

Now, we shall take up the Constitution (One Hundred and Eleventh Amendment) Bill, 2009.

**The Constitution (One Hundred and Eleventh Amendment) Bill, 2009**

THE MINISTER OF AGRICULTURE (SHRI SHARAD PAWAR): Sir, I beg to move:

That the Bill further to amend the Constitution of India, as passed by Lok Sabha, be taken into consideration.

Mr. Deputy Chairman, Sir, I feel privileged to seek the support of this august House for the very important Constitution (One Hundred and Eleventh Amendment) Bill, 2009, to strengthen the cooperative movement in the country. The year 2012 will be celebrated as the Year of Cooperation all over the world. The cooperatives are one of the most important instruments to provide service to the economically weaker sections of the population and have a widespread reach up to the village level. Hon. Members are aware that 'Cooperative Societies' is a State Subject under Entry 32 of the State List of the Seventh Schedule of the Constitution. Accordingly, the States have enacted their own Cooperative Societies Acts for incorporation, regulation and winding up of cooperative societies within their territorial jurisdiction. However, for incorporation, etc., of the cooperative societies with objects and area of operation not confined to one State and serving the interests of members in more than one State, the Parliament enacted the Multi-State Cooperative Societies Act, 1984, under Entry 44 of the Union List of the Seventh Schedule (replacing the Multi-Unit Cooperative Societies Act, 1942). The Act of 1984 has since been replaced by the Multi-State Cooperative Societies Act, 2002.

The cooperative movement in the country has witnessed substantial growth in many diverse areas of the economy. With a network of about six lakh cooperative societies and a membership of about 24.92 crore, the cooperative movement in India has emerged as one of the largest in the world. The cooperative movement today provides coverage to almost 97 per cent of the villages and 71 per cent of the rural households. The agricultural credit advanced through cooperatives has increased from a meagre Rs.214 crore in 1960-61 to Rs.70,105 crore in the year 2010-11, with about 19 per cent share in total institutional agricultural credit. The share of cooperatives in fertilizer distribution is about 35 per cent, and in sugar production, it is nearly 46 per cent. The cooperatives also account for 33.5 per cent of wheat procured. Fifty-four per cent of the handlooms and 20 per

cent of the retail fair price shops are in the cooperative sector. The cooperative sector provides direct and self-employment to about 16.69 million people in the country.

It has been experienced theft in spite of considerable numerical expansion of cooperatives in different sectors of the national economy, their performance in qualitative terms has not been up to the desired level. Many of these institutions are not being managed on principles of democratic member control, autonomous functioning and professional management. In many cases, these cooperatives are heavily dependent on financial support from the Government, which has led to intervention in their day-to-day functioning. There are also instances of avoidable political interference in working of these cooperative institutions.

It has been the endeavour of the Government of India to evolve an appropriate policy and legislative framework to create environment conducive to the healthy and sound growth of cooperatives. With this in view, the Government of India has taken various measures for promoting and developing the cooperative sector in the country. These include, *inter-alia*, framing of national policy on cooperatives, enactment of the Multi-State Cooperative Societies (MSCS) Act, 2002, assistance to cooperative education and training, assistance through NCDC for development of cooperatives, implementation of recommendations of Prof. Vaidyanathan Committee and constitution of high-powered Committee on Cooperatives etc.

It has been felt that there are several provisions in the State Acts, which go beyond the spirit of democratic functioning of cooperatives, for which the State Governments have been persuaded to amend their Acts. However, in spite of the felt need for amendments in the State Acts, the pace of reforms in cooperative legislations by the States is not encouraging, and, therefore, a view has emerged in the cooperative sector to incorporate certain provisions in the Constitution to provide protection to cooperatives and to insulate them from avoidable political and bureaucratic interference. This was also endorsed by the Conference of State Cooperative Ministers held way back in December, 2004.

Accordingly, the Constitution (One Hundred and Sixth Amendment) Bill, 2006 was introduced in 14th Lok Sabha on 22nd May, 2006. On reference from the hon. Speaker, Lok Sabha, the Parliamentary Standing Committee on Agriculture had also examined the Bill. However, the Bill could not be considered by the House as it lapsed.

It was decided to re-introduce the Bill for amendment to the cooperatives. The Constitution (One Hundred and Eleventh Amendment) Bill, 2009 as has been introduced in the Lok Sabha on

30.11.2009. The hon. Speaker of Lok Sabha referred the Bill to the Parliamentary Standing Committee on Agriculture. The Standing Committee after holding discussions with Secretary and other officers of the Department of Agriculture and Cooperation, representatives of the State Governments, experts and other stakeholders in the field of cooperatives, presented its Report to Lok Sabha on 30th August, 2010.

The suggestions made by the Standing Committee have been examined in the Department in consultation with the Ministry of Law and Justice. The Bill has been passed in Lok Sabha on 22nd December, 2011 with overwhelming support of the Members. I am very happy to inform the hon. Members that the right to form cooperative societies is proposed to be made a fundamental right under article 19(1)(c) of the Constitution, as recommended by the Standing Committee on Agriculture. It is expected that this would give boost to the cooperative movement and enthuse the people to actively participate in the cooperative as a matter of right. This would significantly increase the interest and responsiveness of the members and strengthen the cooperative movement further.

The object of the Constitution (One Hundred and Eleventh Amendment) Bill, 2009 is to ensure that the cooperative societies in the country function in a democratic, professional, autonomous and economically sound manner. The proposed amendment in the Constitution, *inter-alia*, seeks to empower the Parliament in respect of multi-State cooperative societies and the State Legislature in case of other cooperative societies to make appropriate law, laying down the following matters, namely:

- (i) Right to form cooperative societies as a fundamental right by insertion of the words 'cooperative societies' in sub-clause (c) of clause (1) of Article 19.
- (ii) Insertion of Article 43B in Part IV of the Constitution as a Directive Principle of State Policy for voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.
- (iii) Provisions for incorporation, regulation and winding up of cooperative based on the principles of democratic member-control, member-economic participation and autonomous functioning;
- (iv) Specifying the maximum number of directors of a cooperative society not exceeding twenty-one members;

- (v) Providing for a fixed term of five years from the date of election in respect of the elected members of the board and its office bearers;
- (vi) Providing for a maximum time limit of six months during which a board of directors of a cooperative society could be superseded or kept under suspension;
- (vii) Providing for independent professional audit;
- (viii) Providing for right of access to information to members of cooperative societies;
- (ix) Empowering the Government to obtain periodic reports of activities and accounts of cooperative societies;
- (x) Providing for the reservation of one seat for the Scheduled Castes or the Scheduled Tribes and two seats for women on the Board of every cooperative society, which have individuals as members from such categories; and
- (xi) Providing for offences relating to cooperative societies and penalties in respect of such offences. It is expected that these provisions will not only ensure the autonomous and democratic functioning of cooperatives, but enhance the public faith in these institutions and also ensure the accountability of management to the members and other stakeholders and also provide for deterrence for violation of the provisions of the law.

The Bill seeks to achieve these objectives.

*The question was proposed.*

SHRI BALAVANT ALIAS BAL APTE (Maharashtra): I am grateful, Sir, for this opportunity. The Constitution (One Hundred and Eleventh Amendment) Bill, 2009 seeks to give a Constitutional status to the cooperatives in this country. It is a right step in the right direction because now it is time that we recognize cooperatives as economic institutions and a very effective medium through which economic development in the rural areas particularly can be achieved. Sir, the history of the cooperative movement in this country begins with legislation about credit societies which was brought by the British Government in 1904. The reason for the credit societies establishment was given as the indebtedness of the farmers and their poverty. Sir, unfortunately, after sixty years of independence and fifty years of the Congress rule, the situation in 1904 continues in 2011. The same

reason now is prompting everybody to look at the cooperatives from the farmer's point of view for removing his indebtedness and for removing his poverty. Sir, the Act seeks to give a Constitutional status to the cooperative societies. But only giving a constitutional status to the cooperative societies is not enough. Efforts will have to be made consciously and continuously to rid them of the various ills that afflict them. A High-Powered Committee was appointed. Then the Parliamentary Standing Committee looked into it. But the ills, which I am talking about, are particularly recognised by the Ninth Report of the Second Administrative Reforms Commission, which expressly mentioned certain things, which I want to bring to your notice.

The Commission notes that there has been a growing realisation that undue influence from the State, lack of autonomy, and widespread politicisation have severely impaired the functioning of cooperative institutions and there is need to introduce urgent reforms in this sector.

Sir, it is further noticed that there is a definite credibility crisis in the cooperative sector. Cooperatives which were contemplated to be democratic, professional, autonomous and economically sound instruments were under the clutches of politicians and barons who control these cooperative societies to the detriment of members.

Sir, I come from Maharashtra. We had a great tradition of cooperative societies thanks to the foundations laid by Dr. Dhananjayrao Gadgil and Vaikunthlal Mehta. The movement grew and it did great service to the people. But it deteriorated and, instead of servants of the people, we have a crop of what are called in Maharashtra '*sakhar samrats*' or 'sugar barons'. Members are not relevant. Those who run these cooperative societies are barons. Therefore, apart from giving them constitutional status, active action to rescue these societies from these barons has to be taken. I find that one major difficulty in doing this is the great prejudice consistently shown by the Central Government towards the cooperative sector, particularly the credit societies and banks. The Central Government, for the last several years, has been taxing these societies to such an extent that it becomes very difficult to run a cooperative credit society or a cooperative bank. The Centre has to shed its prejudice. Probably the Reserve Bank of India also has some prejudice. They have to shed this prejudice and make a substantial economic provision. In 2004, it was envisaged that we would give a package of Rs.20,000 crore to the cooperative sector to make it meaningful, to make it powerful to serve the people, particularly in the rural areas. That package never came and instead, we are suffering from this Central Government's prejudice towards the cooperative societies.

Sir, the Bill which is before this House envisages to do three things. One is amending Article 19 to make it clear that the right to association includes right to form cooperative societies. Something which was obvious is now put in writing. Secondly, in the Directive Principles of State Policy, Article 43B is inserted. I believe the Directive Principles of State Policy were part of the Constitution because at the beginning of the Constitution, the Constituent Assembly felt that apart from the Fundamental Rights, we should give clear directions. Inserting Article 43B really doesn't serve any purpose because the Directive Principles are not enforceable and the Directive Principles are being flouted by Governments for the last 60 years. The Directive Principles say that there shall be a common civil code; the Directive Principles say that cow slaughter should be banned. We don't do anything. Inserting another Directive Principle, according to me, is a meaningless exercise.

Then, a new part is being added to the Constitution after the part inserted by 73rd and 74th Amendments. Somebody suggested that cooperative sector is a separate sector. I think, the Standing Committee suggested that it should not be after the governance part; otherwise, cooperative societies will also be considered to be part of governance as the Local Self Governments are. I am not on that. I don't believe that placing a part somewhere gives it any additional meaning. This part seeks to protect the autonomy of the cooperative societies, the governance of the cooperative societies, regular elections of the managing bodies of the cooperative societies and I welcome this part.

(THE VICE-CHAIRMAN, PROF. P.J. KURIEN in the Chair)

It is necessary that the cooperative society management is regulated. While regulating, it is to be ensured that they don't become fiefdoms of particular individuals and they really become member-centric, and for that purpose, this part will help the cooperative societies to function in the manner in which they ought to function.

Sir, there is one thing which I would like to stress here. It is relating to giving the powers to the Registrar for purposes of conduct or fair conduct of elections, to look into the electoral rolls and everything of a cooperative society. Now, as has been noted, there are about five-and-a-half lakh cooperative societies existing and I don't know whether looking into the electoral rolls of all these societies is practicable to any agency. A suggestion is that only the federations, whose elections are also very vital, should be monitored completely by the authorities under the Cooperative Societies Act.

I see in Mumbai that every building that is built is a cooperative society. So, that one city has thousands and thousands of cooperative societies. How can those elections every year be monitored by a Registrar? What kind of manpower will he require? Disputes do arise. Those disputes go to the cooperative courts. Under the Maharashtra Cooperative Societies Act there is section 91. But monitoring the actual election, right from the time of electoral rolls, maybe, in respect of a cooperative society which has only 15 members, is not practicable, according to me. So, confine this monitoring to the federations or, maybe, you can have a limit of budget or limit of economic situation of a particular society. For example, they are dealing with about Rs.10 lakhs or Rs.1 crore. Then, such societies can be monitored. But every small society or every small cooperative store need not be monitored, in so far as elections are concerned, by an authority under this Constitutional provision. Otherwise, apart from the impracticability, I welcome this Bill and this Bill will certainly help the cooperative sector.

As I have said, the cooperative sector is an economic sector. That has to be appreciated. If the Governmental funding goes through the cooperatives, it will certainly go to the people and that is why a structure will have to be created in so far as the user of funds for the purposes of development through the cooperative societies, which are member-centric, which function professionally, which function autonomously and which are otherwise economically sound, is concerned.

I believe the Constitutional Amendment will have a consequence of actual action. Otherwise, a Constitutional status doesn't give you anything. A Constitutional status supported by action will help the cooperative sector. It is necessary. Otherwise, it will be only an existence on paper, a status on paper, without any practical consequence. I would, therefore, suggest, while welcoming this Bill, that a programme of consequential action should be adopted and that should be brought before this House so that there can be contribution by the Members also. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you very much, Mr. Apte. Dr. E. M. Sudarsana Natchiappan. Natchiappanji, because of paucity of time you take less than five minutes.

DR. E. M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Yes, Sir. Thank you very much, Sir. It is a very great day for us. The whole India welcomes this Constitutional Amendment because today is

the 126th Foundation Day of the Congress Party and the Congress movement and the freedom movement were based on this cooperative. ...(*Interruptions*)...

SHRI RUDRA NARAYAN PANY (Odisha): Today is the birthday of LOP. ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, please. ...(*Interruptions*)...

SHRI JESUDASU SEELAM (Andhra Pradesh): What is wrong with you? ...(*Interruptions*)...  
Why are you objecting? ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Pany, please. ...(*Interruptions*)...

DR. E.M. SUDARSANA NATCHIAPPAN: Madam Sonia Gandhi has hoisted the flag today on this Foundation Day of the All India Congress Committee. It is a great day for us. The Congress movement and the freedom movement were associated with the cooperative system. Sir, it is part and parcel of the Indian culture; joint family, a joint cooperative system at the village level is part and parcel of the Indian culture. Therefore, when Pt. Nehru, became Prime Minister, he had an ambition to see that the cooperative movement was given a status. He appointed one famous personality, Shri A.D. Gorwala, as the Chairman of that Committee. His report started by saying, "Cooperation has failed, but cooperatives must succeed". Sir, this system is to be followed. I have to get the brief of hon. Member, Shri Mani Shakar Aiyar, who was best associated with Shri Rajiv Gandhi. When Shri Rajiv Gandhi was the Prime Minister, he made this observation while moving the Bill for creating the Panchayati Raj and Nagar Palika systems, as part of the constitutional framework. He said that three things were necessary for the development of India and also for the grassroots level development. *Aam admi* has to be supported by the democratic process. One, by the Panchayat System; two, by way of Nyaya Panchayat, grassroots level justice system and three, by having a democratic, independent, autonomous cooperative system. These three are very much necessary for creating socio-economic revolution in India. Today, that is going to be achieved by this Constitutional Amendment. I would like to congratulate the hon. Minister, Shri Sharad Pawar, who was the pioneer of the movement in Maharashtra. We feel proud in saying that the Chief Minister of Tamil Nadu, Shri Kamaraji, successfully brought this cooperative movement system. Now we can claim that in many of the States, including Rajasthan, Madhya Pradesh, Uttar Pradesh, everywhere, this cooperative system is successful. My only submission is, the Bill is very much focussed, but many of the State Governments want to have their own officials, instead of having internal democracy or voluntarily

coming forward to form a cooperative system and also, they want to take away the autonomous status. That should be totally prohibited. I am very happy that this Constitution Amendment will give them six months time till the notification of this Amendment. There will be an election through out India. Whether it is a primary cooperative or a district cooperative or farmers' cooperative or employees' cooperative, everything will come up properly. There should be reservation for the Scheduled Castes, the Scheduled Tribes, the OBCs, Tribals, women and then handicapped people also should be there. Sir, this dream of the Congress Party, the National Freedom Movement, Pt. Nehru and Shri Rajiv Gandhi has come true today under the leadership and guidance of Madam Sonia Gandhi and Dr. Manmohan Singh. Thank you.

SHRI P. RAJEEVE (Kerala): Sir, I rise to oppose this Constitution Amendment Bill. What is the urgency of this Constitution Amendment? Actually, these cooperative societies come under the Entry 32 of the Seventh Schedule of the Constitution. Dr. Natchiappan spoke about the importance of the cooperative movement in freedom struggle.

But if it had taken the real concept of the co-operative societies which prevailed at the time of the freedom struggle, then, the Government should not have come with this Constitutional Amendment. Actually, the concept envisaged by Mahatma Gandhi was decentralization, and the co-operative societies were incorporated according to the prevailing objective realities in States, especially, in villages. But the Central Government is trying to encroach upon the right of the State Governments, and this is the phenomenon which we have seen in the Universities Bill and the Educational Tribunal Bill. In a similar way, the Government is trying to encroach upon the right of the State Governments to make legislation with regard to co-operative societies. This is an attack on the federal concept of the Constitution.

Sir, while going through the Constituent Assembly debates, we can see the importance of Entry 32 of the Constitution, which clearly states that the co-operative societies are being incorporated according to the objective realities prevailing in the States, and State legislations are competent to understand these social and economic realities. Now, the Central Government has come with the Constitutional Amendment Bill. It is true that it is not applicable to all the States. This has, specifically, been mentioned. But, *de facto*, it is trying to supersede the right of the State Governments; it is trying to supersede the State legislations. This Constitutional Amendment, I think,

would open the door for the Central Government to intervene in the functions and the regulation of the co-operative societies. So, Sir, I oppose this Amendment Bill.

Sir, we have a specific mechanism, in the democratic system, to incorporate the views of civil societies and experts in the specific fields. One of the main instruments is the Standing Committees. And, the Standing Committee on Agriculture heard the opinion of the experts, civil societies and representatives of the co-operative societies, and after hearing the views of all the stakeholders, the Committee submitted its recommendations. Now, the recommendations of the Standing Committee go against the Constitutional Amendment Bill. The Committee has clearly stated, and I quote: "The Committee is of the opinion that the proposed provision of the Bill should not be included in the Constitution. It can be included as a separate schedule under article 19 (1) (c)." It further states, "A new provision should be added to article 19 to form and run co-operatives based on the principle of voluntary formation, democratic member control, member economic participation and autonomous functioning." This is the recommendation of the Standing Committee. So, it recommends that the State shall endeavour to promote voluntary formation. Hence this Bill is a direct attack on the Directive Principles of State Policy. The Committee, in its 12th Report, on the Constitution (One Hundred and Eleventh Amendment) Bill has clearly stated that this is not in the right direction. There is a provision which states, "Provided also that in case of a co-operative society, carrying on the business of banking, the provisions of the Banking Regulation Act, 1949, shall also apply." Now, it is in connection with the supersession and suspension of the Board and interim management. But this provision would open a new door because if this provision, that is, the Banking Regulation Act, 1949, will apply to the co-operative societies, then, what will be the future of the co-operative societies? Co-operative societies have contributed significantly to the national economy by playing a significant role in the agrarian sector, and it has been of great help to the farmers and other agricultural workers.

The cooperative societies carrying on the banking business are not being run for profit alone. They are doing service to the society. Now, if we apply the Banking Regulation Act, 1949, to them, what would be the interest rate? It is true that now it is being made applicable only to the suspension and supersession of the Board and the interim management. But now we have opened a door with this constitutional amendment. The cooperative societies are providing soft loans to farmers at the

time of harvest at a minimal rate of interest. If the interest rate of the RBI is applied to the cooperative societies, what would be the future of the cooperative societies? Sir, this Bill would act as a mechanism to hamper the functioning of the cooperative societies. Hence, I oppose this Bill.

Again, Sir, the cooperative societies are doing very well. In Kerala, they are involved in the Public Distribution System also. There are consumer fairs. The cooperative societies conduct fairs during festivals like Onam, Chirstmas, Bakrid, etc. and in all seasons they are carrying out distribution. What is the role of the Central Government in this? Are they ready to give assistance to the cooperative societies? They are not ready to provide any kind of assistance to the cooperative societies but they are now trying to do away with the cooperative societies with this amendment. This amendment has already been passed in the Lok Sabha, but I had thought of raising an objection on the grounds of conflict of interest with the Minister because he has some connection with the cooperative societies. I don't know what the actual position is, but this Constitution Amendment Bill will act as the killer of the cooperative societies movement in our country. Hence, I oppose this Constitution Amendment Bill in its present form.

**प्रो. एस. पी. सिंह बघेल** (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मैं इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ, लेकिन कुछ सुझावों के साथ। चूंकि यह संविधान संशोधन है और संविधान की मूल आत्मा से बहुत ज्यादा छेड़छाड़ नहीं होनी चाहिए। बाबा साहेब भीमराव अम्बेडकर जी ने संविधान की रचना करते समय यह उम्मीद जताई थी कि भविष्य में जब भी इस संशोधन लाए जाएं, तो उस समय इसमें संशोधन की मूल आत्मा बरकरार रहनी चाहिए। यह एक बहुत महत्वपूर्ण विधयेक है। As it is जैसा आप ला रहे हैं, मैं और मेरी बहुजन समाज पार्टी इसका समर्थन नहीं कर पाएगी। यह सहकारिता बहुत वृहद विषय है। जवाहर लाल जी ने को-ऑपरेटिव फारमिंग की बात की थी, लेकिन चौधरी चरण सिंह जी किसान की आत्मा को ज्यादा जानते थे। वे स्वयं किसान थे इसलिए खेत, खलिहान, गांव व पगडंडियों से अच्छी तरह परिचित थे। नेहरू जी की कई पीढ़ियों में भी कोई किसान नहीं था और न ही अब कोई किसान है तथा आगे भी कभी नहीं होगा। जिसके पैरों में बिवाई नहीं फटी है, वह इसके दर्द को कैसे महसूस कर सकता है। मुंशी प्रेमचंद की *पूस की रात* कहानी को डलप पिलो पर सोने वाले और ए.सी. में रहने वाले लोग उसको याद कर सकते हैं, कंठस्थ कर सकते हैं तथा परीक्षा में 90 परसेंट नम्बर ला सकते हैं, लेकिन उसके दर्द को, उसके दर्द को वही समझेगा जिसने एक पिछौरा में पूस की रात काटी हो। चौधरी चरण सिंह जी ने को-ऑपरेटिव फारमिंग की खिलाफत की थी। मुझे लगता है कि मेरे जन्म के समय की बात है और वहीं से चौधरी चरण सिंह जी कांग्रेस के खिलाफ हुए थे और तभी से उत्तर प्रदेश में किसान राजनीति का एक नया अध्याय शुरू हुआ था।

कहने का अर्थ यह है, उन्होंने यह कहा था कि को-ऑपरेटिव फार्मिंग तब हो सकती है, को-ऑपरेटिव संस्थाएं, सहकारिता आंदोलन तब मजबूत हो सकता है, जब समाज भी वर्गविहीन, जातविहीन और धर्मविहीन हो। जहां क्षेत्रवाद न हो, जातवाद न हो, धर्मवाद न हो, सांप्रदायिक कट्टरता न हो, वहां को-ऑपरेटिव मूवमेंट सफल होगा। को-ऑपरेटिव आंदोलन क्या है? यह एक सामूहिक आंदोलन है। मैं पवार साहब के सामने इसलिए ज्यादा नहीं बोल सकता, क्योंकि आपकी राजनीति को-ऑपरेटिव मूवमेंट से शुरू हुई है, आप सहकारिता आंदोलन से जुड़े हुए हैं, लेकिन सवाल इस बात का है कि क्या आपने नये को-ऑपरेटर्स के बारे में सोचा है? जो को-ऑपरेटिव मूवमेंट की ए, बी, सी, डी तक नहीं जानते, बल्कि मैं तो कहूंगा कि वे सभी किसी सोसायटी के दो रुपये के भी मैम्बर नहीं रहे, लेकिन जब उनकी सरकार आ जाता है तो वे रातों-रात सीधे-सीधे इफको, कृभको के चेयरमैन हो जाते हैं। वे दो महीने पहले ही, पहली बार किसी को-ऑपरेटिव सोसायटी के सदस्य बने हैं, लेकिन जैसे ही पता चला कि दो महीने बाद सहकारी संस्था के चेयरमैन का चुनाव होना है, वे सरकारी तंत्र का सदुपयोग, दुरुपयोग करते हुए, तानाशाही तरीके से, जबकि को-ऑपरेटिव सिस्टम में तानाशाही का दूर-दूर तक कोई स्थान नहीं है, वहां तक पहुंच जाते हैं। मैं इस सदन में किसी का नाम नहीं लेना चाहूंगा, आप उनसे परिचित हैं, खास तौर से मेरे राज्य, उत्तर प्रदेश में किन लोगों का को-ऑपरेटिव सोसायटीज, कृभको इत्यादि पर कब्जा है, सभी जानते हैं। आप जानते हैं कि उनकी ए, बी, सी, डी कभी भी सहकारिता आंदोलन से नहीं रही, उन्होंने जिंदगी में इस मूवमेंट को नहीं देखा, बल्कि उन्होंने केवल जात की राजनीति की है, इसके बावजूद भी को-ऑपरेटिव सोसायटी पर उनका कब्जा हो गया है। मैं आपको बताना चाहूंगा गुजरात में को-ऑपरेटिव मूवमेंट से किसान बहुत मजबूत हुआ है, महाराष्ट्र में बहुत मजबूत हुआ है। मुझे जानकर अचंभा हो रहा है, यह आश्चर्यजनक है किंतु सत्य है कि महाराष्ट्र में को-ऑपरेटिव की शुगर मिलें चल रही हैं, जो वर्षों से चल रही हैं, लेकिन कुछ राज्यों में को-ऑपरेटिव मूवमेंट को तानाशाही तरीके से तोड़ा गया है। उत्तर प्रदेश राज्य में सरकारी तंत्र का दुरुपयोग करके को-ऑपरेटिव मूवमेंट को तोड़ा गया है, कोई सोसायटी फायदे में ही नहीं है, तनखाहें नहीं निकल पा रही हैं, को-ऑपरेटिव की जो कताई मिलें उत्तर प्रदेश में होती थीं, आज उनकी क्या स्थिति है? को-ऑपरेटिव के जो कोल्ड स्टोरेज होते थे, जिन्हें शीत गृह कहते हैं, वे बंद हैं, शुगर मिलें बंद हैं। को-ऑपरेटिव बैंक्स में जिस प्रकार से भ्रष्टाचार हुआ है, वह बहुत गंभीर है। को-ऑपरेटिव बैंक्स अपनी साख खो चुके हैं। जब साख नहीं होगी, तो बिना साख के कोई काम नहीं हो सकता है। राजनीति में भी अगर साख नहीं है, तो कोई पूछने वाला नहीं है। मैं आगरा से आता हूं, लोग कहते हैं कि पेठा ले आना, मैं कहता हूं कि अच्छा साहब, ले आऊंगा, वे फिर कहते हैं कि भई, पंछी का लाना। पंछी का पेठा क्यों? क्योंकि, उसने अपनी साख बना रखी है, इसलिए हमें भी अपने को-ऑपरेटिव बैंक्स की साख को मजबूत करना पड़ेगा। अभी भी बहुराष्ट्रीय कम्पनियों के बैंक गांव तक नहीं पहुंचे हैं, वहां पर को-ऑपरेटिव बैंक्स अवश्य थे, जो छोटे-छोटे कमरों में थे, लेकिन अब किसान का उन पर ऐतबार नहीं रहा। मैं आज भी कहता हूं कि गांव को मजबूत कीजिए, को-ऑपरेटिव मूवमेंट को मजबूत कीजिए, गांव के बिना शहर कभी खुशहाल नहीं हो सकता है, शहर के बिना गांव फिर भी खुशहाल हो सकता है, लेकिन शहर, खुशहाल नहीं हो सकता है। जिस साल अच्छी फसलें होती

1.00 P.M.

हैं और उनका अच्छा वाजिब मूल्य मिलता है, गांव का किसान उसी साल कस्बे में जाता है, लोहा खरीदता है, ईंट खरीदता है। जब किसान मजबूत होता है, तो कोशिश करता है कि उसी साल अपनी लड़की की शादी भी निपटा दे, अगली बार पता नहीं क्या होगा। अगर आप किसान को को-ऑपरेटिव मूवमेंट से मजबूत नहीं करेंगे, गांव को मजबूत नहीं करेंगे, अगर गांव कमजोर हो गया, किसान कमजोर हो गया, तो कस्बों में कपड़े की दुकानों पर रखे हुए थान गंदे हो जाएंगे, उनको कोई खरीदने वाला नहीं होगा।

सहकारिता के माध्यम से हम बेरोजगार नौजवानों को बहुत मजबूत कर सकते हैं। आप वहां जाकर उनको थोड़ा सिस्टम भी बताइएगा। जो को-ऑपरेटिव से जुड़े हुए लोग हैं, जैसे एडीओ, पंचायत को-ऑपरेटिव के लोग, अभी ये नौजवानों को ट्रेनिंग ही नहीं दे रहे हैं कि को-ऑपरेटिव सोसायटी कैसे बनती है। आप यह संविधान संशोधन तो कर लेंगे, लेकिन क्या गांवों तक यह बात पहुंच पाएगी कि कोई संविधान संशोधन हो गया है, इसमें किस प्रकार से मैम्बर बना जाता है, किस प्रकार से डेलिगेट्स बनते हैं, किस प्रकार से वे अपने चेयरमैन का चुनाव करते हैं? ...**(समय की घंटी)**...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** प्लीज़ conclude कीजिए।

**प्रो. एस.पी. सिंह बघेल:** मैं conclude कर रहा हूं। मेरा एक सुझाव है कि आप इसका चुनाव सीधे मैम्बर्स से क्यों नहीं कराते हैं, जैसे जनता के द्वारा सांसद चुने जाते हैं। जब भी मेयर अप्रत्यक्ष चुना जाता है, वहां भ्रष्टाचार आ सकता है। आप इसे डेलिगेट्स के माध्यम से कराते हैं। आपसे ज्यादा कौन जानता होगा कि जब मैम्बर्स बन जाते हैं और डेलिगेट्स के द्वारा चुनाव होते हैं, तो डेलिगेट्स को बाहर ले जाते हैं, उनको होटलों में ठहराते हैं, उनको गोवा घुमाते हैं, उनको खजुराहो ले जाते हैं और आखिरी दिन लाकर चुनाव कराते हैं। अगर यह सब नहीं होता है, तो डेलिगेट्स को क्यों उठाया जाता है? कृषि मंत्री जी, आप कुछ ऐसी व्यवस्था जरूर करें कि पूरे राज्य में जो मैम्बर्स हैं, वे सीधे-सीधे अपने अध्यक्ष का चुनाव कर सकें, क्योंकि लाखों मैम्बर्स को नहीं उठाया जा सकता है, न उनको लाभान्वित किया जा सकता है, न उनको प्रलोभित किया जा सकता है। लेकिन इनडायरेक्ट चुनाव ठीक नहीं है। जो को-ऑपरेटिव सोसायटीज़ घाटे में हैं, आप उनको भी ठीक करिएगा। आपके पास कृषि विभाग भी है और खाद्य की भी थोड़ी-बहुत जिम्मेदारी है। मेरे कहने का मतलब है कि खाद्य प्रसंस्करण के मामले में, preservation के मामले में को-ऑपरेटिव सोसायटीज़ के द्वारा बहुत कुछ किया जा सकता है। दुग्ध क्रांति आपका इंतजार कर रही है। ...**(समय की घंटी)**... हरित क्रांति हो गई है। मैं निश्चित तौर पर यह कह सकता हूं कि किसान की parallel economy दूध है।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** बघेल जी, आप समाप्त कीजिए।

**प्रो. एस.पी. सिंह बघेल:** श्वेत क्रांति हो गई है। अभी आखिरी गरीब आदमी के दरवाजे पर भेंस बांधनी है न!

हो तो गई है। मैं बार-बार कहता हूँ कि भेड़ें गायब हो गई हैं, बकरी पालन गायब हो गया है, कहीं भेड़ें दिखाई नहीं पड़ रही हैं।...(समय की घंटी)... सर, मैं दो मिनट में खत्म कर रहा हूँ।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप समाप्त कीजिए, 10 मिनट हो गए।

**प्रो. एस.पी. सिंह बघेल:** चारागाह खत्म हो रहे हैं, पशुपालन खत्म हो रहा है। मैं अभी भी कहता हूँ कि दस बीघे का किसान उतना मजबूत नहीं है, जितना कोई छह भैंस रख कर है। अगर आप किसी गरीब विधवा को को-ऑपरेटिव के माध्यम से, सोसायटीज के माध्यम से दो भैंसे दे दें, तो वह एक भैंस का दूध बेच कर उससे चारा खरीद कर और दूसरी भैंस के दूध से अपना पालन कर सकती है। यह parallel economy, समानांतर आर्थिक व्यवस्था करनी पड़ेगी और इसको मजबूत करना पड़ेगा। भेड़ पालन, कुक्कुट पालन, मछली पालन, पशुपालन, मुर्गी पालन ...**(समय की घंटी)**... इस सोसायटी के माध्यम से करना पड़ेगा।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप conclude कीजिए।

**प्रो. एस.पी. सिंह बघेल:** आप इसमें एक और मैम्बर लाए हैं, जो एससी/एसटी का है और महिला भी है। आजकल आप तो मुस्लिम के बारे में विशेषज्ञ हो रहे हैं। हम मांग कर रहे हैं कि माइनोंरिटी और बैकवर्ड के एक व्यक्ति को भी कहीं-न-कहीं शामिल कीजिए, क्योंकि पिछड़े वर्ग की आबादी 65 प्रतिशत है। उन्हें आप बाईं तरफ का शून्य न समझिएगा कि उनसे कोई फर्क ही नहीं पड़ता है। एक शेर है:-

बाईं जानिब का सिफर हूँ, मेरी हस्ती क्या है

चाहो तो घटा लो या जोड़ लो मुझको

बैकवर्ड क्लास को आप बाईं तरफ का शून्य मानते जा रहे हैं, लेकिन बात ऐसी नहीं है, वे दाईं तरफ का शून्य हैं और संख्या को दस गुना कर सकते हैं। इसलिए हमारा अनुरोध है कि पिछड़े हुए वर्ग को, जिनकी आबादी इस देश में 65 फीसदी है ...**(समय की घंटी)**... उनको भी को-ऑपरेटिव मूवमेंट से जोड़िए।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** अब हो गया ...**(व्यवधान)**...

**प्रो. एस.पी. सिंह बघेल:** ओबीसी के बारे में आप क्यों नहीं सोच रहे हैं ...**(व्यवधान)**... ओबीसी के बारे में आप सोच ही नहीं रहे हैं। इतनी बड़ी आबादी को आप निग्लेक्ट कर रहे हैं, वह भी कोऑपरेटिव मूवमेंट से ...**(व्यवधान)**...

**एक माननीय सदस्य:** ये उन्हें भेड़ समझते हैं।

**प्रो. एस.पी. सिंह बघेल:** हमारी जाति का जो काम है, भेड़ पालन, उसका जिक्र मेरे एक मित्र बार-बार कर रहे हैं, लेकिन आज चारागाह नहीं हैं ...**(समय की घंटी)**...

अंत में इस समर्थन के साथ कि बाबा साहेब द्वारा लिखित संविधान की मूल आत्मा को कष्ट न पहुंचे और उनका जो उद्देश्य था कि वंचित, दबे, कुचले, पिछड़े, शोषित समाज को ऊंचा उठाया जाए, आप उन्हें कोऑपरेटिव मूवमेंट से जोड़िए।

एक लाइन और कह कर मैं अपनी बात समाप्त कर रहा हूँ। जैसे एजुकेशन माफिया होते हैं, वोट माफिया होते हैं या स्मगलिंग माफिया होते हैं, माफ करना, कोऑपरेटिव के भी माफिया हैं। कोऑपरेटिव के माफिया पूरे राज्य में चार-पांच परिवार होते हैं लेकिन पूरे कोऑपरेटिव पर उनका कब्जा होता है, जिसका सदुपयोग-दुरुपयोग वे इलेक्शन में, राजनीति में करते हैं। इसलिए पारदर्शिता भी रहनी चाहिए, एकाउंटेबिलिटी भी रहनी चाहिए ... (समय की घंटी)... इतनी बात कह कर मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we will adjourn for lunch for one hour.

The House is adjourned for one hour.

The House then adjourned for lunch at six minutes past one of the clock

The House re-assembled after lunch at six minutes past two of the clock.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) : Now, let us continue with the The Constitution (One Hundred and Eleventh Amendment) Bill, 2009. Prof. Anil Kumar Sahani.

**प्रो. अनिल कुमार साहनी** (बिहार): आदरणीय उपसभाध्यक्ष महोदय, सहकारी सोसायटी से संबंधित संविधान (संशोधन) विधेयक पर बोलने के लिए आपने मुझे जो समय दिया है, उसके लिए मैं आभार व्यक्त करता हूँ।

महोदय, मैं कुछ ऐसे मुद्दों पर अपनी बात उठाना चाहता हूँ जिनके कारण आज तक सहकारी सोसायटी गरीबों तक नहीं पहुंच पाई। आखिर गरीबों तक यह क्यों नहीं पहुंच पाई? आज देश को आज़ाद हुए 65 वर्ष हो गए, मगर इसमें कुछ खामियां हैं, जिनके कारण आज यह गरीबों तक नहीं पहुंच पाई। सहयोग समिति चलाने की जो बात है, वह कहां तक पहुंच पा रही है? इस पर अभी हमारे माननीय सदस्यगण जो बोल रहे थे, उनसे मैं सहमत हूँ। इसके साथ ही मैं यह पूछना चाहता हूँ कि सरकारी आंदोलन को अग्रणी आन्दोलन बनाने या उसे जमीन पर उतारने के लिए क्या कार्रवाई की गई? हमारे बी.एस.पी. के एक माननीय सदस्य बोल रहे थे कि कोऑपरेटिव सोसायटी माफिया है, वहां माफियागिरी चलती है, इसमें हर चीज हो रही है, मगर आज तक जो होता आ रहा है, वह यह कि कोऑपरेटिव सोसायटी पॉकेट में चलती है। झोले में उसका कागज और पॉकेट में समिति रहती है। आज तक इस पर किसी प्रकार की कोई कार्रवाई नहीं की गई। खासकर इसे पूरे देश के संदर्भ में देखा जाए, क्योंकि देश के स्तर पर सोसायटी ला रहे हैं, सोसायटी के लिए संशोधन का प्रस्ताव ला रहे हैं, जबकि यह राज्यों का मामला है। यह राज्यों में होना चाहिए था, क्योंकि वहां की सामाजिक, आर्थिक, राजनीतिक तथा जातीय व्यवस्था क्या है, इसको

राज्य अच्छी तरह से जानते हैं और राज्यों को इस पर छूट देनी चाहिए थी। यह राज्यों का मामला है, लेकिन फिर भी जब अपने देश में कोऑपरेटिव सोसायटी पर संशोधन के लिए जो प्रस्ताव लाए हैं, उस पर कुछ विभिन्न विचार यहां पर हैं, जिन पर भी आपको विचार करना चाहिए।

सर, अभी मैंने कहा कि पॉकेट में सोसायटी चलती है और सोसायटी के माध्यम से बहुत सारे घोटाले इस देश में हुए हैं। उसका एक आम सदस्य बनने के लिए किसी गरीब के पैरों के चप्पल घिस जाते हैं, मगर उसको उसका सदस्य नहीं बनाया जाता है। आपने कहा कि प्रबंधकारिणी समिति में 21 सदस्य रहने चाहिए, लेकिन उसके आम सदस्य कितने होने चाहिए और उसका आम सदस्य बनने के लिए क्या प्रक्रिया होनी चाहिए? किसी भी सोसायटी में चाहे वह किसी भी प्रकार की सोसायटी हो, उसमें आम सदस्य बनने के लिए जो प्रक्रिया है, वह भी बहुत जटिल है। आप कहीं पर कहते हैं कि 11 रुपए या 21 रुपए देकर इसका आम सदस्य बना जा सकता है। मगर 21 रुपए और 11 रुपए देने के बाद भी इसका आम सदस्य बनने के लिए गरीबों के पैर की चप्पल घिस जाती है। इसमें इसका भी उल्लेख होना चाहिए कि आम सदस्यों की संख्या कितनी हो और आम सदस्य बनने की प्रक्रिया भी सरल होनी चाहिए। बिहार के मुख्य मंत्री नीतीश कुमार जी ने यहां पर सोसाइटी से संबंधित कुछ काम किए हैं, मैं उनका यहां पर उल्लेख करना चाहता हूँ। उन्होंने पूरे देश से भ्रष्टाचार को मिटाने का संकल्प लिया है। जब उन्होंने देखा कि सोसाइटी में बहुत भ्रष्टाचार हो रहा है और इसमें पारदर्शिता नहीं है, तो उन्होंने यहां पर रजिस्ट्रार को सोसाइटी के चुनाव से हटा दिया। रजिस्ट्रार को सिर्फ यह काम दिया गया कि वह यह देखे कि सहकारिता का विकास कैसे होगा और इसका लाभ गरीबों तक कैसे पहुंचेगा। चुनाव के काम से रजिस्ट्रार को हटा दिया गया। उन्होंने चुनाव के लिए राज्य सरकार निर्वाचन प्राधिकरण का गठन किया, जिसके माध्यम से, चाहे पैक्स का चुनाव हो, चाहे मत्स्यजीवी सहयोग समिति का चुनाव हो, चाहे गृह निर्माण समिति का चुनाव हो, चाहे कुक्कुट पालन समिति का चुनाव हो, चाहे शीत गृह सहयोग समिति का चुनाव हो, ये सारे चुनाव कराए जा रहे हैं।

आपने इसमें रजिस्ट्रार के द्वारा चुनाव कराने का प्रस्ताव लाया है, इस संबंध में मेरा कहना था कि इसके लिए एक स्वतंत्र कमेटी का गठन कीजिए, जो सभी सोसाइटियों का चुनाव कराए। जिस प्रकार से बिहार में इस तरह के चुनाव के लिए एक प्राधिकरण का गठन किया गया है, उसी तरह से पूरे देश में सभी समितियों के चुनाव कराने के लिए एक स्वतंत्र कमेटी का गठन कीजिए। जिस प्रकार से चुनाव आयोग है, उसी तरह को एक स्वतंत्र कमेटी बनाइए। **...(समय की घंटी)...** सर, इसमें बहुत बड़ा घोटाला हो रहा है। इसमें पिछड़ा वर्ग का नाम नहीं है, इसमें अति पिछड़ा वर्ग का नाम नहीं है, इसमें अक्लियत का नाम नहीं है। इसमें किन लोगों का नाम दिया गया है? क्या इस देश में पिछड़ा वर्ग नहीं है? प्रबंधकारिणी समिति में जो सदस्य बनाए गए हैं, उनमें पिछड़ा वर्ग को आरक्षण नहीं दिया गया है तथा अनुसूचित जाति और अनुसूचित जनजाति को अनुसूचित जाति या अनुसूचित जनजाति किया गया है। आप पिछड़ा वर्ग को आरक्षण देने के लिए क्या कर रहे हैं? सर, मैं आपके माध्यम से माननीय मंत्री महोदय

से यह जानना चाहता हूँ। आज पूरा देश देख रहा है। जब आप हर स्तर पर अन्य पिछड़ा वर्ग को आरक्षण दे रहे हैं, तब इस कोऑपरेटिव सोसाइटी में इस वर्ग को आरक्षण देने की व्यवस्था क्यों नहीं कर रहे हैं?

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude

**प्रो. अनिल कुमार साहनी:** सर, मैं ज्यादा समय नहीं लूंगा, बल्कि दो मिनट में मैं अपनी बात समाप्त कर रहा हूँ। सर, यह बहुत प्रमुख मुद्दा है, क्योंकि इसको पॉकेट में रख कर सरकारी माल का घोटाला होता है। इसमें घोटाले पर घोटाला होता जा रहा है, लेकिन इस पर किसी का ध्यान नहीं है और जब नियम बनाने की बात आती है, तब हम लोगों को चार मिनट का ही समय मिलता है। जो काम करने वाला है, जो बोलने वाला है, जो गरीब-गुरबा की बात को उठाने वाला है, \*। कोऑपरेटिव के माध्यम से और सोसाइटी के माध्यम से जो लूट हो रही है ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Prof. Sahani, don't make indirect insinuation against the Chair. We go by the Party. ...**(Interruptions)**...

**प्रो. अनिल कुमार साहनी:** नहीं सर, मैं उसी बात पर बोल रहा हूँ। ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no. I take strong exception to such comments ...**(Interruptions)**...

**प्रो. अनिल कुमार साहनी:** कोऑपरेटिव सोसाइटी में पिछड़ा वर्ग को आरक्षण क्यों नहीं दिया गया? ...**(व्यवधान)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Prof. Sahani, your Party's time was four minutes and you have taken six minutes. I remove your indirect insinuation. Don't make such comments against the Chair. Every Party is given time according to their number. ...**(Interruptions)**...

**प्रो. अनिल कुमार साहनी:** सर, मैं एक और सुझाव देना चाहता हूँ।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You conclude now.

**प्रो. अनिल कुमार साहनी:** सर, मैं एक मिनट में अपनी बात समाप्त कर रहा हूँ। इसमें पिछड़ा वर्ग, अनुसूचित जाति, अनुसूचित जनजाति और अक्लियत के लोगों को भी जगह दीजिए, ताकि इसमें समानता रहे। ...**(समय की घंटी)**...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude now.

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\*Expunged as ordered by the Chair.

**प्रो. अनिल कुमार साहनी:** इसमें आम सदस्य बनने की प्रक्रिया को सरल कीजिए, ताकि गरीब-गुरबा को इसका सदस्य बनने में कोई कठिनाई न हो। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ। जय हिन्द, जय भारत।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, Dr. Janardhan Waghmare. Each Party should take the time allotted to it. Dr. Waghmare, you have five minutes.

DR. JANARDHAN WAGHMARE (Maharashtra): Sir, let me congratulate the hon. Minister, Shri Sharad Pawar, for bringing this Amendment Bill. Sir, as you know, the cooperative movement was born in England, in industrialisation, to help the poor people there. It came to India in the first decade of the 20th Century, again, to help the small farmers who are under the weight of debt. This movement has played a great role in the development of our economy. Sir, cooperative movement is an alternative to capitalist economy as well as socialist economy.

It is very important, and this being a poor man's economy, it can be very, very useful in creating 'inclusive society' about which we have been talking for a very long time. Sir, this has played a great role in Maharashtra, at least. It has brought revolutionary changes in the economy. In the milk sector, in sugar industry and various other walks of life also, cooperative societies have played a great role. Therefore, it has to be revived. It has to be given more strength, and we should see that it really helps the poor people in the world.

Sir, as you know, globalization has threatened the very existence of cooperative movement. So, we will have to find out ways and means to strengthen this movement in the face of the pressures of global economy. Otherwise, it will crumble down. So, this is a great challenge. Cooperative movement can be helpful in industrializing the rural areas. In this age of privatization, nobody will invest money in the development of rural areas. It will be only through this movement that industrialization can take place in rural areas, in villages and all that. So, this is a very, very potential economy as far as that aspect is concerned.

As all of you are aware, 81 per cent farmers in this country have holdings of not more than two-and-a-half acres. It is not viable. Farmers cannot invest money in that. The productivity cannot be increased. Therefore, cooperative farming has to be introduced today or tomorrow, because, in future, the holding will again come down only to a few guntas. Banking sector has to be there. In

fact, land development cooperative banks have to be started. They have played some role and a very good role in Maharashtra. So, development of land is very, very vital for the existence of farmers and for the world. When you are going to bring the Food Security Bill, in that case, land should be developed, however meagre a holding it might be, and the cooperative movement can definitely play a very fine role in it. Cooperative movement suffers from two things. One is political interference, and the second is corruption.

So, I would request the hon. Minister to prepare a model Act on cooperatives, keeping these two things in mind how to save it and how to revive it, and, that, in fact, is very, very important. Sir, if we have the will, if we show the political will, we can create cooperative commonwealth in the entire country. That is why this should be used as a parallel economy. It should be strengthened. Much more investment is needed in the cooperative sector. So, this would help in the welfare of farmers, weaker sections and marginal groups of people.

With these words, I support the Bill wholeheartedly and I thank you, Sir, for having given me this opportunity.

SHRI PYARIMOHAN MOHAPATRA (Odisha): Sir, I rise to oppose the Bill and would request the entire House, the Council of States, to oppose the Bill which has been brought. Through this Bill, the powers of the States are being sought to be taken away, snatched away. What is the excuse? It has been given in the Statement of Objects and Reasons of this Bill. The excuse is that it is about multi-State cooperative societies. Now, you may enact a legislation for multi-State cooperative societies, we have no objection to that, but using multi-State cooperative societies like the proverbial camel that first gets its head inside and later the whole body, you want to get in totally! Every State has a cooperative law of its own and has its own circumstances. Most of the laws are similar, but there are plenty of differences. The hon. Minister should appreciate the fact that every State cooperative bank tries to ensure a certain interest rate that is viable for that State cooperative bank. For instance, in Odisha, we are giving agricultural loans through these cooperative banks at three per cent to all those who are not defaulters. Defaulters get it at five per cent. So, why should we get into the idea of having one single umbrella? I am opposing this Bill purely for the reason that it is an encroachment by the Centre into the authority of the State.

Sir, I also have another point of opposition to this Bill. The Constitution of India, a document that is now 61 years old, is being sought to be enlarged with a long-winded bill. They want to bring in

such a Bill for multi-State cooperative societies through a constitutional amendment because they do not have the powers. They want to have the powers of multi-State cooperative societies through an amendment bill. Why did they not make a request to the State Governments about this? More than half of the States would have agreed to the proposition because the States do not want to legislate for multi-State cooperatives. The Minister is a leader of great repute and strength. How are things in Maharashtra? Let us ask you this question, Mr. Minister. In Maharashtra, where you share power with the Congress, do you have a Bill which is better than what you are suggesting today? Why do you want to go into things like 'there would be auditors, chartered accountants', etc.? What happens to all the cooperatives auditors? There are thousands of cooperatives' auditors who are conducting both internal audits and, at the end of the year, annual audits. What will happen to them? It has not been thought of.

Then, you talk of Scheduled Castes or Scheduled Tribes. Now, the Scheduled Castes or Scheduled Tribes are not exchangeable communities like elephants and horse. They can not be exchanged. I am not supporting the Bill and I do not wish to go into the clauses but I am only pointing out how hurriedly a constitutional amendment Bill is being brought. Why such a hurry? Mr. Minister, you must be very much aware of corprating auditors all over the country. Suddenly you feel that they should not be employed on this and a band of auditors should be brought in after looking at their eligibility. What is this?

Then, you talk about 21 Directors; then, two more Directors can be taken; then, two Functional Directors would be there; two more could be co-opted. Now, your interest is that nothing should remain in supersession for more than six months and, in case of banking societies, not more than one year. You are sending guidelines, plenty of guidelines, to the States. Do sit with them in a conference, which you are always doing, and listen to them, and then, issue guidelines. ... (Time-bell rings)... What stops you from doing this? You are in charge of the Department. Please, do not have this Constitution Amendment. Kindly take it back. I would urge upon the hon. Minister with all earnestness, not to derigrate the Constitution by pushing this kind of a thing in the Constitution. The Constitution is a very sacred document. Please, don't push these things in. Please, take this back, give guidelines and don't encroach upon the powers of the States. Thank you.

SHRI D. BANDYOPADHYAY (West Bengal): Sir, I rise to support the Bill. I support it

wholeheartedly. Sir, the Preamble of the Constitution says, "Justice - social, economic and political." Part IXA of the Constitution, which brought in the Panchayat in 73rd and 74th Amendment, gave political and some social justice to the underdogs in the rural areas. But, economic justice eluded them. Then, article 39(c) says that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. But, unfortunately, Sir, since 1991, the new liberal economic policy has been going the other way round. In fact, there is more concentration of wealth and greater concentration of economic power in very few hands. Therefore, this Bill can give economic power to the powerless. Sir, the powerless rural people got some power through the Panchayats. The other leg is coming through the cooperatives. So, with these two legs, they will be able to walk fast, walk better and move towards a better future. With this hope, I am supporting this Bill. But, Sir, the Government is bringing three-layer changes in the Constitution. First, it has touched the Fundamental Right - Article 19 - which gives the right to form association. The right to form association should subsume the right to form cooperatives. But, since there might be any doubt, they have clarified it by putting the cooperative in the right to form association and union. Second, in the Directive Principles, which are not justiciable, but which the State is bound to take into account while framing all the policies, they have brought in the cooperative by putting in article 43(B), which states, "The State shall endeavour to promote voluntary formation of autonomous functioning, democratic control and professional management of the cooperative societies." Third layer of change is about the details. Here, to some extent, I support my friend, Shri Mohapatra, that it should not have gone into so much of details. Give a format and leave it to the States to do it. Basically, it is a State Subject except the multi-State cooperatives, for which you can have a complete law. But, it is a very old Act of 1942. So, you have a great experience. Sir, in 1908, Shri Rabindranath Tagore, in his own Zamindari, introduced cooperative society to a large extent. He went to the extent of having formed anti-malarial cooperative society to promote health and well-being of the tenants there. So, it is a very old system and many people of India have supported it. Therefore, Sir, it is an old system; it requires support. It is the Constitutional guarantee which gives them more support. It is a second step on which the poor can really walk and run. I would only say that you are having provisions for the Scheduled Castes, the Scheduled Tribes and all. It is a question of 'and all'; it should be 'and, or, in the Fifth Schedule areas, in all the districts, there should be Scheduled Tribes'.

In the non-scheduled areas, you can have the Scheduled Castes but don't make it 'and' / 'or'. My friend has used expressions like 'elephant' and 'horse', I am not going to such an extent, but they are two separate entities of mankind, which require separate representation to enhance their economic, political and social interests.

Sir, hon. Members have said that lot of corruption and manipulation takes place in the conduct of elections as well as running the system. I am not going into that. Sir, like other crimes, corruption is as old as the human civilization, and, therefore, it is continuing one way or the other. But my point is that such a huge organization cannot be supervised by the Registrar alone. Therefore, through you, Sir, I urge upon the Government to consider having a separate and independent Election Commission, as they have done in the case of Panchayats, to conduct elections, which should also hear appeals and look into the cases of malpractices in elections. That is very important. That way, it can remain autonomous and all that. ...(*Time-bell rings*)... Lastly, Sir, all said and done, properties are often occupied and usurped by different types of mafia. Please make sure that such intrusion of mafia does not take place. Thank you.

**श्री वीर पाल सिंह यादव** (उत्तर प्रदेश): उपसभाध्यक्ष जी, मैं संविधान (एक सौ ग्यारहवां संशोधन) विधेयक, 2009 के समर्थन में बोलने के लिए खड़ा हुआ हूँ। सहकारिता आंदोलन को इस संशोधन से बहुत लाभ होगा और इस आंदोलन में नयी जान आएगी। मैं खासकर गांव और गरीब की बात करना चाहता हूँ। जब सहकारिता आंदोलन शुरू हुआ था, उस समय गांव का गरीब किसान जमींदारों और सेठ-साहूकारों के चंगुल में था। जब खेत की बुवाई शुरू होती थी, तो वह डेढ़ गुना दाम पर गेहूं बोने के लिए लाता था। अगर जनवरी के महीने में वह 10 किलो गेहूं लाया, तो मार्च-अप्रैल में जब गेहूं कटता था, तब उसे 15 किलो गेहूं देना पड़ता था, यानी ड्योढ़ा चलता था, लेकिन गांवों में जब से ये सोसायटीज़ आईं, उन्होंने बीज देने शुरू किए, खाद देनी शुरू की, इससे उन साहूकारों से किसानों और गरीबों को काफी मुक्ति मिली। इस व्यवस्था में जो खामियां थीं, वे इस संशोधन से काफी हद तक दूर हो जाएंगी, लेकिन कुछ कमियां अभी भी रह गई हैं।

उपसभाध्यक्ष महोदय, अक्सर होता है कि पूरे देश में कहीं सहकारी समिति का कार्यकाल 3 वर्ष का होता है और कहीं 5 वर्ष का होता है। चूंकि संविधान में प्रावधान नहीं था, इसलिए सरकारें अपनी मर्जी से इनका कार्यकाल बदलती रहीं। पांच साल के बाद चुनाव हुआ, सरकार बदली, दूसरी सरकार ने इन सहकारी समितियों का कार्यकाल 3 वर्ष कर दिया। हमारे यहां उत्तर प्रदेश में जो गन्ना सोसायटीज़ हैं, पहले उनका चुनाव 5 वर्ष के लिए हुआ, सरकार ने उनका कार्यकाल 3 वर्ष कर दिया। जो उसके चेयरमैन थे, वे हाई कोर्ट में चले गए। तब से आज तक 6 साल हो गए हैं, लेकिन गन्ना सोसायटीज़ के चुनाव नहीं हो पाए हैं, क्योंकि अदालत ने रोक लगा दी है। इस

विधेयक से इस तरह की मनमानी बिल्कुल दुरुस्त हो जाएगी और पूरे देश में सहकारी समितियों का कार्यकाल एक जैसा हो जाएगा और इससे लोगों को काफी राहत मिलेगी।

महोदय, मैं मंत्री जी से दो-तीन निवेदन करना चाहता हूँ। एक तो इन सहकारी संस्थाओं पर जो रजिस्ट्रार बैठते हैं, ये सहकारी संस्थाएं उनकी बंधुआ हो जाती हैं। असल में जो आपका सचिव होता है, जिसे आपने सचिव या कोषाध्यक्ष लिखा है, तो सहकारी संस्था में आपकी सरकार की कितनी भी भागीदारी हो, सहकारी संस्थाओं के सचिवों का एक cadre बने, उनकी भर्ती हो, उनकी जिम्मेदारी हो और वह पद सरकारी होना चाहिए, यह नहीं कि उसके पास न योग्यता है, न ज्ञान है और उसको सचिव बना दिया। दूसरा, यह जो आपने आरक्षण किया है, इसमें भी आप विचार कर लें, अन्य पिछड़े वर्ग को आप लोग क्यों छोड़ देते हैं? उस वर्ग की हालत प्रदेशों में बहुत खराब है। अन्य पिछड़े वर्ग की एक महिला और एक पुरुष को आप इसमें जरूर आरक्षित कर दीजिए, यह मेरा आपसे एक निवेदन है।

तीसरा निवेदन है कि आपने इसमें 21 के अलावा दो सदस्यों के मनोनयन की बात की है, जो प्रबंधन के क्षेत्र में और वित्तीय क्षेत्र में अनुभव रखने वाले हों। अधिकतर सहकारी समितियां कृषि क्षेत्र में ...**(समय की घंटी)**... महोदय, यह बहुत महत्वपूर्ण बात है। आपने दो विशेषज्ञों की बात की है, तो इसमें "कृषि विशेषज्ञ" को भी आप जोड़ दें, क्योंकि खेती से संबंधित ये सोसायटियां ज्यादातर खेती में काम करती हैं, इसलिए "कृषि विशेषज्ञ" शब्द भी इसमें जुड़ जाना चाहिए। महोदय, क्योंकि घंटी बज गई है, सुझाव और भी हैं, मगर मैं मंत्री जी से निवेदन करता हूँ कि आज बड़ी-बड़ी सहकारी समितियां गन्ना मिलें चला रही हैं और सरकार जब चाहती है, सहकारी चीनी मिलों को नीलाम कर देती है, तो इस पर भी आपको कोई विधेयक लाना चाहिए कि सहकारी संस्था को सरकार चाहे भी तो खुर्द-बुर्द न कर सके, इस तरह का प्रबंध आप लोगों को करना चाहिए। इस बिल का समर्थन करते हुए मैं आपका बहुत-बहुत धन्यवाद करता हूँ।

SHRI M.P. ACHUTHAN (Kerala): Thank you, Mr. Vice-Chairman. Sir, the hon. Minister, while moving this Bill, has said that this Bill is to ensure democracy, autonomy and professional management of the cooperative societies. I appreciate the aims what he has stated. But, I am sure that the real aim of this Bill is not to ensure democracy and autonomy of the cooperative societies because it can be done through State Legislatures. For example, in Kerala, the Kerala Cooperative Act ensures many of the provisions that are there in this Bill. There is reservation for STs, for Women, provision regarding tenure of the cooperative societies, powers to supersede the societies and all that. If these provisions are not there in any State, the Union Government can give guidelines to implement it. For that, you need not encroach upon the rights of the States and bring a Constitutional Amendment Bill. So, I suspect the real aim is to encroach upon the genuine rights of the States. Making a uniform legislature for the cooperative movement in India itself is unrealistic in a country like

India where so much of diversity is there. The cooperative movement, in every State, has got its own specific features. You have to consider it; you have to protect it instead of giving uniformity for the cooperative movement in the name of multi-State cooperative societies. Hon. Minister himself has stated that there are 6.5 lakh cooperative societies in India.

How many multi-state cooperative societies are there? I think, hardly 100. For that, as proposed by Shri Mohapatra, you can bring another legislation. You need not bring such a constitutional amendment for that. The Minister, who is a seasoned politician, is not ready to consider the peculiarity of States. Take the example of the Vaidyanathan Commission Report. You mentioned about it. That Commission did not visit Kerala. Even without visiting a State like Kerala where cooperative movement is so powerful, widespread, and vibrant, that Commission made some recommendations and some of them are very adversely affecting the cooperative movement in Kerala.

Another aim, I think, is to bring even the primary cooperative societies in the ambit of the Banking Regulation Act 1949. What will be the effect in Kerala? The total deposit in the cooperative movements in Kerala is Rs.75,000 crore. Every year we have deposit mobilisation drive. We are collecting more than Rs.20,000 crore every year through these primary cooperative societies. Now all the cooperative societies are issuing cheques. They are lending to farmers. If the Banking Regulation Act is applied to these primary cooperative societies, then a certain amount, which is being collected through these cooperative societies, will have to be deposited with the RBI. The Central Government under the garb of this Act is indirectly seeking a way of resource mobilisation. It will adversely affect the financial viability of the primary cooperative societies.

Taking into consideration all these points, there is no necessity of bringing a constitutional amendment Bill for this. You can issue directives. That is enough. With these words, I oppose this Bill.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, I stand here to speak on the Constitution (One Hundred and Eleventh Amendment) Bill, 2009. The Bill was first introduced in the Lok Sabha on 30th November 2009. Then it was sent to the Department-related Parliamentary Standing Committee and now the Bill is here for our consideration.

Sir, the cooperative movement is not new to our country. The first cooperative institution of our

country was introduced by the British more than one hundred years ago in the year 1904. And before that, a cooperative movement-like concept was introduced by Mathuradas Ata in Barpeta Satra in Assam. Even before the introduction of cooperative movement by the British in our country, a cooperative movement-like concept was introduced in Assam by our forefathers. Although the British introduced the cooperative movement in 1904, frankly speaking, I don't know where it started in other parts of the country. In Assam, this movement was started 400 years ago.

Sir, the cooperative movement can play a very important role in our rural economy. A large section of our population lives in villages and more than 90 per cent of our village population is involved, directly or indirectly, in the cooperative movement. But, Sir, due to lack of autonomy, due to lack of funds, due to lack of initiative and large-scale corruption in the cooperative institutions in our country, the cooperative institutions were faced with serious problems.

Sir, in public distribution system in our country, particularly in Assam and the North-Eastern region, the cooperative institutions can play a very important role and it will help the poor people to get their foodgrains from cooperative institutions. But, due to lack of funds, these institutions are suffering very badly in our States and in our country. Although zamindari system was abolished in our country, but indirectly, the same zamindar took benefit in the name of cooperative movement. Only they took the benefit; poor people were not getting the benefit. In public distribution system, many cooperative societies, due to lack of funds, could not pick up their foodgrains from the Food Corporation godowns or Government godowns. Ultimately, some middlemen or some brokers, in the absence of zamindars, are coming forward. They give money to the cooperative society and in the name of cooperative society, they take the foodgrains from the Government stores and ultimately, they go in for monopoly in these things.

[MR. DEPUTY CHAIRMAN in the Chair]

Sir, although zamindari system is abolished in our country, but due to lack of funds, we are suffering. Sir, cooperative banks can play a very important role in our economy. But, Sir, very frankly speaking, no poor people, no BPL people, no middle class people are getting any benefit from these cooperative banks. Only wealthy people, by manipulating things in the banks, loot the money of the bank. In the name of poor people, they loot the money and many cooperative banks in our country

are facing serious problems. Most of the times, they have closed down their institution not due to the poor people, not due to the BPL people, but due to the wealthy people. So, Sir, the Government should take serious note of this.

Secondly, Sir, Government is going to pass this Amendment Bill. It is the encroachment on the Fundamental Right of the State. ...*(Time-bell rings)*... It is against the federal structure of the country. If the Government is thinking about the State cooperative banks, State cooperative banks can play a very important role in the economy. But, this belongs to the State polity.

MR. DEPUTY CHAIRMAN: Mr. Baishya, please conclude.

SHRI BIRENDRA PRASAD BAISHYA: Yes, Sir. If this Government is going to pass this Bill, what will happen to these banks? The Minister should clarify that. We are in favour of federalism. Don't encroach upon the federalism. But, I think, the Government should take serious note of this and try to amend the lacuna. Otherwise this cooperative movement cannot do anything in our country. The cooperative movement is very good. It is 100 years old in our country. But, due to lack of autonomy, it is suffering. Autonomy is a serious problem. Many times, most of the cooperative institutions are either taken over by the Government or by the Government agent. ...*(Time-bell rings)*...

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI BIRENDRA PRASAD BAISHYA: Sir, please give me 30 seconds. Sir, the Government should take serious note of this. Otherwise, cooperative movement cannot be successful in our country. Thank you.

DR. PRABHAKAR KORE (Karnataka): Mr. Deputy Chairman, Sir, I welcome this Bill because I come from cooperative movement. In fact, whatever Bill the hon. Minister is proposing, whether it is only for multi-State cooperative or it is coming to the State also. Then, regarding reservation. In some of the cooperative institutions like sugar factory, the members are growers only. Grower means, he must have his farm, he must have his land. Suppose he is not growing then, he cannot become a member. In that case, what this Act is going to do? Similarly, I support my colleague, Shri Apte. The sugar cooperative movement started before independence. It is pre-independence movement. The first society was established 125 years ago. In Karnataka, there is district called

Gadag. One Siddanagouda Patil, who was just a shepherd, was the first man to establish farmers' cooperative society. Most of the cooperative institutions, banks and sugar factories are covered under taxation which is our aim and objective. But the farmers are out of it. There is a Tractor Owners Cooperative Society in Karnataka. The tractor owner is always a male and he must have farm land. A lady can't become a director in that institution. These are the two or three points on which I want clarification. Thank you.

SHRI JESUDASU SEELAM: Sir, I just would like to congratulate the hon. Minister for bringing in this very good and important piece of legislation to reform a vital sector, the cooperative sector. It is also the international year of cooperative movement. This is really a good piece of legislation with regard to this important sector. As you are aware, Sir, and I agree with Mr. Prabhakar Kore, I have seen it with my own eyes in Karnataka that how Mr. Patil revolutionised this movement. Today, 50 per cent of sugar production and sugar-related activities are through the cooperatives in India. Almost 32 per cent of the agricultural credit flows through the cooperative societies in India. It is a very vital sector. Thirty-eight per cent of fertilizer production and distribution is through the cooperatives. We have seen the milk production revolution and how Anand Milk Cooperative Society and others have developed. Really more than Rs.2,00,000 crores is being distributed through the cooperatives to the unorganised sector.

I would like to make a comparison between the corporate sector and the cooperative sector. We have seen that how the corporate sector in India is being provided with facilities for growth. There is a difference between the corporate sector and the cooperative sector. So many reforms have been brought in the last few years in the corporate sector in India to facilitate its growth. I think this piece of legislation is very important for providing dynamism to the growth of the cooperative sector in India. The cooperative sector, in contrast to the corporate sector, work tirelessly and does a good lot of service. It doesn't have any profit motive. It is service oriented. Basically, this Bill is brought in to provide for facilitation.

My colleague, Mr. Pyarimohan Mohapatra, said that it was harmful to the federal structure. But, I am sure, as the hon. Minister has mentioned, a lot of deliberations, both at the official level and at the Ministerial level, had taken place. A detailed exercise was done. There are three intentions. We are making a fundamental right. We are amending article 19. We are also making an additional article, 43B, which says that the State shall endeavour to promote voluntary formation, autonomous

functioning, democratic control and professional management of cooperative societies. What is the need? As some of the speakers have mentioned, there are some unhealthy practices. For instance, reduction in the elected representative's tenure in the sugar cooperatives. We have seen such things in ginning cooperative societies, especially, in South India. What is happening in the sugar cooperatives is that they take soft loans from Government and the banks and they don't pay. They become insolvent. The Chairperson of the same cooperative buys it in auction. A lot of mischief is happening.

Some amount of financial discipline has to be brought in. This is aimed at bringing some structural reforms, systemic improvement in the functioning, democratic management and also participation. I am very happy that the Minister has brought in participation. Hitherto, the management is basically of middle class and lower middle class people. You look at the cooperative sector, there is very little or nil representation of the relatively low socio-economic background. I think this Bill ensures participation of women and disadvantaged sections. I would have been happy if the OBCs and the relatively disadvantaged minority communities were there. Normally, you find in a State, you have 200 Directors and then the Chairperson is from the dominant class. We don't mind it. But social composition has to be represented not only in the Board of Directors, but also in the regular management. Sir, introduction of regular audit is also a very important point. Democratic management, financial regulation and allowing social composition to take advantage of the participation, are very important things. We should welcome the Bill. I appeal all the Members to support this Bill. This being a Constitutional Amendment, I support this Bill because this will help more than 6.5 lakh cooperatives and the sector will grow. Apart from fishermen cooperative societies and other cooperative societies, there are Government owned cooperative societies, the Scheduled Caste cooperative societies, Backward Class cooperative societies, Tribal cooperative societies. I think they will get a lot of empowerment. With this enabling provision, the State Governments can make appropriate laws. With these observations, I support the Bill. Thank you.

DR. BARUN MUKHERJI (West Bengal): Sir, it is really a pleasure to talk on a subject like cooperative societies because it is a cooperative sector which is run by the people and for the people. It is nothing new at least in India. The cooperative movement has crossed the threshold of hundred years. It started right in the year 1904. In Bengal, even in the remote corner of Sunderbans, cooperative societies were formed only to help the hapless poor people of the area, to give

3.00 P.M.

assistance in the form of credit and monetary support, and also various types of other supports. Even intellectual giants like Rabindranath Tagore, Scientist Acharya Prafulla Chandra Ray, all came forward to support and encourage the cooperative movement in the society. So, all that we should see is that this century old cooperative movement should gather more and more strength. Giving it a constitutional status and granting the right to form a cooperative society, after it has crossed 100 years, appears to be superfluous in that sense. So we would rather like that it should grow in its own way. It is by the people and for the people. In the very objective of this Bill it has been stated that it should be a voluntary organization and it also talks about autonomous functioning, democratic control and profession or management. These are all very important things. But one thing we should keep in mind that already in many of the States the Cooperative Act has been amended accordingly. As for the West Bengal Act, we can see that it has been amended. The newly amended Cooperative Act in the State has taken care of many of the objects that are being proposed by this particular Bill.

Sir, there are also certain anomalies. Now, in case, there is a difference between the State legislations and the recommended provisions of this Bill, then, what will happen? For instance, previously in the State Legislature, there was a provision for three Government nominees in the Co-operative Societies. This was amended, and now there is only one Government nominee. But this Bill recommends for two Government nominees. Then, which would prevail in this case? Is it the State Legislation or the amended provision of this Bill? There is also a provision that the Government nominees can take part in voting or in all sorts of functions of the co-operatives. But this Bill places some restrictions over them. So, when there are anomalies between the two, then, there will be some problem as to whether the State legislations will prevail or this particular legislation will be taken into consideration. Another thing is about reservation. It is quite right that there is reservation for the S.C.s, S.T.s and two seats for women on the Board. But the OBCs have been left out. I feel that there should be a provision for reservation for the S.C.s, S.T.s, OBCs, women and the minorities. Another thing is that we feel that the co-operative sector stands in between the public sector and the private sector; it has a special character. We need to protect it, and the Government should extend all support to it. When the Vaidyanathan Committee recommendations came, a lot of problems were

created at that time. Moreover, many of the recommendations could not be accepted due to these anomalies. So, all that we expect is that the Government should extend more help to develop and strengthen this co-operative movement, which is, in other words, the people's movement or a parallel economy which gives support to the common people. As it was stated, in the famous 1938 Haripura Congress Presidential Address, Netaji Subhas Chandra Bose recommended for the development of the co-operative movement. He recommended that we should develop it as a people's movement. We should maintain this character and not impose any binding of the Governments. So, we feel that this Bill is superfluous and we need not have brought this at all. We would rather like the Government to help or strengthen it from outside as much as possible.

Lastly, Sir, there was a provision for giving income-tax exemption to co-operative societies. But it was withdrawn in 2007. Even after several representations, this income-tax exemption facility has not been restored. We feel that this sort of help should be extended to co-operative societies, rather than bringing in this Bill which is not very necessary at the moment. Thank you.

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## MESSAGES FROM THE LOK SABHA

(i) **The Lokpal and Lokayuktas Bill, 2011.**

(ii) **The Whistle Blowers Protection Bill, 2011.**

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

(I)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Lokpal and Lokayuktas Bill, 2011, as passed by Lok Sabha at its sitting held on the 27th December, 2011."

(II)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Whistle Blowers Protection Bill, 2011, as passed by Lok Sabha at its sitting held on the 27th December, 2011."