

Assam Co-Operative Societies (Amendment) Act, 1953

19 of 1953

[10 June 1953]

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Assam Co-Operative Societies (Amendment) Act, 1953

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PREAMBLE

An

Act

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

Whereas it is expedient further to amend the Assam Co-operative Societies Act, 1949 (Assam Act I of 1950), hereinafter called the "Principal Act," in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called the Assam Co-operative Societies (Amendment) Act, 1953.

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

(3) It shall come into force at once.

2. Amendment of section 50 of Assam Act I of 1950 :-

In clause (a) of sub-section (2) of section 50 of the principal Act, for the words and brackets "item 57 or item 59 in list I in the seventh schedule to the Government of India Act, 1935 (as adapted and modified)" the following shall be substituted, namely:-

"item 91 or item 96 in list I in the Seventh Schedule to the Constitution of India".

3. Amendment of section 73 of Assam Act I of 1950 :-

In clause (b) of section 73 of the principal Act, between the words "Act" and "he" in the seventh line the following shall be inserted, namely:--

"or fails to maintain up-to-date accounts, records and other documents of the Society required to be maintained by him under this Act or the rules or bye-laws".

4. Amendment of section 83 of Assam Act I of 1950 :-

For sub-section (2) of section 83 of the principal Act, the following shall be substituted, namely:--

"(2) Notwithstanding anything contained in sub-section (1), all the said dues shall also be recoverable as a public demand in accordance with the procedure laid down in the Bengal Public Demands Recovery Act, 1913 on a written requisition sent to the certificate officer in the prescribed form over the signature of the Registrar or of such Gazetted Officer as may have powers delegated to him by the Registrar in this behalf.

Explanation.--The certificate officer means the officer so defined in, and the prescribed form means the form so prescribed under the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)."

[Price anna 1 or 1d.]

5. Amendment of Schedule A of Assam Act I of 1950 :-

For the form in Schedule A to the principal Act, the following shall be substituted, namely:--

"Co-operative Demand Certificate granted under section 83(1) of the Assam Co-operative Societies Act, 1949 (Act I of 1950).

(To be realised as an arrear of land revenue by the Revenue authority within whose jurisdiction the judgment debtors property is situated).

Case No. of 19/District/Subdivision

In the matter of.....

Versus

.....

Whereas,.....,has made a reference in writing to me complaining/

as a result of my personal inspection I decide, determining/
that a sum of Rs.(Rupees.....) by way
of.....under section..... of the Assam
Co-operative Societies Act, 1949 (Act I of 1950) and a sum of Rs.
..... (Rupees) by way of interest is/are due from you and
you have evaded payment of the same and whereas a notice of
demand calling on you to pay the dues within the specified time
was served with notice to show cause;
And whereas you have not paid up your dues specified in the
notice;
And whereas you have not submitted explanation/your explanation
is unsatisfactory;
Now, therefore, I, under authority of sub-section (1) of Section 83
of the Assam Co-operative Societies Act, 1949 (Assam Act I of
1950) do hereby order that the abovementioned sum of Rs.
.....is due to the above named from you and that you will pay
further interest on the principal sum at the rate of.....per cent.
per annum from..... together with all cost till the date of
realisation.
I further order that right, title and interest of..... in the
properties set out and described in the Schedule below be sold as
an arrear of land revenue under the provisions of the Assam Land
and Revenue Regulation, 1886 (Regulation I of 1886), and that, if
the sale proceeds should be found insufficient to discharge the dues
with subsequent interest at the above rate till the date of
realisation and costs in full, the balance be realised by attachment
and sale of other movable and immovable property of the judgment
debtor as an arrear of land revenue.

SCHEDULE

Dated Shillong:

**Registrar,
Co-operative Societies,
Assam.**

The

**Officer empowered under
Section 83(1) of Assam Co-operative Societies,
Act, 1949.**

**N.B.--The irrelevant words may be struck off and relevant
entries may be made where necessary."**