

Toguru Sudhakar Reddy And Another vs The Govt. Of Andhra Pradesh And Others on 9 December, 1992

Equivalent citations: AIR 1994 SC 544, 1993 (1) SCALE 177, 1993 SUPP(4) SCC 439, AIR 1994 SUPREME COURT 544, 1993 AIR SCW 3994, 1993 (4) SCC (SUPP) 439, 1993 SCC (SUPP) 4 439

Bench: Kuldip Singh, N.M. Kasliwal

JUDGMENT

1. The Andhra Pradesh Co-operative Societies Act, 1964 was amended in the year 1991 and a proviso was added to Section 31(1)(a) of the said Act. The proviso is as under:

Provided also that two women members shall be nominated by the Registrar to the Committee of such class of societies and in such manner as may be prescribed from among the women members of the general body of such societies. Such nominated women members shall, notwithstanding any thing contained in this Act, have the right to vote and otherwise to take part in the proceedings of the meetings of the Committee.

The above quoted proviso was challenged by the appellants-petitioners before the Andhra Pradesh High Court on the ground that it was arbitrary and as such violative of Article 14 of the Constitution of India. Rules 22(c) and 22-A (3)(a) which are added by the notification dated March 20, 1991 were also challenged on similar grounds. It was also contended before the High Court that by nominating two women members to the Committee of societies under the newly added proviso, the total reservation would go beyond 50% which is not permitted in view of the law laid down by this Court in *M.R. Balaji and Ors. v. State of Mysore* 1963(1) Suppl. SCR 439. The High Court dismissed the writ petitions. These appeals by way of special leave are against the judgment of the High Court.

2. The State Government in the counter affidavit filed before the High Court justified the enactment of the impugned provisions on the following ground This amendment was introduced to give representation to the women in the managing committee of the societies. It is submitted that the National Convention on involvement of women in co-operative movement had suggested that 1/3rd of the seats be reserved to the women in the management committee of the societies. Even though there are women members in the societies, they are not coming forward to contest elections to the societies, which invariably involve serious campaigning on the basis of factional and political consideration. In order to encourage women to take active part in the management of the affairs of the society, the Act has been amended to provide for representation of women by nomination in the first instance.... The total number of membership in the society is stated to be 826. Out of these 826 members there are only 29 women members as affirmed by the petitioner. The managing committee

of the society consists of 11 members. Barring a few exclusive societies managed by women like the Mahila Co-operative Super Bazars, the participation of women in the affairs of the co-operative societies in Andhra Pradesh has been minimal. There are very few women members who have contested elections at the village level to gain entry into the managing committee of the societies and influence the decision making process of the committee. Appointment of the women to the managing committee was therefore, considered necessary to give proper representation to women to ensure that the benefits which accrue to the members of the co-operative societies are not concerned by the male members to the exclusion of the women members.

3. The High Court rejected the main contention of the appellants-petitioners on the reasoning that Article 15(3) of the Constitution of India permits the making of special provisions for women. The High Court went into the scheme of the Andhra Pradesh Co-operative Societies Act, 1964 in detail and came to the conclusion that impugned provisions were not arbitrary. The High Court further rejected the contention that reservation beyond 50% was not permissible. The High Court rightly held that the ratio in Balaji 's case was only confined to the reservations under Articles 15(4)' and 16(4) of the Constitution of India.

4. We have heard learned Counsel for the parties. We have been taken through the judgment of the High Court. We find no infirmity in the reasoning and the conclusions reached by the High Court.

5. We, therefore, dismiss the appeals with no order as to costs.