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Title: Discussion on the motion for consideration of the Constitution (One Hundred and Eleventh Amendment Bill, 2009 (Insertion of new article 43 B), moved by Shri Sharad Pawar (Discussion not concluded).

MR. CHAIRMAN: Now, we will take up Item No. 33, Shri Sharad Pawar.

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

"That the Bill further to amend the Constitution of India, be taken into consideration."

MR. CHAIRMAN: Hon. Minister, do you want to speak?

SHRI SHARAD PAWAR : Yes, Sir. This is a small amendment, but a very important amendment.

Hon. Members are aware that the 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 serving the interests of the Members in more than one State, the Parliament enacted 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 The Act of 1984 has since been replaced by the Multi-State Cooperative Societies Act, 2002.

Since Independence, cooperative movement has grown significantly with most extensive network of cooperative institutions all over the country. These cooperative institutions are functioning in the sectors of agricultural credit, agricultural inputs, marketing of agricultural produce, storage and processing of agro produce, urban credit, housing, production of fertilizers, dairy, fisheries, handlooms and handicrafts, etc. However, it has been experienced that 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 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 institutions.

In this direction, the Government has enunciated a National Policy on Cooperatives. The Multi State Cooperative Societies Act, 2002 has also been enacted with a view to provide a guiding framework for State legislations, though its application is limited to only those cooperative societies with objects serving interests of members in more than one State. 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. 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 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. Therefore, a view has emerged in the cooperative sector, all over the country, 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 Fourteenth Lok Sabha on 22.5.2006. On reference from the hon. Speaker, 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 has been introduced in the Lok Sabha on 30.11.2009. The hon. Speaker, 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, 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. It has been decided with the approval of the Cabinet in its meeting held on 1.12.2010 to accept one of the main recommendations of the Standing Committee that is right to form cooperative societies as a Fundamental Right by amending Article 19 (1) (c) of the Constitution. The Bill already takes care of another important recommendation of the Committee to set up a specialized agency on the lines of Election Commission for conducting elections of the Cooperative Societies.

The object of the Constitution (One Hundred & Eleventh Amendment) Bill 2009 is to ensure that the Cooperative Societies in the country function in a democratic, profession, 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 Legislatures in case of other Cooperative Societies to make appropriate law, laying down the following matters, namely:-

- a) 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.
- b) Insertion of Article 43B in part IV of the Constitution as Directive Principles of State Policy for voluntary formation, autonomous functioning, democratic control and professional management of Cooperative Societies.
- c) Provisions for incorporation, regulation and winding up of cooperative based on the principles of democratic member-control, member-economic participation and autonomous functioning;
- d) Specifying the maximum number of Directors of a Cooperative Society not exceeding twenty-one members;
- e) 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;
- f) 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;
- g) Providing for independent professional audit;
- h) Providing for right of access to information to Members of Cooperative Societies;
- i) Empowering the Government to obtain periodic reports of activities and accounts of Cooperative Societies;
- j) Providing for 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
- k) 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 Bills seeks to achieve these objects.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

SHRI ANTO ANTONY (PATHANAMATHITTA): Thank You Sir. I take this opportunity to share the concerns of the crores of people in the country who will suffer by the implementation of certain clauses with regard to the 111th Amendment of the Constitution of India. Cooperative sector is the backbone of the agrarian economy of the country. An overwhelming majority of the Cooperative Societies is functioning in the rural sector and primarily they deal with agricultural credits. Therefore, any legislation which has adverse impact on Cooperative Societies will virtually devastate the rural sector and the agrarian economy of the country. Hence, I would request the Government to consider the following suggestions to the 111th Amendment of the Constitution of India.

Article 243 ZL(1)(v) states that Banking Regulations Act is applicable to the society carrying on Banking Business. I would request the Government to exclude the Primary Agriculture Credit Societies (PACS) engaged in the promotion of agricultural activities from the ambit of Income Tax.

At present, returns from agriculture are free from income-tax. Investment in primary agriculture credit society comes from the agriculture sector. However, primary agriculture credit societies are asked to submit the details of source and other documents to the Income-tax Department regarding the investment above the amount of Rs.50,000. In banking institutions, investments up to Rs.5 lakh are exempted from such procedures. Imposing such complicated procedure upon primary agriculture credit societies will have adverse impact on agriculture sector. For example, in Kerala, 90 per cent of 1,628 are primary agriculture credit societies functioning in rural areas and are well doing with the promotion of agriculture sector in the State. The total amount of banking investment in Kerala is nearly Rs.90,000 crore and out of this, Rs.70,000 crore is gathered by these primary agriculture credit societies. Imposing of Banking Regulation Act in primary agriculture credit societies will adversely affect 90 per cent of the farmers and 40,000 employees of primary agriculture credit societies in the State. The Government should also consider that since primary agriculture credit societies come under the ambit of Ministry of Agriculture, therefore, it should be exempted from the Banking Regulation Act. Hence, Article 243 ZL (1) (5) may be amended into following:

"Provided further that in case of co-operative societies such as Primary Agriculture Credit Society, those are carrying on the promotion of agriculture activities as its main business, the provisions of Banking Regulation Act, 1949 shall not apply."

I would request the Government to amend Article 243 ZO (1) of the Bill. This Article lays down that every member has access to the information regarding the accounts, regular transactions and books of the co-operative society of which he is a member. However, a Division Bench of the Hon'ble High Court of Kerala, in a writ appeal No: 1417/2009 declared that the provisions of the Right to Information Act is not applicable to the co-operative societies. Right to Information Act is applicable to such institutions in which 51 per cent of the share is owned by the Government. There is a possibility of the misuse of Article 243 ZO (1) of the Bill. Therefore, it is submitted that the aforesaid article may kindly be amended in such a way that a member shall have access to the books, information and accounts of the society with regard to that particular person and other records having general nature.

Part IX of the Bill is regarding the Co-Operative Societies. Article 243 ZJ (1) of the same part (Part IX B) mentions the number and term of members of board and its office bearers. However, it does not mention about the representation of co-operative employees in the board. Since the employees are the major factor behind the growth of co-operative societies excluding them from the board is injustice. Therefore, I would request the Government to kindly ensure the representation of employees in the board. Hence, I would request the Government to insert the following proviso in the Article 243 ZJ (1):

"Provided further that there shall be a director co-opted by the Board from among the employees of the Society to which the election is made, according to the majority decision of the employees of that society and such Director shall have all rights and privileges of an elected member except for voting in the election of the office bearers of that Board and also being elected as office bearer of that Board."

I also request for the amendment of clause (3) of the Article 243 ZJ of the Bill lays down the co-option of professionals to the Board. The Reserve Bank of India has already directed the Urban Co-operative Banks to amend their bylaws to elect the professionals from the members. Priority is given to election. Co-option is only a substitution arrangement to comply with the provisions if needed. Therefore, I would request you to insert the term "election" instead of "co-option" in the paragraph 1 and insert the term "elected" instead of "co-opted" in the paragraph 2 and 3 of clause 3 of Article 243 ZJ. I further request the Government to replace "shall not have the right to" by "shall have the right to" in the third paragraph. I also request you to omit "shall be excluded" and insert "shall be included" in the fourth paragraph of the same clause. Therefore, the clause may kindly be amended as:

"The legislature of the of the State shall, by law make provisions for election of persons to be members of the Board having experience in the field of banking, management, finance or specialization in any other field relating to the object and activities under taken by the co-operative society such as members of the Board of such society. Provided that such elected members shall not exceed two and the total number of Directors shall not exceed 21 as specified in the proviso, Clause (1). Provided further that elected members shall have the

right to vote in any election of the cooperative society in their capacity as much member and is eligible to be elected as officer bearers of the Board. "

I would also request the Government to insert a new paragraph in to the Article 243 ZJ. That may be laid down as the following:

"Provisions can also be made for co-option in case of the absence of elected directors from the ward and in such cases the co-opted members shall not have the right to vote in any election of the co-operative society in their capacity as such member or eligible to be elected as office bearers of the Board."

The last paragraph of the clause 3 of Article 243 ZJ states that functional directors of a co-operative society shall be excluded for the purpose of counting the total number of directors. This is not fair, because, being the professionals in the Board, their opinions should be reckoned.

Therefore, I would request you to replace "shall be excluded" by "shall be included" in the paragraph. Therefore, it may be laid down as:

"Provided also that the functional directors of a co-operative society shall also be the members of the Board and such members shall be included for the purpose of counting the total number of directors specified in first proviso of clause (1) of this article."

"Provided further that such elected members shall have the right to vote in any election of the co-operative society in their capacity as much member and is eligible to be elected as office bearers of the Board."

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"Provisions can also be made for co-option in case of the absence of elected Directors from the ward and in such cases the co-opted members shall not have the right to vote in any election of the co-operative society in their capacity as such member or eligible to be elected as office bearers of the Board."

Last paragraph of the 3 of Article 243 ZJ states that functional directors of a co-operative society shall be excluded for the purpose of counting the total number of directors. This is not fair because being the professionals in the Board, their opinions should be reckoned. Therefore, I would request you to replace "shall be excluded" by "shall be included" in the paragraph. Therefore, it may be laid down as:

"Provided also that the functional directors of a co-operative society shall also be the members of the Board and such members shall be included for the purpose of counting the total number of directors specified in first proviso of clause (1) of this article."

In almost all the States, even though there are Co-operative Societies Acts and Rules, there is no uniformity in the Act and Rules in the matter of appointment of employees, their service conditions, their pay scales, disciplinary matters, promotion and other service conditions including payment of pension, gratuity, bonus, and other allowances etc. Ample provisions are to be made in the 111th Amendment Bill enabling the State Governments to make provisions in the Act and Rules in the respective State Acts. Uniformity and guidelines are to be made in the amendment to achieve the above purpose.

I also take this opportunity to express my concerns over the dilution of the control of the State Governments. Absence of State control may push cooperative societies into a competitive market of financial institutions. Cooperative societies are not profit-making institutions and, therefore, suffer a lot in a *laissez-faire* system. Hence, I would request the Government to not to dilute the control of the State Government in this regard.

The Government has appointed three Task Forces, two under the Chairmanship of Shri Vaidyanathan and one under the Chairmanship of Shri G.C. Chaturvedi. These Task Forces had submitted various suggestions to strengthen the cooperative

sector in the country. Revival of short-term credit structure of the cooperative institutions has resulted in tremendous improvement in their functioning. However, recommendations on Long Term Cooperative Credit Institutions have been pending. It is to be noted that the Central Government approved a scheme for reviving the Long Term Cooperative Credit Institutions with an outlay of Rs. 3500 crore, but the Scheme is not yet been implemented. If it is implemented, the Scheme would be a great relief for crores of rural households in the country. Therefore, I would request the Government to take urgent measures to implement the Scheme.

Cooperative sector faces a lot of challenges from the new generation financial institutions and private moneylenders. This trend is not good for the interests of the common people in the country. Strengthening cooperative societies is none other than empowering rural sector and agrarian economy of the country. Therefore, I would request the Government to take constructive steps in this regard.

Shri Sharad Pawar Ji, hon. Agriculture Minister, has been taking positive initiatives to reform agricultural sector in the country for the last seven years. His commitment to the farmers has been proved with a volley of agrarian packages, incentive schemes and debt waiver schemes. Therefore, I would request you to take immediate measures to protect and revive the cooperative sector in the country.

श्री शैलेन्द्र कुमार (कौशाम्बी): माननीय सभापति जी, आपने मुझे संविधान संशोधन विधेयक 2009 पर बोलने का अवसर दिया जो अनुच्छेद 43(ख) की अंतःस्थापना के बारे में है। अभी हमारे माननीय मंत्री शरद पवार जी कह रहे थे कि बहुत छोटा सा संशोधन है। लेकिन अगर देखा जाए तो यह बहुत महत्वपूर्ण संशोधन है। इसमें यह कहा गया है कि एक राज्य से दूसरे राज्य में, एक से अधिक राज्यों में अगर इसका कारोबार होता है तो उसके लिए यह विधेयक कारगर होगा जिसमें बहुराज्यीय सहकारी समिति संशोधन यह देखेगा कि समितियों में क्या गड़बड़ी हो रही है। माननीय मंत्री जी ने यह भी कहा कि जो राज्य की सहकारी समितियाँ हैं, वे राज्य उसको देखते हैं। राज्य उसका प्रबंधन देखते हैं, उसके निदेशक से लेकर डायरेक्टर तक जो भी बोर्ड है, वह सब राज्यों के हाथ में है। लेकिन एक राज्य से दूसरे राज्यों में समितियों का जो कार्य है, वह इन संशोधनों से प्रभावित होगा। इसमें यह भी कहा गया है कि प्रबंधन की जिम्मेदारी और प्रबंधन का जो कार्य होगा, उसकी जिम्मेदारी पूरे तरीके से प्रबंधन पर होगी, उसके बोर्ड पर होगी और उसके निर्धारित मापदंड होंगे। उसके जो खाते और हिसाब-किताब होंगे, वह भी अनिवार्य तरीके से बोर्ड को देना होगा और बताना होगा। इस प्रकार से देखा गया है कि बहुत सी ऐसी कंपनियाँ हैं जो ठेका देती हैं, प्रबंधन या बोर्ड जो ठेका देगी किसी कंपनी को, तो उसके लिए निदेशक जिम्मेदार होंगे और बोर्ड की बैठक में पूरे तरीके से उसकी जिम्मेदारी दी जाएगी। हम लोगों ने एक राज्य से दूसरे राज्य की सहकारी समितियाँ जो काम कर रही हैं, उसको नहीं देखा है, लेकिन जहाँ तक अपने राज्यों की सहकारी समितियाँ हैं, उनमें बड़े पैमाने पर घपले हैं, गड़बड़ियाँ हैं। इसमें आपने यह भी बताया है कि राज्य उसके नियम बनाते हैं, राज्य उसका काम देखते हैं और पूरी तरह से राज्य उस अधिनियम को बदलते हैं और पूरा प्रबंधन कार्य देखते हैं। आपने यह भी कहा कि सरकारी समितियों के अंतर्गत कृषि क्षेत्रों में जरूरी वितरण की व्यवस्था है और जो किसान उपज करता है, उसको बाजार में बेचने की व्यवस्था है। इसी प्रकार से तमाम समितियाँ हैं जैसे आवास समितियाँ बनाई हैं। इसमें आपने शिल्पकार, हथकरघा को भी लिया है, हस्तशिल्प को भी आपने इसमें कवर किया है। जहाँ तक देखा गया है, कृषि क्षेत्र में इसकी उपयोगिता सबसे अधिक है और आवासीय क्षेत्रों में यह बात सही है कि आवासीय क्षेत्रों में तमाम ऐसी कंपनियाँ हैं जो एक राज्य से दूसरे राज्य में अपना कारोबार फैला रही हैं। आज अगर उन्होंने दिल्ली में आवास बनाया है तो कल उत्तर प्रदेश में बनाया है। उत्तर प्रदेश से बढ़कर गुजरात में बनाया है। तमाम राज्यों में इस प्रकार के कारोबार को उन्होंने फैलाया है। मैं अभी इस रिपोर्ट के माध्यम से देख रहा था। तमाम सामग्री को भी मैंने देखा है, जो एपैक्स सोसाइटीज़ हैं इसमें 1571 सोसाइटी काम कर रही हैं और 32 वर्षों से ये काम कर रही हैं। इसमें सदस्यों को ऋण भी दिया जाता है जिसकी व्यवस्था नाबार्ड बैंकों से होती है तथा जिसमें करोड़ों रुपये का लेनदेन हो रहा है। उन सोसाइटीज़ के कर्मचारियों के साथ ठीक व्यवहार भी नहीं हो रहा है। यहाँ तक कि उन कर्मचारियों के लिए कोई सर्विस रूल्स भी नहीं हैं। जो हमारी प्राथमिक सोसाइटी है, प्रारंभिक कृषि सहकारी समितियों के जो कर्मचारी महासंघ के अध्यक्ष हैं या उनकी जो रिपोर्टें आई हैं, उसमें इस बात को कहा गया है कि हम लोगों का कोई सर्विस रूल नहीं है। यहाँ तक कि हम लोगों की कार्रवाई को कौन देखता है, कौन समझता है, इस बारे में विस्तार से कोई कार्य योजना नहीं है। एक तरह से सोसाइटी और बोर्ड में जो लोग हैं, उनको मोनोपली है, उनका एकाधिकार है। इस बात को भी माननीय मंत्री जी को बड़े ध्यान से देखना पड़ेगा कि ऐसी सोसाइटीज़ जिनकी मोनोपली है या एकाधिकार है, उनकी तरफ भी विशेष गौर करने की जरूरत है। इस विधेयक के माध्यम से इन सोसायटियों को मंत्री जी बड़े विस्तार से देखेंगे।

आपने एक बात कही है कि राज्यों के प्रयास उत्साहवर्द्धक नहीं हैं। जब आपके पास राज्यों की सोसायटियों के उत्साहवर्द्धक रिपोर्ट नहीं है, तो उसके लिए भी आपको कारगर कदम उठाने पड़ेंगे। राज्यों को फंडिंग देने की व्यवस्था यहाँ से आप करते हैं और यहाँ से जो योजना आप देते हैं, उनकी आर्थिक व्यवस्था को भी आप देखते हैं कि राज्य के अपने आउट सोर्स या इनकमिंग सोर्स क्या हैं। राज्य अपने लैवल पर तो करते ही हैं, लेकिन आप यहाँ से जो बजट देते हैं, उसका मूल्यांकन भी आपको करना पड़ेगा कि वे सोसायटियाँ कैसे काम करती हैं। हमारे यहाँ राज्यों में सोसायटियाँ ज्यादातर कृषि क्षेत्र पर आधारित हैं। कृषि में उनको खाद दी जाती है। खाद की स्थिति है कि आप खाद यहाँ से भेजते हैं। राज्यों की मांग के अनुरूप आप सोसायटियों को खाद देते हैं, लेकिन सोसायटियों में किसानों को खाद नहीं मिल पाती है। न तो उन्हें कृषि का कोई उपकरण मिल पाता है, न ही बीज मिल पाते हैं। इस प्रकार की अव्यवस्था यहाँ फैली है।

महोदय, मैं उत्तर प्रदेश की ताजा स्थिति आपको बताता हूँ कि जो भी खाद वहाँ गई है, पिछले दशक में भी कि वहाँ किसानों को डायरेक्ट खाद नहीं मिल रही है। यदि किसान सोसायटियों में जाता है और लाइन लगाता है, तो पुलिस के डंडे उसे पड़ते हैं और ऐसी कुव्यवस्था है कि तमाम खाद माफिया उस खाद को दूसरे राज्यों में, यहाँ तक कि पड़ोसी देशों में भी भेजते हैं। कृषि पर आधारित सहकारी समितियों को देखना आपकी नैतिक जिम्मेदारी है, क्योंकि हमारा कृषि प्रधान देश भी है। हमारा किसान तभी मजबूत होगा, जब किसान को उसकी उपज का उचित मूल्य मिलेगा। उसके उत्पाद के लिए यह भी निश्चित होना चाहिए कि बाजार में वह कहां अपनी उपज बेचे। जिस समय वह खेती करता है, तो सही समय पर उन्हें खाद, बीज और उपकरण मिले। साथ ही उन्हें सही समय पर ऋण मिले। ऋण की स्थिति यह है कि जब किसान ऋण लेने के लिए जाता है, तो तमाम बिचौलिया ऐसे हैं, जो बीच में किसान का पैसा खा जाते हैं और किसान बेचारा कमजोर है। चाहे उत्तर भारत हो या दक्षिण भारत हो, किसानों की आत्महत्या की बड़े पैमाने पर शिकायतें मिल रही हैं। मैं चाहूँगा कि आप संशोधन लाए हैं, लेकिन आपको निचले स्तर पर भी देखना पड़ेगा कि हमारी जो सहकारी समितियाँ हैं, वे सही तरीके से काम करें।

मैं इन्हीं बातों के साथ इस बिल का पुरजोर समर्थन करते हुए अपनी बात समाप्त करता हूँ।

श्री जगदीश शर्मा (जहानाबाद): सभापति महोदय, माननीय मंत्री श्री शरद पवार जी ने संविधान में संशोधन का और उसके माध्यम से कोऑपरेटिव सोसायटीज के संशोधन का प्रस्ताव लाए हैं और उस प्रस्ताव में इन्होंने बहुत विस्तार से इसके जो उद्देश्य हैं, उनके बारे में बताया है। मंत्री जी किसान नेता भी हैं और इनका संबंध कोऑपरेटिव क्षेत्रों से भी रहा है। मैं भी छोटी कोऑपरेटिव संस्थाओं से लगातार जुड़ा रहा हूँ और मुझे उम्मीद थी कि आखिर बार-बार संविधान में संशोधन करने की क्या वजह है? आप क्यों नहीं एक बार, खास कर सहकारिता के क्षेत्र में एक मॉडल कोऑपरेटिव एक्ट लाइए, क्योंकि कोऑपरेटिव के माध्यम से कम से कम पूरे देश में दो राज्य ऐसे हैं, पूरे देश में दो ऐसे राज्य हैं— एक महाराष्ट्र और दूसरा गुजरात जिसने सहकारिता के क्षेत्र में काफी तरक्की की है और जिसके माध्यम से कृषि के क्षेत्र में भी खुशहाली आई है। कृषि के क्षेत्र में जो सहकारी समितियाँ हैं, वे समितियाँ अनेक क्षेत्रों में हैं। लेकिन कृषि और उससे संबंधित जो उत्पाद हैं, चाहे वे डेयरी हों, पोल्ट्री हों, पिन्गरी हों, और दूसरे जो काम हैं, इन सभी की सोसायटियाँ हैं। लेकिन एक प्रस्ताव जो इसमें आया है, मैं इसका समर्थन करता हूँ और धन्यवाद भी देता हूँ कि सरकारी नियंत्रण से इन सोसायटियों को मुक्त करने के लिए इन्होंने इसमें एक प्रावधान किया है। चूंकि मेरा बिहार के को-ऑपरेटिव के मामले में कुछ तजुर्ब रहा है, मैं बधाई देना चाहता हूँ अपने मुख्यमंत्री श्री नीतीश कुमार जी को कि उन्होंने बिहार में को-ऑपरेटिव का एक अच्छा कानून लाए हैं। उन्होंने पहली बार पैस का चुनाव एक प्राधिकरण के माध्यम से, स्टेट इलेक्शन ऑथोरिटी के माध्यम से कराया और उसको एक काम दिया। जैसे इनका प्रोवीजन हुआ है वीकर सेक्शन के लिए, अनुसूचित जाति, महिलाओं के लिए, नीतीश कुमार जी ने भी पहले से जो एक्ट है, उसमें प्रोवीजन किया है और उसी के आधार पर उन्होंने चुनाव भी कराया, लेकिन आज उन्होंने पी.डी.एस. को, हर पैस को बिहार में पी.डी.एस. भी दिया है। मुझे उम्मीद है कि इसका अच्छा नतीजा निकलेगा।

महोदय, चूंकि श्री शरद पवार एक किसान नेता हैं, मैं आपके माध्यम से माननीय कृषि मंत्री जी से कहना चाहता हूँ कि आज किसानों के साथ बहुत बेबसी है। आज खेरे भी हाउस दो घंटा डिस्टर्ब्ड रहा। आज पूरे देश में हम सांसदों से एक सवाल पूछा जा रहा है कि संसद कब बन्द होगी? हम अपने इलाके में 29 दिसम्बर को जाएंगे। एक सवाल हम सभी सांसदों से अपने इलाके में हो रहा है कि आप किसानों के वोट से संसद में जाते हैं और किसानों के लिए, किसानों की दुर्दशा के लिए आपने कभी कोई आवाज नहीं उठाई?

महोदय, मैं जिस राज्य से आता हूँ बिहार से, खासकर जो दक्षिण बिहार का इलाका है, वहां तीन साल सूखा पड़ा। उग्रावद प्रभावित इलाका आबल, गया, जहानाबाद, औरंगाबाद, और जमुई इलाके में तीन वर्षों के बाद धान की फसल हुई है। नालंदा भी हमारे बंगल में है। मैं आपको याद कराना चाहता हूँ। मैं उस समय एम.पी. नहीं था, एम.एल.ए. था। पर, शरद पवार साहब उस समय भी मंत्री थे। आपने अपने समय में सपोर्ट प्राइस देकर धान की खरीदारी करवाई। मैं आपको बधाई देना चाहता हूँ। लेकिन आज यह मंत्रालय आपके साथ नहीं है। मैं और बिहार के सारे सांसद थॉमस साहब से भी मिले हैं। आप विश्वास नहीं करेंगे कि आज धान 600 से 700 रूपए प्रति विन्टल है। किसान मजबूर है और बिचौलिया लेकर आपके एफ.सी.आई को वही धान दे रहा है। इससे धान का रि-साइविलिंग हो रहा है और किसान हम लोगों से सवाल पूछ रहा है। आज मैं सदन के माध्यम से आपसे जानना चाहूंगा, चूंकि आप केवल महाराष्ट्र के नहीं हैं, आपको लोग किसान नेता के रूप में पूरे देश में जानते हैं, बिहार में एफ.सी.आई की धान खरीद के मामले में जो भूमिका है, उस भूमिका में बदलाव होगा या नहीं? अगर बदलाव नहीं हुआ तो आप समझिए कि उग्रावद प्रभावित इलाका और तीन सालों के बाद धान की फसल हो रही है। लोग सवाल पूछते हैं। आपने डी.ए.पी. खाद का दाम 1100 रूपए प्रति बोरा कर दिया, और किसानों का धान आप 600 रूपए प्रति विन्टल खरीद रहे हैं। जिसके घर के लोगों के पास नौकरी एवं कोई व्यवसाय नहीं है, उसके घर में शादी है, श्राद्ध है, बच्चों की पढ़ाई का मामला है, वह धान बेचने के लिए मजबूर है। हम उम्मीद करेंगे कि बिहार के साथ भेदभाव नहीं होगा। बिहार के जो किसान हैं, वहां किसानों के लिए मिनिमम सपोर्ट प्राइस भी कम है, अधिक नहीं है, लेकिन क्या मिनिमम सपोर्ट प्राइस पर बिहार के किसानों का धान खरीदा जाएगा? ...(व्यवधान)

सभापति महोदय : अब आप समाप्त कीजिए।

श्री जगदीश शर्मा : ये दाम भी काफी नहीं हैं, लेकिन वह भी बिहार में नहीं खरीदा जा रहा है।

सभापति महोदय, मेरा आपके माध्यम से माननीय मंत्री जी से निवेदन है कि इन्होंने सहकारिता के क्षेत्र में किसानों के लिए ऋण माफी दी थी, लेकिन उसका यह नियम बना कि जिसने एक किश्त दे दी, उस किसान के ऋण की माफी नहीं हुई। ...(व्यवधान)

सभापति महोदय: आप बिल के ऊपर बोलिए।

श्री जगदीश शर्मा : सभापति महोदय, यह बिल का पार्ट है, कोऑपरेटिव सोसायटियों से संबंधित है। क्या कानून बना, हम नहीं जानते। कृषि मंत्री जी से राय-मशवरा हुआ या नहीं? अगर इनसे राय-मशवरा हुआ होता तो इतना गलत कानून ऋण माफी का नहीं बनता। जो डिफाल्टर है, उसका पूरा ऋण माफ और जिसने एक किश्त दे दी, उसके ऋण की माफी नहीं होगी। नतीजा यह है कि पूरे देश में किसानों पर आज भी बड़ी मात्रा में आउट-स्टैंडिंग ऋण है। ...(व्यवधान)

सभापति महोदय, हम आपके माध्यम से निवेदन करना चाहते हैं कि जिन किसानों ने किश्त दी, उनके ऋण की माफी नहीं होगी, आज क्या स्थिति है, कृपया आप पता करिए। जिन किसानों ने ऋण लिया है, वह कहता है कि सन् 2014 में फिर चुनाव आने वाला है। ...(व्यवधान) फिर शरद पवार साहब ऋण की माफी करेंगे।...(व्यवधान)

सभापति महोदय: शर्मा जी, अब आप अपनी बात समाप्त कीजिए।

श्री जगदीश शर्मा : बैंक का ऋण नहीं लौटाना है। आपके कानून से किसानों के दिमाग में यह बात गई है। आपका यह कानून बिलकुल फॉल्टी है, आप इसमें सुधार करिए। जिन किसानों पर आउट-स्टैंडिंग ऋण है, उनका ऋण आप माफ करिए, तभी ऋण चुकता होगा।

श्री रमाशंकर राजभर (सलेमपुर): सभापति महोदय, आपने मुझे इस विधेयक पर बोलने का मौका दिया, इसके लिए आपको धन्यवाद। संविधान (एक सौ न्यारहवां संशोधन) विधेयक आज सदन में आया, जहां सहकारी, कोऑपरेटिव विषय आता है, जब व्यक्तिगत पूंजी से कोई उद्योगधंधा नहीं हो पाता तो गांव के दस गरीब व्यक्ति मिल कर एक सोसायटी बनाते हैं। देश के कई क्षेत्रों में सोसायटियों ने प्रगति भी की, उन्होंने जो प्रगति की, वह सब के सामने है। सहकारी क्षेत्रों में जो चीनी मिल लगाई गई, उनकी क्या दशा है, उससे पूरा सदन परिचित है। सहकारी क्षेत्र में जो कपड़े की मिल लगाई गई, उसकी क्या दशा हुई, उससे भी आप परिचित हैं।

अगर किसान की बात की जाए तो किसान सहकारी क्षेत्र में मत्स्य पालन, हथकरघा और छोटे-छोटे उद्योग करता है। हमारे देश का जो गरीब आदमी खेती पर आधारित है, उस कृषि ऋण के बारे में भी आप अवगत हैं। इस बिल का समर्थन करते हुए मैं एक-दो बातें कह कर अपनी वाणी को विराम दूंगा। सहकारी क्षेत्र में एक प्रांत से दूसरे प्रांत में कैसे विकास हो, इस पर ध्यान देने की आवश्यकता है। सबसे पहले सहकारी क्षेत्र में जो सरकारी नियंत्रण है, वह कितना काबिल है, अधिकतम सोसायटियां कुछ प्रभावशाली लोगों के हाथ में हैं और उसी में उनके परिवार के लोग छोटे-मोटे कर्मचारी हैं। अगर खाद बिकी, तो उसकी आय से उनका जीविकोपार्जन होगा और जो दूसरी आय होगी, उसी से वहां के सचिव को, लेबर को या कर्मचारी को लाभ होगा। सहकारी क्षेत्र में जो आपने धन दिया है, जिस पर सरकारी नियंत्रण है, यह टोटली मजाक बनकर रह जाता है। सहकारी क्षेत्र में हम जो काम करते हैं, उसकी ऐसी दुर्दशा है, जिसकी कोई सीमा नहीं है। मैं कहना चाहता हूं कि दूध के क्षेत्र में भी सहकारी सोसाइटीज हैं, दूध को हम देश के हर कोने में भेज सकते हैं, धान और चीनी को देश के हर क्षेत्र में भेज सकते हैं, कपड़े को देश के हर क्षेत्र में भेज सकते हैं, लेकिन हालत यह है कि आज जो किसान है, किसान के ऋण की हम बात करते हैं, लेकिन उसको कितने परसेंट पर ऋण देते हैं, इसे सहकारी खेमे में देखना चाहिए कि जो सहकारी सोसाइटी के अधीन हमारा किसान काम कर रहा है, उसे हम कितने परसेंट पर ऋण देते हैं? मैं समझता हूं कि आज तक भी अपने देश के किसान को हम चार परसेंट पर ऋण नहीं दे पाए। उसे आठ, नौ या न्यारह परसेंट, जो बड़े उद्योगों के लिए ऋण दर है, वही आज हम किसान से ले रहे हैं।

मान्यवर, मत्स्य पालन और हथकरघा में लगा हुआ हमारा मछुआरा और बुनकर समाज है। एक बार अगर उसने ऋण लिया, अगर उसकी भैंस मर गयी, उसका कपड़ा जल गया या उसका उद्योग जल गया, फिर उसका कहीं कोई बीमा नहीं होता है। अब वह अपना ऋण शरीर बेचकर जमा करे, क्योंकि उसके पास कुछ नहीं है। तालाब में मछली पालन करने का सहकारी समितियों ने काम किया। अमूनन कहीं से जहर पड़ा और इसके बाद सारी मछलियां मर गयीं। सारी मछलियां मरने के बाद उसका कोई बीमा मानने को तैयार नहीं है और उसकी पूरी पूंजी डूब जाती है। जब सहकारी क्षेत्र का किसान देश के आर्थिक विकास में छोटी-छोटी सोसाइटी बनाकर काम कर रहा है, वह जिस पूंजी पर काम कर रहा है, अगर वह डूब जाएगी, तो फिर बैंक का ऋण वह कहां से दे पाएगा?

महोदय, मैं अधिकारियों के बारे में कहना चाहता हूं। अच्छी बात है कि अधिकारियों का लेखा-जोखा होना चाहिए, ताकि सोसाइटी के अंदर भ्रष्टाचार मिटे, लेकिन मैं कहना चाहता हूं कि आज तक सोसाइटी के क्षेत्र में कहीं भी एससी, एसटी, ओबीसी, महिलाओं और माइनोरिटी का आदमी नहीं दिखता, इनके अधिकारी परपज में भी नहीं दिखता, इसको भी देखना चाहिए कि आखिर सहकारी समितियों में इनका क्या योगदान है? यह नहीं हो पाता है।

मान्यवर, सहकारी क्षेत्र में जो चीनी मिलें हैं, वह वहां के मजदूरों के गलत कामों की वजह से नहीं बंद हुईं, घाटे में नहीं गयीं। मैं दावे के साथ कहना चाहता हूं कि जो कपड़ा मिले और चीनी मिलें देश की डूबी हैं, वह वहां के अधिकारियों की बदौलत डूबी हैं, वहां के मजदूरों की बदौलत नहीं डूबी हैं। यह बात ठीक है कि हर प्रदेश का यह मामला है, प्रदेश अपना कानून बनाएगा, अपनी सहकारिता चलाएगा, लेकिन अगर हम एक प्रदेश से दूसरे प्रदेश में सहकारी क्षेत्र में काम करना चाहते हैं, तो सभापति महोदय, क्या हम इस बात की श्योरिटी इस बिल के माध्यम से देंगे कि अगर कोई सोसाइटी अच्छा काम करके, अच्छा उत्पादन करके किसी एक प्रांत से दूसरे प्रांत में माल ले जाना चाहती है, तो हम उसे अन्य सहुलियतें देंगे? किसान के इस सामान को क्या अन्य सहुलियतों के साथ दूसरे प्रांतों में ले जाएंगे? हमने सहकारी क्षेत्रों में गोदाम बनाया। करोड़ों रूपए खर्च करके सहकारी क्षेत्रों में गोदाम बने और सारे के सारे गोदाम बिल्कुल बंद पड़े हैं, न कहीं उसमें आलू रखा जा रहा है और न अन्य कोई सामान रखा जा रहा है। करोड़ों रूपए लगाकर ये गोदाम बनाए गए और सब के सब बेकार पड़े हैं। ये क्यों बने हैं? इसलिए मैं कहना चाहता हूं कि इस बात की सहकारी क्षेत्र में गारंटी होनी चाहिए कि अगर देश के किसी दूसरे क्षेत्र की सहकारी सोसाइटी देश के किसी अन्य कोने में सामान बेचना चाहती है, तो उसे सहुलियतों के साथ बेचने दिया जाए। अगर हम बड़े उद्योगों को लोन दे सकते हैं, बड़े लोनकर्ताओं को लोन दे सकते हैं, तो देश के किसान की कर्जमाफी हम करते हैं। दो, तीन, चार परसेंट या बिना ब्याज का ऋण क्या उन्हें हम नहीं दे सकते हैं? उनको बिना ब्याज का ऋण मिलना चाहिए।

महोदय, इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूं, धन्यवाद।

18.00 hrs.

MR. CHAIRMAN : Hon. Members, it is 6 o'clock now and I have a list of more than 15 Members to speak on this Bill and thereafter, Zero Hour matters may be taken up.

...(Interruptions)

MR. CHAIRMAN: This is a Constitutional Amendment Bill. It has to be passed by the House today itself. So, is it the pleasure of the House to extend the time of the House till 8 p.m.?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: So, the time of the House is extended upto 8 o'clock. Dr. Ratna De may speak now.

DR. RATNA DE (HOOGHLY): Sir, I thank you for giving me an opportunity to speak on this important Bill, namely, the Constitution (One Hundred and Eleventh Amendment) Bill, 2009.

The Bill, as the House is aware, was introduced in Lok Sabha on 30th November, 2009. This Bill primarily aims at adding a new Directive Principle of State Policy stating that the State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.

18.02 hrs (Dr. M. Thambidurai *in the Chair*)

Apart from this, a new part IX B in the Constitution (adding Article 243 ZH through Article 243 ZT) would be inserted which outlines certain guidelines for running the cooperative societies.

There is no doubt that these changes are being brought about in the Constitution with the passage of the Bill. It will go a long way in streamlining the cooperative societies in the country. As is the case in our country, the cooperatives play a very vital role in the agricultural sector. It also ensures that cooperative societies function in a most democratic and professional manner.

This Bill provides for supersession of a board for a limited period on reasonable and tangible grounds in cases where the Government have a shareholding or have provided loan or financial assistance or any guarantee for a period not exceeding one year for the cooperatives societies during the business of banking and six months for other cooperative societies.

There cannot be two opinions that there is an urgent need to further promote and develop the cooperative sector. There is also an urgent need to strengthen our cooperatives. There is no doubt that the Government is making efforts to revitalize the cooperative societies in general and cooperative structure and other related activities of cooperatives in particular.

The Standing Committee, in its wisdom, had made several path-breaking recommendations. For example, the definition of 'active member' should be included in the Bill. It also recommended that a specialized agency on the lines of Election Commission be set up for the task of conducting elections in the cooperatives. There are many such path-breaking recommendations made by the Committee which has already gone into the Bill in depth with a view to strengthen the cooperative movement in the country.

Sir, 80 per cent of our citizens toil in the informal sector and they also contribute to the GDP of our country but they have no say over the way growth is generated or they do not have any voice to claim a fair distribution of the wealth they produce. If the farmers store their produce in a common place and sell them through a common mechanism, then the farmers would recoup the legitimate value of their labour.

There are many cooperative societies in our country. There are some cooperative societies running with stunning progress. For example, Amul and Sugar Cooperatives in Maharashtra are doing very well. There are others whose performance is in poor light like the ones in our State, West Bengal. The reasons are well known like abuse, politicization, excessive dependency on the State and so on.

I would request the hon. Minister that not more than one person from a family should be a member of a society. The menace of the middlemen should be stopped.

I would strongly urge the Government to extend financial assistance to the cooperatives with the solemn pledge to ensure that the cooperative movement in the country is in order and that the cooperatives flourish for the benefit of farming and other communities.

I hope the passage of the Constitution (One Hundred and Eleventh Amendment) Bill, 2009, would bring the much-needed sea-change in the very face of the cooperative movement in our country.

SHRI ANANDRAO ADSUL (AMRAVATI): Thank you Mr. Chairman. I stand here to support the Constitution (One Hundred and Eleventh Amendment) Bill, 2009.

First of all, I would like to express my sincere thanks to the hon. Minister, Shri Sharad Pawar because in my fifteen years of parliamentary experience I have seen nobody has touched this cooperative sector. You are the only person who has brought this important amendment. The cooperative sector plays an important role in the economy of the country, particularly in the lives of the rural people of this country. There are various societies registered under the Societies Act. There are various Acts in various States for the cooperative sector. In my State, the sugar industry, the cotton industry, the oil industry, the processing industry, the milk processing industry, and the cooperative banking industry are registered under the Societies Act 1960.

Fortunately, being the guardian of this cooperative sector in Maharashtra, the hon. Minister, Shri Sharad Pawar, has brought this amendment in the Central Act. In this amendment, there is a provision to restrict the number of Board of Directors to 21. My experience is that, in some societies it used to be thirty; in some societies it used to be fifty, etc. It is very much essential that the number of Directors should be restricted. This is a good amendment in that way.

Then, the tenure of the Board is five years. Not only that. There is a provision that before the expiry of the Board, the election should be held. That is also a very essential amendment. There is a good provision – which is in our Societies Act – of having two representatives from women and one representative from the Scheduled Caste/Scheduled Tribe. But unfortunately, you have forgotten to include the representatives of the employees. In the State Act of Maharashtra, there is a provision under Section 73 (b) (b), according to which, per ten Directors, one representative of the employees is there. The same thing should have been brought here also. It is because he is the main factor in these institutions. He is working over there at least for eight hours. If it is a bank, he knows better about the financial condition of the bank. Participation of workers in the management is the Central Act. That is why it is very essential that the employees' representative should be included in this amendment.

Another provision is there. It is said that the Board of cooperative societies can be superseded in case of persistent default, negligence in the performance of the duties, commission of any act prejudicial to the interests of the cooperative societies or its members. It is also a very essential provision, which has been brought here in this amendment.

Sir here there is a doubt in my mind that another one provision is there. If the Government share is there in that particular society or any guarantee is given by the Government for any loan or any other business, there is a restriction that the Board will be superseded. But if there is not a share of the Government and if their working is prejudicial to the interests of the society or otherwise to the members of the society, then there is not a provision, and in that case what action will be taken? That is also very much essential to bring into this Act.

Sir, in totality, I have seen that there are very good provisions which will definitely give safety to the Central Act, viz., the Cooperatives Act. It will serve the purpose. That purpose is that those societies are of the common people and definitely the common people will get the benefit out of it.

Sir, with these words, I support this Bill.

SHRI R. THAMARAISELVAN (DHARMAPURI): Sir, thank you very much for allowing me to participate in the debate concerning the cooperative societies.

Sir, at the outset, I rise to support the Bill titled 'The Constitution (One hundred and Eleventh Amendment) Bill, 2009, more particularly, in view of the fact that this Bill will settle and solve the problems in the cooperative societies and it will also give way for effective functioning of the cooperative societies and sectors. Sir the amendments envisaged in the Bill are commendable. No doubt, as addressed by the hon. Minister here, the provisions in the Bill will not only ensure the autonomous and democratic functioning of the cooperative societies, but also ensure the accountability of management to the members and other stakeholders and shall provide for deterrence for violation of the provisions of the law. I really appreciate the hon. Minister for bringing this kind of amendment Bill. But, at the same time, I would like to put forth certain points in this august House.

Sir our country after gaining Independence, the Governments, one after another, gave much importance to the cooperative movement in the country realizing that the country can develop through cooperative movements as adopted and followed in many countries in the world. But what we are experiencing is that the cooperative movements are getting less importance. We are going in a big way for establishment of multinational companies at the cost of cooperative movements. It is really very unfortunate.

The hon. Minister is well aware that if we are standing as the largest milk producers in the world, it was achieved only through cooperative sectors/movements. Even the milk producers' cooperative societies in rural areas play a vital role in rural economy. Can you think that the multinational companies with FDI can do such wonders? It is certainly not. Therefore, there should not be any going back to discourage the cooperative sectors or defeat its objectives.

I am happy that the hon. Minister is holding the dual post as Minister for Agriculture and Cooperatives. I would like to take advantage of mixing these two because the hon. Minister is one for both departments.

In India, cooperative farming has not gained any importance. The farming through cooperative movement is equal to nil in our country whereas this concept is highly successful in many parts of the world. By doing so, the farming can be more cost effective. Not only that, we can increase the area of cultivation also.

Yet another point is that while going through the amendment provisions, it has been noticed that reservation provided for SCs, STs, and women on the Board of every cooperative society which have individuals as members from such categories, 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 is very low. In my opinion, the reservations provided for Scheduled Castes, Scheduled Tribes and women are not sufficient. It should be increased in accordance with the reservation policy for such categories. That apart, as my other colleagues have spoken here, the employees of the cooperative societies also should be given proper representation. It was not in the amendment Bill. So, the hon. Minister must kindly look into it.

That apart, one more point is there. If there is no other category of people other than the Scheduled Tribe people available in a particular area, the society which is to be constituted in that area has to be provided with only people belonging to the Scheduled Tribe community. There should not be any insistence to induct the other category people in the society.

With these suggestions, I conclude my speech and I support this Bill.

SHRI A. SAMPATH (ATTINGAL): Mr. Chairman, Sir, I thank you for giving me this opportunity to speak on this Bill.

Sir, I seek your kind permission to speak from my colleague's seat.

MR. CHAIRMAN : Yes.

SHRI A. SAMPATH : Sir, I hope there is no conflict of interest in this legislation. I hope so, Sir. May I get an assurance from the hon. Minister?...(*Interruptions*)

MR. CHAIRMAN: You please address the Chair. You have got five minutes. Please conclude it within that time.

SHRI A. SAMPATH : Sir, please permit me to speak in my mother tongue Malayalam.

MR. CHAIRMAN: You speak in any language. I have no objection to it. There is no problem. You should restrict your speech to five minutes.

SHRI A. SAMPATH : Thank you, Sir.

* Sir, I hope there is no conflict of interest in this bill. I want an assurance from the Minister. I support the broad contours of this bill. But, I propose some changes and retrospections with regard to some clauses in the bill. Sir, the co-operative units in the different states of our country, do not function in the same manner. In some states it is in the milk production and distribution sector that the cooperative units work. In some other states it is in the cotton farming and production sector. Some other regions have co-operatives in sugar cane growing and sugar production industries.

Sir, I come from Kerala. I want to mention a fact for the information of this House. The sum total of bank deposits in Kerala is one lakh seventy five crore rupees. The deposits of co-operative units alone come to 75,000 crore rupees.

.. English translation of this part of the Speech which was originally delivered in Malayalam

These are the figures of a small state. The total number of co-operative banks in India is ninety five thousand six hundred and thirty three. But the number with regard to the small state of Kerala is a mere one lakh six hundred and forty nine. This means, though we are less in number, the state has achieved phenomenal improvement in the functioning of cooperatives. India's last year's total deposits in the cooperative sector was thirty two thousand eight hundred and two crore rupees. Kerala alone mobilized twenty thousand four hundred and thirty two crore rupees. It means, 62.3% of the total mobilization in the country.

The average deposits in the country's cooperative banks is a mere thirty four lakh rupees. But, as regards Kerala, the

average deposit in cooperative banks is 12.72 crore rupees. Sir, in our state, in all sectors, the cooperative bodies are involved and they play a constructive role. Beginning with small schools, to the compensation paid to the bereaved families of diseased persons, cooperative bodies play a role. Handloom sector, fishery, bamboo and cane handicrafts, forestry, women welfare activities works, matters concerning government employees, agricultural credit societies, in all these sectors; the state cooperative banks and its smaller units actively participate with a welfare spirit.

Sir, I am proud to take part in a discussion concerning this subject. I was one of the youngest presidents in the whole nation, in the agricultural co-operative banks. Sir, I have a request, in this regard, "Do not kill the golden goose".

If you are viewing in the same light the cooperative units spread across different states, and you are bringing a common legislation, you need to define certain terms and conditions with regards to certain clauses.

This is why, with your permission sir, I suggested some amendments in the bill. I have no vested interest sir.

In the first page, second para tenth line, I want to include the phrase "and also pay financial aid to ensure social justice".

This is the duty of the Government. Therefore I am stressing it again. Secondly, on second page part nine, 243(ZH) line 18; it should not just be 'elected' but also include , "Nominated by the board of any cooperative society". They too should become part of the general body.

Sir, thirdly, on page 3, para 243 ZK, line 14, it has to be "at least three months" before the expiry of the term of the board of directors. As per the present bill it would mean, that elections can be conducted even one day prior to the expiry of the term of a cooperative society. This could lead to further disputes, therefore, elections in cooperative bodies should be held at least three months prior to the term of expiry of an elected society.

Sir, on third page, Article 243(ZH) 25th line, I want you to add a clause, which I will now mention with your permission, for the kind attention of the Minister. With regard to the clause " In total, during the tenure of the board, the board can be held in suspension for a period of six months". I propose it should be "the total period of suspension should not exceed six months during the whole tenure of a board".

Sir, fifthly, on page 3, 243 article, ZH, line 35, the words "Shall not" should be changed to "May".

Similarly, on page 3, 243 ZL, line 36, "instead of change to "or kept suspended" should be changed as "even kept suspended".

On page three, para 243 ZL, "If any of the provisions of the clauses 1-5 of the above, article 343 ZL is violated Government should not interfere" must be changed. The bill clarifies that non interference by Government is warranted wherever, Government does not have share hold, or does not give grant or aid. This could mean that if affluent sections of society, constitute a cooperative body, and function as a cartel, then cooperative societies can turn to corporate houses. It can even lead to a situation, were, cooperative societies can become instruments for misappropriating the wealth of the country. In such cases, as per the bill, the Government will be made incapable of interfering or superseding. Even in the case of Charitable Societies Act Government can intervene or supersede.

Before, I conclude, I want to mention about a small and marginalised community in our society. We mentioned about men and women. Sir, there are the sexual minorities. If they form cooperative societies, how can we insist " Shall include two women" this would be sexual discrimination against those who are transgender. Therefore, their case too should be sympathetically considered in this bill.

Before I conclude, I do believe that the cooperative societies in India needs to be overhauled. It is also true, that presently cooperative societies in many places are in the hands of vested interest groups. It is also true, that political interference in many states have led to the weakening of cooperative societies. But let us not forget that in other states, the different political parties have contributed to the growth of the cooperative societies. *

SHRI RUDRAMADHAB RAY (KANDHAMAL): Mr. Chairman, Sir, I am very much thankful to you for giving me the opportunity to ventilate my ideas on the 11th Constitution amendment Bill tabled in this august House today.

Sir, the cooperative sector over the years has made significant contribution to the various sectors of national economy and has achieved voluminous growth. But due to lack of proper legislation, cooperative societies in the country are unable to function in a democratic, professional, autonomous and economically sound manner.

Sir, I am thankful to the hon. Minister of Agriculture for bringing this Constitutional Amendment Bill. The Government of India enunciated the National Policy Framework and also enacted the Multi State Cooperatives Act. But all these things have failed because the States could not bring proper legislation so that cooperative sector could function autonomously and professionally sound manner. So, this Bill was inevitable, and for this Bill, I think, six fundamental things should be carried out. They are - elections by independent authorities; five years term of functionaries; independent audit; in case the Board is dissolved, formation of a new Board within six months; limit the size of the Board of Directors; reservation of SCs and STs and women in the Board of Directors.

But this Constitution Amendment Bill seeks to do to the cooperative sector what the 73rd Amendment did to the panchayats. In 1992, we have amended the Constitution by way of 73rd Amendment for panchayats, to function as an autonomous body but till date, we have not been able to do it because the States have not framed the legislation accordingly to devolve power.

Shri Sharad Pawar has brought this Constitution (Amendment) Bill which is a holistic one. But I apprehend whether the State Governments will actually devolve powers to the cooperatives because in Article 243 (G) of Part IX, it has been clearly mentioned that subject to the provisions of this Constitution, Legislature of a State may, by law, endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-governments.

Again, in Article 243Z (1), it is mentioned that subject to the provisions of this part, the Legislature of a State may, by law, make provisions with respect to incorporation, regularisation and winding up of cooperative societies based on the principle of voluntary formation, democratic functioning, economic participation and autonomous functioning. Here also it is stated that there will be autonomous functioning. But till date we have not achieved our goal of devolving all the functions to panchayats. As per Schedule XI of the Constitution, 29 subjects have to be devolved to panchayats, but they have not yet been devolved to them. Similarly, I doubt whether, by this amendment, you can compel the States to make devolution. So, some experts on panchayat matters have opined that you should bring the subject of panchayats into the Concurrent List or to the Union List. Otherwise it cannot be done.

Sir, I have objection to three clauses of this Bill. In Article 243Z J(1) of Part IX B, para 3, it has been mentioned that provided further that the Legislature of a State may, by law, provide for reservation of one seat for the Scheduled Castes or the Scheduled Tribes. This means, one seat will be reserved either for the Scheduled Castes or for the Scheduled Tribes. But where the thickness of population of the Scheduled Castes and the Scheduled Tribes is more, one section of the population will be overlooked. So, I would suggest to the hon. Minister that one seat should be reserved for the Scheduled Castes and another seat should be reserved for the Scheduled Tribes so that this will go to the State Governments and they can decide.

Similarly, in article 243Z J(2) and 243Z J(3), it is mentioned that co-opted persons will be the members of the board having experience in the field of banking. But the high-powered Committee constituted by the Government to review this Bill have categorically stated that those persons who have been defeated in the election for the Board of Directors should not be co-opted, but here they have left it. I think this should be added to this clause.

As far as the super-session of the Board is concerned, the Board will be superseded where there is Government share. But the high-power Committee has recommended that when the Government share is less than 50 per cent, then the Board should not be superseded. Therefore, I would urge the hon. Minister to kindly consider this matter so that they must give due attention to the High-Powered Committee, which was constituted by them only.

SHRI S. SEMMALAI (SALEM): Thank you, Mr. Chairman, Sir, for giving me this opportunity.

At the outset, I support the Bill as well as I welcome the Bill. As the hon. Minister mentioned in his opening speech, though

it appears as a small amendment, as far as I am concerned, this amendment is a shining feather in the cap of the cooperative societies.

The prime objective of the Bill is to ensure the autonomous and democratic functioning of the cooperatives and to ensure the accountability of management. I wish the Bill should have more teeth to prevent autocratic functioning of the Board members of these societies.

The purpose of forming the cooperative societies got defeated with selfish and motivated persons occupying the positions of power and administration. Slowly the societies have come into the grips of unscrupulous elements turning the societies into family holdings. I believe that the Bill will put an end to such undesirable scenario.

In this context, I would like to make one suggestion to the hon. Minister. The hon. Minister may think it over. A suitable provision is to be incorporated to restrict the term of the Office of the President of the Cooperative Society to not more than ten years, that is, for two terms only. By restricting the term of the President, we may ensure that no vested interest is developed. I would request the hon. Minister to consider this suggestion and make a suitable amendment in this Bill or he may kindly mention it in his reply.

I welcome the provision in clause 243 (z)(j)(i) for providing reservation of two seats for women and one seat for SC/STs on the Board of every cooperative society as it would enable the depressed sections of the society to have a participatory role in the functioning of the cooperative societies.

In respect of part 9(b) under clause 243 (z)(l), there is a provision to supercede or keep a Board under suspension. I would like to mention that my apprehension is that this provision may be used arbitrarily by the authorities. So, before doing so a show-cause notice should be given detailing the irregularities committed and given reasonable opportunities to the Board to place its defects. Incorporation of the suitable provisions in this regard will remove any ambiguity.

Mr. Chairman, Sir, I may further say that the United Nations declared 2012 as the International Year of Cooperative Societies and it is my earnest hope that the cooperative sector in India facing the challenge of tough competition would develop voluntary and open membership. I underline the word 'open membership with innovative vision'.

Sir, my last point is and before concluding I would like to draw the attention of the hon. Minister regarding the income tax problem faced by the cooperative societies. Agricultural cooperative societies, the hon. Minister may know, are the service societies. So, the societies are treated as service societies only. But I think the jewel loans offered by the cooperative societies are being treated as commercial enterprise in the eyes of the Income Tax Department. So, the hon. Minister is well aware of the fact that this is a wrong approach. The purpose of obtaining jewel loans by farmers is to invest the money in agricultural operations. It should not be computed as income to the societies which is taxable. In my own district, in Salem district in Tamil Nadu, a number of societies are forced to pay income tax. This is against the accepted principle. So, I would request the hon. Minister that he may take up this issue with the Finance Minister, the issue of getting exemption from the income tax in respect of the cooperative societies.

With these words, I conclude.

SHRI PRABODH PANDA (MIDNAPORE): Mr. Chairman, Sir, the hon. Minister has presented this Amendment Bill and in the course of presentation he has remarked that it is a very small amendment. It is very small in terms of words but it is heavy in terms of essence. Not only that, it is a blow to the very concept of the autonomous aspect of the cooperative sector.

It may be mentioned that this Bill is going to dilute the concept of autonomy of cooperatives by including it in the Directive Principles of State Policy and by taking away autonomy of cooperatives in an indirect manner. I think this is an attempt, this is a step to corporatize the co-operative sector. Many good things have been said but they can be mentioned in a separate manner. The primacy of the concept of autonomy for cooperative societies should be retained by making the right to form a cooperative society a Fundamental Right. The word 'cooperative societies' should be included in Article 19. A new provision should be added to Article 19 to form and run cooperatives based on the principles of voluntary formation, democratic member control, member economic participation and autonomous functioning. So, I am of the opinion that the proposed

provisions of the Bill should not be included in the Constitution. It can be included as a separate Schedule under Article 19 (1) (c).

Sir, the definition of 'cooperative society' should be modified to include important terms such as autonomous association of persons, common needs, jointly owned, and democratically controlled enterprise, and 'active member' should be included. The idea of a separate agency for running elections is welcome. But on the question of suspending or superseding, if the Government takes the right, then is it not a blow to the autonomous system of the cooperatives? Not only that, this is enshrined in the State List. So, this is a sort of encroachment on the rights of the States. That is why, the autonomous identity of the cooperative societies and the cooperative sector should be retained. If some sort of a definition is required, it is welcome. There should be national guidelines; I have no objection in this regard.

Yes, the health of the cooperative sector is not good enough. There are allegations of corruption; there are allegations of bad habits; corrupt practice; mismanagement; and not holding elections timely. Even then, we have to admit that it is an autonomous sector. It cannot be treated as a corporate sector or as the Government owned enterprise.

I think, you are going to rationalise everything. That is understandable. But, you do not encroach the right of this autonomous body; do not dilute the very essence of the autonomous system of the cooperative sector. Instead of that, you can put everything separately that will help you enough and will not go to encroach the rights of the States.

Sir, while I am saying all these things, I register my serious reservation in this regard. I think, the Minister will convince us during the course of his reply and answer to all these questions.

SHRI SHIVARAMA GOUDA (KOPPAL): Hon. Chairman, Sir, I thank you, for giving me this opportunity to participate in the discussion on the occasion of Constitution (One Hundred and Eleventh Amendment) Bill, 2011, brought by the hon. Minister of Agriculture, Shri Sharad Pawar ji.

The Bill aims to bring a Constitutional Amendment to strengthen the cooperative sector by minimizing Government interference in the working of the institutions. It is a welcome move.

The Indian cooperative sector completed 107 years of its existence in 2011. The United Nations declared to observe the year 2012 as the International Year of Cooperatives. At this juncture, this Bill is brought before the Parliament. It is also a welcome step.

The cooperatives find mention in the Indian Constitution, explicitly, at two places. First, in Part IV, Article 43, as a Directive Principle, which enjoins the State Government to promote cottage industry on an individual or cooperative basis in rural areas, and second, in Schedule VII as Entries 43 and 44 in the Union List and Entry 32 in the State List.

The proposed Bill adds a new Directive Principle of State Policy stating that;

"The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies."

If further inserts a new part IX B in the Constitution (adding Articles 243 ZH through 243 ZT), which outlines certain guidelines for running cooperative societies.

The major additions in the said Bill relate to:-

- i) To insert Article 43 B in Part IV of the Constitution as Directive Principle of State Policy for voluntary formation of cooperative societies.
- ii) To make provision for giving representation to women and the Schedules Castes and the Scheduled Tribes by provisions for the reservation of two seats for women and one seat for the Schedules Castes and the Scheduled Tribes on the Board of every Cooperative Society, which have individuals as members from such categories (Article 243 ZJ(1) second proviso).

I would like to ask the hon. Minister that on what criteria he fixed the number of Directors that is 21. I would also like to suggest that this number should be fixed according to the number of districts in the concerned State so that the

representatives from all the districts would get priority in the State's apex cooperative bodies. I, therefore, request the hon. Minister to look into this aspect.

I appreciate the stated objectives of the proposed Constitution (Amendment) Bill which seeks to promote and build cooperative societies on the principles of voluntary and open membership, democratic and member-centric participation and autonomous functioning.

However, the moot question is whether the proposed amendment is the most suitable mechanism to achieve this goal. It needs to be understood that cooperative societies are meant to be autonomous associations of persons united voluntarily to meet their common economic, social and cultural needs and aspirations.

They must not be treated as a part of the Government machinery like the institutions of local governance which have been established as the third tier of the Government following the 73rd Constitutional Amendment.

The Constitution is meant to define the role of the State, provide for mechanisms for proper functioning of the different organs of the State and protect citizens from undue encroachments on their liberty.

As such, the Constitution needs to contain detailed provisions only to this extent. In fact, the Directive Principles of State Policy lay down the fundamental principles for the governance of the country and it is the duty of the State to apply these principles in making laws.

Sir, the cooperative philosophy is aimed at helping all sections by involving them in cooperative efforts. *â€¦ (Interruptions)*

MR. CHAIRMAN : That is all right. These are the general things which you are saying. You speak about the Amendment Bill.

SHRI SHIVARAMA GOUDA : Therefore, in order to fulfill the objective of the cooperative sector, it was to ensure that the benefits reached the people belonging to the lowest strata of the society. It was possible only when everyone in the cooperative institutions developed confidence about the cooperative principles. Hence, the Government should pay adequate attention to this aspect.

Sir, with these words, I support the Bill.

श्री जगदानंद सिंह (बक्सर): सभापति जी, आज सदन में माननीय कृषि मंत्री जी संविधान का 111वां संशोधन ले कर आए हैं। निश्चित रूप से हम सभी की तरफ से वे बधाई के पात्र हैं। दुनिया के सहकारिता आंदोलन का इतिहास दो सौ साल का है। भारत में भी सहकारिता आंदोलन को सौ साल से ऊपर हो गए हैं।

महोदय, ये केवल सहकारी संस्थाएं नहीं हैं, बल्कि बाजार की एक बड़ी ताकत के विरुद्ध हमारे कमजोर लोगों का एक संगठित आंदोलन है। सहकारिता आंदोलन को मजबूती देने के लिए निश्चित रूप से जिस कानून की आवश्यकता थी, संविधान के द्वारा ताकत देने की आवश्यकता थी आज उस कार्य को किया जा रहा है। लेकिन मैं यह कहना चाहूंगा कि सहकारिता संस्थाओं को दो तरीकों से बांटा जा रहा है। एक वे संस्थाएं होंगी जो राष्ट्रव्यापी होंगी और दूसरी संस्थाएं वे होंगी जो राज्य के अंदर काम करेंगी। आज राष्ट्रव्यापी संस्थाएं ताकतवर हैं। चाहे वह दूध के व्यापार में लगा हुआ अमूल नाम का संगठन हो या हमारे कृषकों और इपको जैसी खाद बनाने वाली सहकारिता की संस्थाएं हैं। उन्हें सरकार का हस्तक्षेप नहीं चाहिए। सरकार भी यह वादा कर रही है कि यदि जिस संस्था में हमारा 51 फीसदी से कम शेयर होगा, हम उसे दूसरे स्वरूप में देखेंगे और जहां हमारा 50 या उसके अधिक प्रतिशत का शेयर होगा उसका दूसरा स्वरूप होगा। बड़ी संस्थाओं में अपनी पूंजी को लौटाने का काम शुरू किया है और वे सरकारी नियंत्रण से बिल्कुल मुक्त होना चाहते हैं और यह अधिकार इस संशोधन के द्वारा मिलेगा। लेकिन जो कमजोर वर्ग है, जो कृषक है, जो उत्पादनकर्ता है, जो बाजार की मार को झेल रहा है, उसको ताकत कैसे प्राप्त होगी? यह सबसे बड़ा प्रश्न है। आप एक प्रावधान कर रहे हैं और प्रावधान पहले भी था लेकिन अवकृमण को आप प्रावधान में फिर से शामिल कर रहे हैं। यदि जहां सरकार की पूंजी लगी होगी, वहां आप किसी तरह की कमजोरी देखेंगे, गबन होगा या प्रशासनिक अराजकता होगी तो वहां आप संस्था का अवकृमण करेंगे। लेकिन यह ठीक है कि वह अवकृमण छह महीने से अधिक का नहीं होगा। आप यह भी प्रावधान कर रहे हैं कि यदि समिति सही ढंग से चले तो उसका कार्यक्रम पांच साल होगा।

मैं आपसे एक प्रार्थना करना चाहता हूँ कि ये कमजोर संस्थाएं, कमजोर लोगों के द्वारा सहकारिता आन्दोलन चलाया जाता है। इन्हें मजबूती चाहिए, संरक्षण चाहिए, सरकार के विधान के द्वारा इन्हें और ताकत चाहिए। हमें लगता है कि अवकृमण के वर्लॉज को हटा देना चाहिए। यदि कोई प्रबन्धन में गलती करता हो तो व्यक्ति को चाहे जितना आप दण्डित कर लें, लेकिन प्रशासक नियुक्त करके संस्था का अवकृमण करके कृपया करके संस्था को दण्डित करने की व्यवस्था इसमें न रखी जाये। क्षमा करेंगे, यदि सहकारिता आन्दोलन एक लोकतांत्रिक व्यवस्था है तो आपके पास मौका है कि यदि कहीं प्रबन्धन में गलती हो रही है तो उस प्रबन्धन को फिर नये ढंग से निर्वाचित करा दें।

महोदय, मैं कह सकता हूँ कि हम लोगों को जो सहकारिता आन्दोलन का अनुभव है, हमेशा प्रशासन चाहता रहा है कि सहकारिता आन्दोलन कमजोर रहे। बाजार में बड़े-बड़े पूंजीपतियों के विरुद्ध सहकारिता आन्दोलन आम लोगों का एक संगठन है। मैं आपके माध्यम से माननीय मंत्री जी से आग्रह करना चाहता हूँ कि आप इसे संरक्षण दीजिये। एक बात का ख्याल कर लीजिये, यह पूंजी के विरुद्ध श्रम पर आधारित लोगों का संगठन है और श्रम जिनका आधार हो, वह निश्चित रूप से पूंजी के

लिए सरकार की तरफ निगाह उठाते हैं। सरकार की जिम्मेदारी होती है कि ऐसे लोगों को मजबूत किया जाये ताकि वे बाजार में खड़े रहें। आज क्या दृश्य है, पूरे देश में केवल 18 प्रतिशत ऋण इन सहकारी संस्थाओं के द्वारा दिया जा रहा है।

महोदय, मैं आपके सामने जिन चीजों को रख रहा हूँ, वे हमारे लिए बहुत महत्वपूर्ण हैं। हमें संरक्षण चाहिए। किसानों के लिए, व्यापार करने के लिए जितनी पूंजी की आवश्यकता है, उसके लिए सरकार के संरक्षण में, सरकार के द्वारा नाबार्ड गारंटी के आधार पर पूंजी मुहैया कराता है। निश्चित रूप से किसानों के पास व्यक्तिगत उतनी पूंजी नहीं है कि वे पूंजीपतियों के विरुद्ध किसी मजबूत संस्था को खड़ी कर सकें। ऐसे में जब उनकी संस्थाएं हैं तो सरकार को आगे आना पड़ेगा क्योंकि वे अपने उत्पादन की सामग्रियों के व्यापार में भी लगे रहते हैं। महोदय, मैं यह कहना चाहता हूँ कि उत्पादनकर्ताओं का यह संगठन है। किसान या तो उत्पादनकर्ता हैं या उपभोक्ता है, व्यापार में उसका हस्तक्षेप नहीं है। वह स्वभाव से व्यापारी नहीं है, लेकिन व्यापारिक संस्था वह खड़ा करता है, यही सहकारिता आन्दोलन का मूल मंत्र है।

अंत में, मैं एक बात कहकर अपनी बात समाप्त करना चाहता हूँ कि माननीय मंत्री जी मेरा आपसे आग्रह है कि अवकृमण के वलॉज को निश्चित रूप से उसमें से हटाइये और सहकारिता को केवल एक संस्था नहीं, बल्कि कमजोर लोगों का आन्दोलन मानकर उसे हर तरह से सशक्त कीजिये।

महोदय, इन्हीं शब्दों के साथ मैं आपको धन्यवाद देते हुए अपनी बात समाप्त करता हूँ।

***SHRI PRASANTA KUMAR MAJUMDAR (BALURGHAT):** Hon. Chairman Sir, today we are discussing the Constitution (One Hundred and Eleventh Amendment) Bill, 2009. Respected Minister said that it is a small bill. It is indeed a small bill but is of great importance. The cooperative societies is a subject enumerated in Entry 32 of the State List of the Seventh Schedule of the constitution and the state legislatures have accordingly enacted legislations on cooperative societies. However inspite of expansion of cooperatives, their performance and functioning have not been upto the desired level. Therefore proper vigilance and monitoring must be there to streamline their performances. The Central Government must ensure that the cooperative societies run well and in a sound manner. Currently, the principles of autonomy, fundamental right and the voluntary nature of the societies are being diluted. A new Article 19(C) must be inserted in Part IV of the Constitution (Directive Principles of State Policy) for the states to strive to promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies and Article 43(B) should be removed.

Wherever two or three states have set up one cooperative, that too is being run by an existing law of 2002. The Centre should not interfere in the functioning of the states in as far as cooperatives are concerned. The states' rights must be safeguarded and the government bill should not encroach upon those prerogatives.

Due to paucity of time I will not go into more details but I want to make it clear that I strongly oppose the bill.

Thank you for allowing me to speak.

*English translation of the Speech originally delivered in Bengali.

श्री कामेश्वर बैठा (पलामू): माननीय सभापति जी, माननीय मंत्री जी द्वारा जो संविधान संशोधन विधेयक (एक सौ ग्यारहवाँ संशोधन) सदन में प्रस्तुत किया गया है, मैं इसका पुरज़ोर समर्थन करता हूँ और मंत्री जी को धन्यवाद भी देता हूँ।

महोदय, सरकारी सैक्टर वर्षों से जो राष्ट्रीय कृषि अर्थव्यवस्था में काम कर रहा है, निश्चित तौर पर उसका योगदान रहा है और देश के हर प्रांत में जहाँ भी सरकारी सैक्टर काम कर रहा है, उसने प्रगति की है, उन्नति की है। इन सरकारी संस्थाओं और संगठनों में जो कमी रही है, इसके लिए जो 111वाँ संशोधन विधेयक आया है, मैं इसका समर्थन करता हूँ।

महोदय, मैं मंत्री जी का ध्यान आकृष्ट करना चाहता हूँ कि धारा तेल और अमूल दूध ने पूरे गुजरात प्रदेश को नाम दिया है, वहाँ की जनता का योगदान इसमें सहकारिता के माध्यम से होता है, जनता को रोजी-रोटी मिलती है। उसी तरह अगर सभी प्रदेशों में ये सहकारी समितियाँ काम करेंगी तो निश्चित तौर पर हमारा देश प्रगति करेगा, उन्नति करेगा।

महोदय, मैं अपने झारखंड प्रदेश में पलामू संसदीय क्षेत्र की ओर आपका ध्यान खींचना चाहूँगा। यह जंगल और पहाड़ों का क्षेत्र है। वहाँ बड़ी कीमती लकड़ियाँ होती हैं, महुआ होता है, बीड़ी पत्ता होता है, महुलाइन पत्ता होता है। अगर वहाँ सहकारी समितियाँ जंगल में बनाई जाएँ, अगर बीड़ी पत्ता मज़दूरों की सहकारी समिति बनाई जाए तो जो मज़दूर बीड़ी पत्ता तोड़ते हैं, उनको औले-पौले दामों पर ठेकेदार गिन कर ले जाते हैं जिसके कारण मज़दूर साल भर के लिए बेरोज़गार हो जाता है। अगर

उस जंगली क्षेत्र के मज़दूरों को, जहाँ जंगल है, पहाड़ है, जहाँ बीड़ी पत्ता है, अगर वहाँ सहकारी समिति बनाकर उन मज़दूरों को बीड़ी पत्ता कटाई के लिए कार्ड दिये जाएँ तो निश्चित तौर पर हमारा झारखंड, या जहाँ जहाँ बीड़ी पत्ता होता है, चाहे छत्तीसगढ़ हो, बंगाल हो, उड़ीसा हो या आंध्र प्रदेश हो, जहाँ भी जंगली इलाका है, ट्राइबल इलाका है, वहाँ सहकारी समितियों के द्वारा उन लोगों को लाभ मिलेगा। महोदय, सहकारी समिति निश्चित तौर पर एक व्यवसाय नहीं है, गरीब, बेसहारा, लाचार और विवश मज़दूरों का एक आंदोलन है। अगर सचमुच में सहकारी समिति के आंदोलन को चलाया जाए तो देश से बड़े पैमाने पर गरीबी मिट जाएगी।

इसके साथ ही मैं माननीय मंत्री जी द्वारा लाए गए इस विधेयक का जोरदार समर्थन करता हूँ और माँग करता हूँ कि झारखंड प्रदेश में मेरे संसदीय क्षेत्र पलामू में यह लागू हो जहाँ जंगल और पहाड़ है, जो उग्रवाद प्रभावित क्षेत्र है, जो नक्सल प्रभावित क्षेत्र है, जहाँ लोगों को रोज़ी रोटी जुटाना भी मुश्किल है।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

श्री रामकिशुन (चन्द्रौली): माननीय सभापति जी, आपने संविधान संशोधन विधेयक के 111वें संशोधन पेर बोलने का अवसर मुझे दिया है, इसके लिए मैं आपका धन्यवाद करता हूँ।

माननीय मंत्री जी यह संशोधन कोआपरेटिव क्षेत्र के लिए लाए हैं और विशेषकर कृषि क्षेत्र के लिए लाए हैं। मैं आपसे कहना चाहूँगा कि कोआपरेटिव सहकारी समितियों का जो संशोधन है, यह बहुत ही महत्वपूर्ण संशोधन है जिसका हम सब लोग स्वागत करते हैं।

19.00 hrs.

मैं आपके माध्यम से सरकार से कहना चाहूँगा कि ये कोआपरेटिव सोसायटियां सहकारी आंदोलन हैं। उत्तर प्रदेश में जब हमारी पार्टी की सरकार थी तो उत्तर प्रदेश के मुख्यमंत्री माननीय मुलायम सिंह जी ने एक जन-आंदोलन चलाकर कोआपरेटिव सोसायटियों को मजबूत करने का काम किया था। लेकिन आज उत्तर प्रदेश की कोआपरेटिव संस्थाएं बर्बाद हो रही हैं। यद्यपि यह संशोधन दो-तीन राज्यों में काम करने वाली सहकारी समितियों के लिए है, जो कई राज्यों में काम करती हैं, उनके लिए है, उनको और मजबूत बनाने के लिए है। मैं आपके माध्यम से सरकार से कहना चाहता हूँ कि कोआपरेटिव में संशोधन करके नियम बना देने से ही नहीं, बल्कि उनमें बड़े पैमाने पर जो घोटाले हो रहे हैं, उन पर कठोर कार्रवाई करने की भी जरूरत है। जिन कोआपरेटिव संस्थाओं में घपले और घोटाले होते हैं, उन पर आर्थिक दण्ड भी लगाया जाना चाहिए ताकि उन कोआपरेटिव में रहने वाले लोग ऐसे घपले न करें, जिससे उसके अंशदाता, जो कि किसान हैं, जिनका उसमें योगदान होता है, उनकी पूंजी नष्ट होती है। मैं आपके माध्यम से सरकार से कहना चाहता हूँ कि आज कोआपरेटिव की बहुत जरूरत है। उत्तर प्रदेश में धान नहीं खरीदा जा रहा है, हमें खाद भी नहीं मिल रहा है। उत्तर प्रदेश में खाद की जो स्थिति है...(व्यवधान) मैं आपसे एक मिनट चाहूँगा। माननीय मंत्री जी की भी इच्छा है और मैं उत्तर प्रदेश की हालत यह है कि धान बिलकुल भी कोआपरेटिव संस्थाओं से नहीं खरीदा जा रहा है और बड़े पैमाने पर इसमें लूट मची है। यही हाल खाद का है...(व्यवधान)

MR. CHAIRMAN : This is not allowed. Please conclude.

श्री रामकिशुन : महोदय, मैं एक मिनट में अपनी बात समाप्त कर दूँगा...(व्यवधान)

MR. CHAIRMAN: No, please take your seat. You have already spoken. You send a letter to the hon. Minister whatever you want to say.

श्री कौशलेन्द्र कुमार (नालंदा): सभापति महोदय, मैं संविधान (एक सौ ग्यारहवां संशोधन) विधेयक, 2009 के समर्थन में खड़ा हूँ।

माननीय मंत्री जी जो विधेयक लाए हैं, निश्चित रूप से सदन में बैठे 70 से 80 प्रतिशत सदस्य किसान परिवार से आते हैं। आज किसानों की जो बदहाली है, हम बिहार से आते हैं। अभी माननीय सदस्य बता रहे थे कि उत्तर प्रदेश में कमी है। बिहार में भी वही हालत है। मंत्री जी जो संशोधन ला रहे हैं, मैं उसका पुरजोर समर्थन करता हूँ, लेकिन आपसे एक विनती करता हूँ कि जिस तरीके से बिहार में खाद की समस्या है, आपने बिल लाकर मजबूती प्रदान कर रहे हैं, सोसायटी को मजबूती प्रदान कर रहे हैं, बिहार में पैक्सो का चुनाव हुआ और मजबूती से चुनाव करके, उसे रास्ते पर लाया गया है। लेकिन केन्द्र सरकार के खाद नहीं देने के कारण, वहाँ के मुख्यमंत्री ने कहा था कि जब हमें खाद मिलेगा तब मैं पैक्सो के द्वारा खाद बटवाऊँगा, लेकिन समय पर खाद नहीं गया और पैक्स से जो खाद बंटना था, जितना किसानों को मिलना चाहिए था, वह नहीं मिला, इस पर भी ध्यान देने की जरूरत है। माननीय मंत्री जी से मैं निवेदन करूँगा कि आप भी किसान परिवार से आते हैं, कैसे पैक्स और सोसायटीज़ को मजबूत किया जाए, जो बिल आप लाए हैं, संशोधन छोटा नहीं, बल्कि और बड़ा लाएं। निश्चित रूप से किसान जब तक खुशहाल नहीं होगा, तब तक देश भी खुशहाल नहीं होगा। यही बात कहकर मैं अपनी बात समाप्त करता हूँ।

MR. CHAIRMAN: The discussion is over. Hon. Minister will reply tomorrow. We are taking up 'Zero Hour'.

