

ASSAM ACT XVI OF 1973

(Received the assent of the Governor on the 30th June, 1973)

THE ASSAM CO-OPERATIVE SOCIETIES (AMEND-  
MENT) ACT 1973

[Published in the *Assam Gazette* Extraordinary, dated the 3rd July, 1973]

An

Act

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

Preamble.

Whereas it is expedient further to amend the Assam Co-operative Societies Act, 1949, hereinafter called the principal Act, in the manner hereinafter appearing; **Assam Act I of 1950.**

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

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Assam Co-operative Societies (Amendment) Act, 1973.

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

(3) It shall come into force at once.

Insertion of  
new Sections  
39A and 39B

2. After section 39 of the principal Act, the following shall be inserted as two new sections namely :—

"39A. (1) Notwithstanding anything contained in this Act, the State Government may, if it is of opinion that the Administrative Council, the Managing Body, any other Committee or body of a registered society is not competent to perform or persistently makes default in the performance of the duties imposed by or under this Act or exceeds or abuses the powers imposed by or under this Act, at any time, after giving an opportunity of showing cause against the actions proposed, remove any such Council, Body or Committee.

(2) The State Government may, at any time, suspend any such Council, Body, Committee pending its removal under sub-section (1) from office, if in the opinion of the State Government immediate action is necessary and the continuance of such Council, Committee or Body in office is inadvisable on any of the grounds on which it could be removed under sub-section (1) or on the ground of public interest.

(3) When an Administrative Council, Managing Body, Committee, other body of a registered society is suspended under sub-section (2) the State Government may make such arrangements as may be deemed necessary for discharging the duties, functions and obligations of the Administrative Council, Managing Body, Committee or other body so suspended till the termination of the order of suspension or, when a body or person is removed under sub-section (1), till the vacancy is filled up in accordance with the provisions made by or under this Act.

(4) Notwithstanding anything contained in this Act, if the term of office of any Administrative Council, Managing Body, Committee or other body expires during the continuance of any order passed under sub-section (2) placing any such Council, Body or Committee under suspension, such Council, Body or Committee shall cease to function with effect from the date of such expiry and the arrangements made by the State Government under sub-section (3) will continue till the vacancies caused by such expiry are filled up in accordance with the provision made by or under this Act.

39B. (1) The State Government may, after giving an opportunity of showing cause, remove the Chairman, the Vice-Chairman, the Secretary, any other member or office-bearer or employee of a registered society from the office or membership held by him on any one or more of the following grounds, namely :—

(a) Doing any act in violation of the provisions of the Act, the rules framed thereunder, the registered bye-laws of the society and other lawful orders of the Government or of the Registrar of Co-operative Societies;

(b) Doing any act which is prejudicial to the interest of the Co-operative movement;

(c) Misuse and defalcation of funds of the society;

(d) Misconduct and wilful neglect in the discharge of his duties;

(e) Refusal to act or incapability of acting.

(2) The State Government may, at any time, suspend a Chairman, a Vice-Chairman, a Secretary or any other member, office-bearer or employee of a registered society pending his removal under sub-section (1) if the State Government is of opinion that immediate actions are necessary and his continuance as such Chairman, Vice-Chairman, Secretary, member, office-bearer or employee is inadvisable on any of the grounds for which he may be removed under sub-section (1) or on the ground of public interest.

(3) When a Chairman, Vice-Chairman or any other member or office-bearer or employee is suspended under sub-section (2) of this section, the State Government may make such arrangements as may be deemed necessary for discharging the duties, functions and obligations of the person so suspended till the termination of the order of suspension or, when a person is removed under sub-section (1) above, till the election or appointment of a person to the office or membership which was held by the person so removed.

(4) Notwithstanding anything contained in this Act, if the term of office of any Chairman, Vice-Chairman, member, other office-bearer, or employee of any registered society expires during the continuance of any order passed under sub-section (2) of this section placing any such person under suspension, such person shall cease to function with effect from the date of such expiry and the arrangements made by the State Government under sub-section (3) will continue till the vacancies caused by such expiry are filled up in accordance with the provisions made by or under this Act."

**Repeal and Savings.**

3. (1) The Assam Co-operative Societies (Amendment) Ordinance, 1973, is hereby repealed.

**Assam Ordinance V of 1973.**

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.