढ़े। जन-सत्र अकाउंट का मध्यम से उनको प्रोटेक्ट किया गया। इसका नींद नहीं होने जितने advances थे, फाइनेंशियल इंस्टीट्यूशंस से जो व्यक्ति लोन लिया करते थे, उसको सही जगह यूज़ न करके प्रौंपट्टी बनाने में गूँज किया करते थे। बेनामी संपत्ति का आधार, कानून को लागू करना, unregulated deposits के लिए लोन बनाना और मैं कहूं कि Insolvency and Bankruptcy Act का बनाना केंद्र सरकार की सर्वेक्षणीयता को प्रकट करता है। यह कमिट्टी है कि जो यह देश के फाइनेंशियल सिस्टम में बचत करता है, उसको सुरक्षा मिले। उसी को मदद कर रखते हुए आज चित फंड के बारे में हमारे पूर्व वर्तकों और माननीय सांसदों ने बताया है कि किस तरह से लोगी की जा रही है। विभिन्न नामों से लोगों से बन इक्सट्रा किया जाता है और उनको ऊपर कर, उनकी गाढ़ी कमाई को हजार कर लिया जाता है।

वर्ष 1982 में तकैलेन सरकार का प्रयास था कि यह चित फंड एक्ट के माध्यम से ऐसे उन छोटे बचतकर्ता का निभावा करे, जिनके close relations होते हैं। चित फंड का एक criteria, concept यह होता है कि छोटे बचतकर्ता, close relations के लोग, कुछ संख्या के अंदर अपना share subscription करते हुए इक्सट्रा करेंगे, ये आपस में अपने norms तय करेंगे, उसे हम बड़ा के रूप में कहेंगे, नौलामी के रूप में कहेंगे या वहाँ उनको dividend दी जाएगी था, उनके रूप में जो need है, उन लोगों की आपरक्टाओं की पूर्ति करते हुए no profit, no loss के आधार पर सभी को वे बांट कर अंत में जिसका पैसा व्यय करता था, उसको बांट लिया जाता था। मकसद यह था, लेकिन बीच में यह निसार दे के fraud चित फंड और लॉटरी के नाम से या अन्य ईनामी योजनाओं के नाम से हुए। वर्ष 1982 के अंदर एक्ट बना, लेकिन समय के अनुसार जो एक्ट के प्राकालक थे, वे प्रारंभ नहीं हुए। उसके लिए वर्ष 2011 में Key Advisory Group की कमेटी ने एफामिन किया, उसकी रिपोर्ट आयी, उसके बाद उनकी सिकारियों को देखते हुए चीरी-दीरी एकआमिरेंस हुए और 16वीं लोक सभा के दौरान इस बिंद को वर्ष 2018 में लोक सभा में प्रस्तुत किया गया, लेकिन स्टेडिंग कमेटी के दौरान उसकी jaunt के लिए उसको पेंडिंग करते हुए कमेटी को मेजबान कर दिया गया। फाइनेंस की स्टेडिंग कमेटी ने जो भी रिकार्डिंग किया, उनको include करते हुए, पून: उस पर स्टेडिंग कमेटी के मध्यम से उस पर examination हुआ। जैसे ही 16वीं लोक सभा के अंत में उनको प्रस्तुत किया जाना था, लोक सभा का कार्यकाल समाप्त हो गया और यह बिंद पास नहीं हुआ। पून: इसके एक्ट के अंदर प्रोविंस्मेंट में अमेंडमेंट करते हुए लोक सभा ने पास किया और राज्य सभा में पारित करने के लिए प्रस्तुत किया है। ...(समय की घटी)...
Shri Ramakumar Varma: Apakah kita sama dia?  

Shri Upasamapatil: Dua mac terafi dia laga hari.


SHRI G.C. CHANDRASHEKHAR (Karnataka): Thank you, Mr. Deputy Chairman, Sir, for giving me an opportunity to speak on the Bill. Sir, chit funds started more than 200 years back, and some of the Chit Funds became Banks, and became part of people's life for their small savings for education, marriages, medical services, purchasing
properties and immediate emergency needs. For all these reasons, Chit Fund business has grown in a big way. As per media reports, the total size of unregistered chit funds is almost ₹ 30 lakh crore which is one year GDP of the country.

Sir, the amount lost in the chit fund scam is not small but it is ₹ 3 lakh crore of the poor people. Even after so many scams and money lost by people; still people are attracted towards Chit Funds due to high return to people, people can withdraw money easily, whenever they want; banking infrastructure still very poor in villages so they find an easy way of saving their hard-earned money; low interest rates given by banks and less documentation required.

Sir, recently the HDFC bank started mentioning in the customer’s pass book that they will cover only ₹ 1 lakh insurance, due to this, people became panicky all over the country. If I deposit ₹ 10 lakhs, and something goes wrong in the bank, then, I will be getting only ₹ 1 lakh, and I will not get another ₹ 9 lakhs. This has become very viral. Due to this, people are losing faith in the Banking System. Also, the Government is not allowing to keep the money at their houses, which indirectly attracting towards Chit Funds.

Sir, I would like to bring to your kind notice some of the big scams. Six crore families are cheated by PACL scam of Rs. 50,000 crores. All the affected families are on the road today. There are some more scams like the Saradha Chit Fund Scam estimated around ₹ 21,000 crores and Sahara Chit Fund Scam is of worth ₹ 15,000 crores. Many of these companies get registered, collect the money from the people and runaway by closing the business. Around 15 crore people are affected by Chit Fund Scams.

Recently, in Bengaluru, there are 193 registered chit fund operations under the Chit Funds Act 1982, with a turnover of about ₹ 4,000 crore per annum. The number of unregistered chit fund companies in Bengaluru is around 2,000 with about ₹ 45,000-50,000 crores as annual turnover. Recently, the country has witnessed the IMA scam in Bengaluru, which has cheated more than 40,000 lower income families, which is estimated around ₹ 10,000 crore. Along with this, some of the major Ponzi schemes include the Rose Valley Ponzi scheme, ₹ 15,000 crores; Basil International, ₹ 3,500 crores; Seashore Group of chit scam, ₹ 850 crores. Sir, India has around 15,000 chit fund
companies. Over 80 per cent are family-owned chit fund companies. Ninety per cent of the family-owned chit funds have repeat customers. Sixty per cent of the customers are from rural India. Out of 15,000 chit fund companies, less than one per cent runs it as professional business unit, while the rest work as unorganized setup. Recently, the Parliamentary Standing Committee on Finance had suggested the Government to introduce insurance coverage for safety and security of the money of the subscribers. But there is no such clause in this Bill. It should be included. In the recent days, the people are losing trust on the banking system due to scams, mismanagement and high NPAs. Hence, it is becoming very difficult for the people to avoid investing in chit funds. All the investors should be insured. The majority of the people, who invest in chit funds, are poor people, who invest their money for emergency purposes. Therefore, I strongly propose to take stringent action against defaulters, with a merciless law to prevent such frauds.

SPECIAL MENTIONS

MR. DEPUTY CHAIRMAN: Hon. Members, the discussion on the Chit Funds (Amendment) Bill, 2019, will continue further. Now, the Special Mentions.

MR. DEPUTY CHAIRMAN: Shri Kailash Soni; not present. Ch. Sukhram Singh Yadav; not present. Shrimati Chhaya Verma.

Demand for release of extra funds for Naljal Yojana in naxal-affected areas in Chhattisgarh

Shrimati Chhaya Verma (Chhattisgarh): Mahodad, Chhattisgarh, Rajya ke nakshal pramanvita jilin main "naljal yojana" ke tahat vasavdha koi nala ke madhyam se jal uplabd karayi jata hai. Chho ke nakshal kshetre main vasavdha vilal home ke karra langt adhik aati hai, lekin bharat sarakar ke niralaanuskar antrikart langt vahan nehi ki jatai hai, isasle yojana ke tahat sanvachita "naljal yojana" ka kary bavit hota hai. Garmiyon main iti kshetre ke jalstere adyakic nitha chala jatai hai. Jal ki karm uplabdhaa ke karra nakshal pramanvita aaditi kshetre ke logon ko adyakic mahanat se jal ka inlajam karana padita hai, jissasle unki dinvay pramanvita hoti hai.

Sadan ke madhyam se meri maan hai ke nakshal pramanvita jilin vistar, bijapur, dantewada, sukhma, raajnandagar, mahasamund, bali, balarampuri, dhramtar, garhavand, konar, koondagar main "naljal
Demand to provide compensation to the poor families of the victims of Dengue

Chaudhary Sudharam Singh Yadav (Uttar Pradesh): Mahatma, this is a very big issue in the state of Uttar Pradesh. The farmers have been suffering because of the use of antibiotics in the cultivation of vegetables and fruits.

Demand to ban the use of antibiotics in the cultivation of vegetables and fruits

Shri M. Ramachandran (Uttar Pradesh): The farmers are suffering a lot because of the use of antibiotics in the cultivation of vegetables and fruits.
6.00 P.M.

Demand to increase the capacity of dams in Uttar Pradesh

Shri Vishram Pratap Singh (Uttar Pradesh): Mahodaya, vin paani sab sune. Is ratal se hama sami bhashi-maati vikif hain. Varch 1999 main sansukta rastre prabhavaran karyakram main 2000 se jyada vishishnokon ne nai shatabdi ki do sabse badhi sumarisayam main se ek paani ki kamy ki bhataya shi, joh bundelkhand mein ab chhirtarsh hone ke lagh hain.

Uttar Pradesh main 98 baang hain, jinmne akeye bundelkhand kshetra main 34 baang hain, par bundelkhand ke takriekan 20 se adhik baang sune pedhe hain. Barasat ke dinon mein bhi baandh ke kamyata ke bhi aaya paani nahi hua phata. Mahaday pradeyke bundelkhand kshetra main 50 baang, chhoti-mahlowi or badhi pariyojanayen hain, par unmene bhi kamyata ke anunay paani nahi hua phata. Unmene yamarat aur silt sakahai ke aparaakata hain.

Yahi karan hain ke lagataar kai vash in bundelkhand sune ke chapat mein hain, jisumse bhoti sabse adhik prabhatvi hue. Jisakar prehenam ya hua hai ke is kshetra ke long aapystic palaman kar chuke hain. Is kshetra main khud aur mahilaon, bachay hi ganeon mein jyada bache hain.

Banda jile ke ranwab, bariyapura, ganga, mahodaya jile ke karbhae, mayawati banda, harinil, maandha, vibhaktu jile ke raspin or yuma banda mein nain matru ka paani bache hain. Jeevandayhiney naadi - khen, bani, bani, mandakini or chandaual ki tharae shikhu ki hain. Inse haratale bundelkhand mein vin paani sab sune hone ke lagh hain.

Aat. sadan ke maaham se mery maang hain ke kende prakar bundelkhand ke kisamay ke hirot ki dekhate hua paani ke prakritis khotay sahitya baangi mein jal bhara kamyata sunitochn hindare karne hen sami aaparayak kadmin abhivadna uttarae, jisumse bundelkhand ki janata ko pinae aur khete yoyi paani mlal sake, chharyad.

Demand to take steps to prevent cancer cases in rural India

[Shri Shiv Pratap Shukla]

Mamta Bharti’s Sarakar ne Apnaa Rashtriya Ksarsar Niti ke Anantarjat Ksatriya Ksarsar Kendre ko Mainata De Hae, lekin Abhi Bhi Darshan Mar Ksatriya Ksarsar Kendre ko Hi Pahchan ki Jaa Saki Hae. Bharat ke Gramii Shan Kendre ko ‘Nyuunum’ Aavasakalao ke liye jitanie teelie Sheerepeh Ekaiaiyo, shalay Chikitsaa Aankoolojji ke Vihangao aur Chikitsaa Aankoolojji Divyajanao ki Aavasakalta Hae, varmane me uskaya Aada Bhi Utpalba Nahi Hae.


MR. DEPUTY CHAIRMAN: Hon. Members, the House is adjourned till 11.00 a.m. on Wednesday, the 27th November, 2019.

*The House then adjourned at one minute past six of the clock till eleven of the clock on Wednesday, the 27th November, 2019.*