

অসম



ৰাজপত্ৰ

সত্যমেব জয়তে

The Assam Gazette

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত-কৰ্তৃক দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

নং 148 দিশপুৰ, বৃহস্পতিবাৰ, 17 অক্টোবৰ, 1974, 25 অহিন, 1896 বঙ্গ
No. 148 Dispur, Thursday, October 17, 1974, 25th Asvina 1896(S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LAW DEPARTMENT

NOTIFICATION

The 5th October 1974

No.LJL.420/73/130.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT XX OF 1974

(Received the assent of the Governor on the 11th July 1974)

THE ASSAM CO-OPERATIVE SOCIETIES (AMENDMENT)
ACT, 1974

An

Act

further to amend the Assam Co-operative Societies Act, 1949.

Preamble Whereas it is expedient futher to amend the Assam Co-operative Societies Act, 1949, hereinafter called the principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-Fifth Year of the Republic of India, as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Assam Co-operative Societies (Amendment) Act, 1974.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of Section 5 of Assam Act, I of 1950. 2. In Section 5 of the principal Act, for the words "unless he is above" occurring between the words "registered society" and "eighteen years of age", the words "if he is less than" shall be substituted.

Amendment of Section 15 of Assam Act of 1950. 3. In Section 15 of the principal Act, after sub-section (2) the following shall be inserted as sub-section (3) namely :—

"(3) (i) Notwithstanding anything contained in sub-section (1) and (2), the Registrar may, of his own motion and at any time for reasons of ensuring economic viability of any registered society or avoiding overlapping or conflict of jurisdictions of registered societies in any area, direct any registered society shall divide itself into two or more societies or amalgamate or merge fully or partially with any one or more specified society or societies within a specified date and according to any specified bye-laws and may also direct the manner in which the assets and liabilities of the society so directed to divide, amalgamate or mergen shall be disposed of.

(ii) In the case of amalgamation or merger a copy of the direction of the Registrar will also be served on the society or societies with which the amalgamation or merger is intended to take effect.

(iii) The Society or societies directed under Clause (i) to divide, amalgamate or merge and the society or societies with which the amalgamation or merger is intended to take effect, may submit objection to such order, if any, to the Registrar within 15 days of the order. The Registrar, after considering the objection of the society or societies, may withdraw, modify or confirm with such modification, as deemed necessary, the direction given by him under clause (i) of this sub-section.

(iv) On and from the date specified in the order of the Registrar confirming his direction to a society to divide, amalgamate or merge, the division, amalgamation or merger will take effect and the assets and liabilities of the society on which the direction was passed shall stand divided, amalgamated or merged with the assets and liabilities of the societies born out of such division or amalgamation or merger and the members, creditors and debtors of such society, shall be deemed to be members, creditors and debtors; as the case may be, of the new society as ordered by the Registrar.

(v) Notwithstanding any bye-law to the contrary, any member of any such society and, notwithstanding any agreement to the contrary, any creditor of such society which was divided, amalgamated or merged may, within a period of sixty days from the date of division, amalgamation or merger intimate his intention not to continue as a member of the new society, in case of a member and demand a return of the amount due to him, in case of a creditor. The Society inheriting the assets and liabilities of the erstwhile society in this regard shall return the share money or dues of such persons provided that all dues from such persons to the society, if any, as inherited or otherwise, are relised :

Provided that the Registrar may direct that any such specified society or class of the societies inheriting assets and liabilities of erstwhile society or societies due to division, amalgamation or merger shall pay or return to the creditors or members of the erstwhile society or societies towards return of their dues or share money as demanded by them, only such sums, to the extent of and proportionate to the recovery or realisation of any money against the assets and dues realisable from the debtors of such erstwhile societies and for this purpose the successor society shall follow the same principles and procedures as if the erstwhile society has gone into liquidation or being wound up.

- (vi) Notwithstanding the procedure for registration of societies as enumerated under sub-sections (I) (vi) and (2) (v), the Registrar shall register the new societies created after division of an existing society under Section 11 on the date from which the order issued under clauses (i) and (ii) of these sub-sections come into effect. From the date on which the new societies are registered the registration of the old societies shall be deemed to have been cancelled.
- (vii) In case of the society directed to amalgamate or merge with another society, its registration shall be deemed to have been cancelled from the date on which the order issued under clauses (I) and (III) of this sub-section takes effect.
- (viii) The division, amalgamation or merger of society shall not affect any rights or obligations of the society divided, amalgamated or merged or render defective any legal proceedings which might have been continued or commenced by or against the society which has been divided, amalgamated or merged and accordingly such legal proceedings may be continued or commenced by or against the society or societies to whom its assets and liabilities are transferred.
- (ix) In the case of any society carrying on-banking business, to which the Banking Regulation Act, 1949 (as applicable to Co-operative Societies) (Central Act No.10 of

1949), is applicable, no order, under sub-section (i) shall be passed by the Registrar, without the previous approval of the Reserve Bank of India.

Amendment of Section 17 of Assam Act I of 1950. 4. After sub-section (3) of Section 17 of the principal Act, the following shall be inserted as sub-section (4), namely:—

- (4) Notwithstanding anything contained in this Act, a registered society may, by specific provisions made in its bye-laws admit certain class of members without any voting right.

Amendment of Section 32 of Assam Act I of 1950. 5. (a) In Section 32 of the principal Act, as proviso to sub-section (1), the following shall be added:—

"Provided that notwithstanding anything to the contrary contained in this Act or Rules made thereunder or bye-laws of any society, the Registrar may direct that the first annual general meeting of any registered society shall be held on a date to be fixed by him (which shall be a date within one hundred and eighty days of the registration of the society) to elect the office bearers of the society, according to the procedure and manner prescribed in the bye-laws of the society and the office bearers so elected shall assume office on the conclusion of the general meeting in which they are elected in replacement of the managing committee elected at the time of the inaugural general meeting of the society".

- (b) In Section 32 of the principal Act, sub-section (2) shall be substituted by the following namely:—

- (2) Such a meeting shall be held within 60 days from the date of expiry of the preceding Co-operative year:

Provided that if for any reason the meeting cannot be held within the date fixed by the Registrar, any society may by application made within the aforesaid period of 60 days and addressed to the Registrar, pray for extension of time for holding the meeting stating the grounds for which, in the opinion of the society, the meeting cannot be held. The grounds for which the Managing Body should not stand dissolved under sub-section (4) below should also be stated in the application, if any, made for extension. The period for which the extension is sought for shall also be specifically stated in the application.

- (3) When an application for extension is made under the preceding sub-section, the Registrar may, if he is of opinion that extension should be granted and that there are good grounds for which the Managing Body should not stand

dissolved under sub-section (4) below, by order grant extension for any period not exceeding 30 days from the date of passing the order. If the Registrar is of opinion that no extension should be granted he shall by an order passed to that effect reject the same. In both the cases, the order passed shall be communicated under registered post to the society applying for extension.

- (4) If any society fails to hold the meeting within the period of 60 days mentioned in sub-section (2), or when an application is made for extension under the proviso to sub-section (2) within the period so extended, or when no extension is granted, before the expiry of 20 days from the date on which the order rejecting the application for extension is communicated, the Administrative Council and/or the Managing Body of the society shall stand dissolved from the date of expiry of the aforesaid period.
- (5) When the Administrative Council and/or Managing Body are dissolved under sub-section (4), the Registrar may appoint an officer or officers or any ad hoc body to manage the affairs of the society and to perform the functions of the Administrative Council and Managing Body till the new Body is elected or formed.
- (6) The officer or officers or the ad hoc body appointed by the Registrar under sub-section (5) shall arrange to hold the annual meeting of the general assembly which shall be held within ninety days of such appointment ;

Provided that the State Government may allow in its discretion such further time, as may be considered necessary but not exceeding one year for holding of such meeting".

Amendment 6. In Section 52 of the principal Act, the words of Section 52 "formed from its profit" occurring between the words of the Assam "Reserve Fund" and "and carry" shall be deleted. Act I of 1950.

Md. SAADULLAH,
Joint Secy. to the Govt. of Assam,
Law Department.