

**Bill No. 5 of 2019**

(Authorised English Translation)

**THE RAJASTHAN CO-OPERATIVE SOCIETIES  
(AMENDMENT) BILL, 2019**

(To be introduced in the Rajasthan Legislative Assembly)

*A*

*Bill*

*further to amend the Rajasthan Co-operative Societies Act, 2001.*

Be it enacted by the Rajasthan State Legislature in the Sixty-ninth Year of the Republic of India, as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Rajasthan Co-operative Societies (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on and from 23<sup>rd</sup> day of December, 2018.

**2. Amendment of section 28, Rajasthan Act No. 16 of 2002.-** For the existing sub-section (9) of section 28 of the Rajasthan Co-operative Societies Act, 2001 (Act No. 16 of 2002), the following shall be substituted and shall be deemed to have been substituted with effect from 23<sup>rd</sup> day of December, 2018, namely:-

“(9) No person shall remain both a Chairperson of a committee and a member of the Union Council of Ministers or the State Council of Ministers or the Pramukh of a Zila Parishad or the Pradhan of a Panchayat Samiti and, if already a member of the Union Council of Ministers or the State Council of Ministers or Pramukh of a Zila Parishad or Pradhan of a Panchayat Samiti, he shall, at the expiration of a period of fourteen days from the date he

becomes a Chairperson of such committee, cease to be such Chairperson of such committee unless, before such expiration, he resigns his seat in the Union Council of Ministers or the State Council of Ministers or the office he holds in the Zila Parishad or the Panchayat Samiti, as the case may be :

Provided that a person who is already a Chairperson of a committee is elected as a member of the Union Council of Ministers or the State Council of Ministers or Pramukh of a Zila Parishad or Pradhan of a Panchayat Samiti, then at the expiration of fourteen days from the date of being elected as a member of the Union Council of Ministers or the State Council of Ministers or Pramukh of a Zila Parishad or Pradhan of a Panchayat Samiti, as the case may be, he shall cease to be such Chairperson of the committee unless he has previously resigned his seat in the Union Council of Ministers or the State Council of Ministers or the office he holds in the Zila Parishad or the Panchayat Samiti, as the case may be :

Provided further that he may become member of the committee or a Director.’’.

**3. Repeal and savings.-** (1) The Rajasthan Co-operative Societies (Amendment) Ordinance, 2018 (Ordinance No. 6 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

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## STATEMENT OF OBJECTS AND REASONS

Sub-section (9) of section 28 of the Rajasthan Co-operative Societies Act, 2001 inter alia restricts a person to hold both the offices of a Chairperson or Vice-Chairperson of a committee of co-operative society and a member of the State Legislature. In order to avail the benefit of the experience of a member of the State Legislature in the co-operative movement, the State Government had decided to amend sub-section (9) of section 28 of the Rajasthan Co-operative Societies Act, 2001 so as to remove the said restriction and allow a member of the State Legislature also to get elected and hold office of a Chairperson or a Vice-Chairperson of a Co-operative Society. Accordingly, the said sub-section (9) was proposed to be amended suitably.

Since the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, he, therefore, promulgated the Rajasthan Co-operative Societies (Amendment) Ordinance, 2018 (Ordinance No. 6 of 2018) on 26<sup>th</sup> December, 2018, which was published in Rajasthan Gazette Extraordinary, Part IV(B) dated 26<sup>th</sup> December, 2018.

The Bill seeks to replace the aforesaid Ordinance.

Hence the Bill.

**अंजना उदयलाल,  
Minister Incharge.**

**EXTRACTS TAKEN FROM THE RAJASTHAN CO-  
OPERATIVE SOCIETIES ACT, 2001  
(Act No. 16 of 2002)**

XX      XX      XX      XX      XX      XX      XX

**28. Disqualification of membership etc. of committees.-**

(1) to (8)      XX      XX      XX      XX      XX      XX      XX

(9) No person shall remain both a Chairperson or Vice-Chairperson of a committee and a member of the Parliament or a member of the State Legislature or, the Pramukh or Up-Pramukh of a Zila Parishad or, the Pradhan or Up-Pradhan of a Panchayat Samiti or, Sarpanch or Up-Sarpanch of a Gram Panchayat or, a Chairperson or Vice-Chairperson of a municipal body and, if already a member of the Parliament or a member of the State Legislature or, Pramukh or Up-Pramukh of a Zila Parishad or, Pradhan or Up-Pradhan of a Panchayat Samiti or, Sarpanch or Up-Sarpanch of a Gram Panchayat or, Chairperson or Vice-Chairperson of a municipal body, he shall, at the expiration of a period of fourteen days from the date he becomes a Chairperson or Vice-Chairperson of such committee, cease to be such Chairperson or Vice-Chairperson of such committee unless, before such expiration, he resigns from his membership of the Parliament or the State Legislature or the office he holds in the Zila Parishad or the Panchayat Samiti or the Gram Panchayat or the municipal body as the case may be:

Provided that a person who is already a Chairperson or Vice-Chairperson of a committee is elected as a member of the Parliament or a member of the State Legislature or, the Pramukh or Up-Pramukh of a Zila Parishad or, the Pradhan or Up-Pradhan of a Panchayat Samiti or, Sarpanch or Up-Sarpanch of a Gram Panchayat or, a Chairperson or Vice-Chairperson of a municipal body, then at the expiration of fourteen days from the date of being elected as a member of the Parliament or the State Legislature or, the Pramukh or Up-Pramukh of a Zila Parishad or, the Pradhan or Up-Pradhan of a Panchayat Samiti or, Sarpanch or Up-Sarpanch of a Gram Panchayat or, a Chairperson or Vice-Chairperson of a municipal body, as the case may be, he shall cease to be such

Chairperson or Vice-Chairperson of the committee unless he has previously resigned from his membership of the Parliament or the State Legislative Assembly or the office he holds in the Zila Parishad or the Panchayat Samiti or the Gram Panchayat or the municipal body, as the case may be.

	(10) to (13)	xx	xx	xx	xx	xx	xx
XX	XX	XX	XX	XX	XX	XX	XX