

THE SOCIETY REGISTRATION (ASSAM AMENDMENT) BILL,2022

A

BILL

further to amend the Society Registration Act,1860 in its application to the State of Assam.

Preamble

Whereas it is expedient further to amend the Societies Registration Act, 1860 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central
Act XXI
of 1860

It is hereby enacted in the Seventy-third year of the Republic of India as follows:-

Short title
extent and
commencement

1. (1) This Act may be called the Societies Registration (Assam Amendment) Act, 2022.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Amendment of
section 3C

2. In the principal Act, in section 3C,-
 - (i) in sub-section (2), in clause (i), in the proviso, in second line, for the words " upto one year" appearing in between the words "a society" and "of the expiration," the words "for more then one year" shall be substituted.
 - (ii) in sub-section(3), in first line, for the words "fee for delayed filling" appearing in between the words "an additional" and "of application" the words, "fee at the rate of Rupees Two Thousand per year for the period from the date of expiry of the registration till the date of filling" shall be substituted.

Amendment of
section 3D

3. In the principal Act, in the section 3D, in third line, for the words "cease to be a registered" appearing in between the words "it shall" and society", the words, "become an unregistered" shall be substituted.

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CHECKED BY THE
LEGISLATIVE DEPARTMENT
ON 2.2.2022

STATEMENT OF OBJECTS AND REASONS

The objective is to introduce the Bill namely the Society Registration (Assam Amendment) Bill, 2022. A registered society has to apply for renewal of its registration within one year of expiry of the registration. If the society fails to apply for renewal of registration within one year, then its registration lapses and the society ceases to be a registered society. In such cases, there is no provision for renewal under the existing Societies Registration Act. Hence it is proposed to amend the clause (1) of sub section 2 of section 3C to enable the Registrar of Firms & Societies to renew Registration of Societies beyond the period of one year from the date of expiry of its registration.

Many societies have failed to renew or apply for renewal of their registration within the period specified under the provision of Societies Registration (Assam Amendment) Act, 2019. Some of the societies are rendering yomen services in the field of Social work, Education and Employment Generation etc. Prayer from a large number of societies have been received with request to direct the Registrar of Firms & Societies to renew the registration of such defaulting societies. However this will be possible only after amendment of the Societies Registration (Assam Amendment) Act, 2019.



Smti. Ajanta Neog
(Minister, Finance)



Principal Secretary,
Assam Legislative Assembly

FINANCIAL MEMORANDUM

The Bill does not entitle expenditure from the consolidated fund of the State once it comes into force.

Ajanta neog
Smti. Ajanta Neog
(Minister, Finance)

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not propose to delegate Legislative power to the Executive.

Ajanta neog
Smti. Ajanta Neog
(Minister, Finance)



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 380 দিশপুৰ, বুধবাৰ, 4 ছেপ্টেম্বৰ, 2019, 13 ভাদ, 1941 (শক)
No. 380 Dispur, Wednesday, 4th September, 2019, 13th Bhadra, 1941 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH

NOTIFICATION

The 4th September, 2019

No. LGL. 185/2017/11.— The following Act of the Assam Legislative Assembly which received the assent of the Governor on 26th August, 2019 is hereby published for general information.

ASSAM ACT NO. XII OF 2019
(Received the assent of the Governor on 26th August, 2019)
THE SOCIETIES REGISTRATION (ASSAM AMENDMENT)
ACT, 2019

**AN
ACT**

further to amend the Societies Registration Act, 1860, in its application to the State of Assam.

Preamble

Whereas it is expedient further to amend the Societies Registration Act, 1860, hereinafter referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing ;

Central
Act 21
of 1860

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Societies Registration (Assam Amendment) Act, 2019.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Amendment of section 3

2. In the principal Act, in section 3, for the words and punctuation marks "of fifty rupees, or such smaller fee as the State Government may, from time to time direct;" appearing in between the words "fee" and "and", the words and punctuation marks "at such rate, as the State Government may, by notification in the Official Gazette, fix, from time to time" shall be substituted.

Insertion of new sections 3B, 3C and 3D

3. In the principal Act, after section 3A, the following new sections 3B, 3C and 3D shall be inserted, namely :-

"3B. Validity of Registration.- Subject to compliance with the provisions of section 4, a certificate of registration issued under section 3 shall remain valid for a period of three years from the date of issue, but shall be subject to renewal for further periods of three years at a time in accordance with the provisions of section 3C :

Provided that no such registration shall be renewed if the provisions of section 4 has not been complied with in full.

3C. Renewal of registration.- (1) A society registered under section 3 shall, on application made to the Registrar within the validity period of registration or within one month of the expiration of the validity period of registration referred to in section 3B and on payment of the fee as fixed under section 3, and on filing the required documents as specified in the website <https://rfsfinance.assam.gov.in>, be entitled to have its certificate of registration renewed for three years at a time, subject to compliance of section 4.

(2) The Register may refuse to renew the registration of a society,-

- (i) if such society files the application for renewal of registration beyond one month of the expiration of the validity period of registration as referred to in section 3B :

Provided that the Registrar may condone the delay in filing application for renewal by a society upto one year of the expiration of validity period of registration, if he is satisfied on an application for condonation of delay filed by the society and on payment by the Society an additional fee equal to the amount of fee fixed for renewal of registration as under sub-section (1) of this section that the society was prevented by sufficient cause in filing the application within the validity period of the registration :

Provided further that in case of rejection of the application for condonation of delay, the Registrar shall give the society concerned a reasonable opportunity of being heard and pass a speaking order;

- (ii) if after giving an opportunity of being heard, he is satisfied that any of the grounds as mentioned in sections 3A and 4 exists for refusal of renewal of registration.
- (3) There shall be paid to the Registrar with every application for renewal of the certificate of registration,-
- (a) a fee equal to the registration fee payable under section 3 if such application is filed within the period specified in section 3C(1), which shall be accounted for to the State Government of Assam;
- (b) an additional fee for delayed filing of application for renewal under the first proviso to clause (1) of sub-section (2) of this section, which shall be accounted for to the State Government of Assam.
- (4) Every application for renewal of the certificate shall be accompanied by a list of the names, addresses and occupations of the Governors, councils, directors, committees and other governing body then entrusted with the management of the affairs of the society, elected after the registration of the society or after the renewal of certificate sought to be renewed, unless dispensed with by the Registrar for sufficient cause to be recorded in writing.
- (5) In the event of refusal of renewal of registration of a society, by the Registrar under sub-section (2), the aggrieved society may prefer an appeal before the Government of Assam, in the Finance (Establishment-B) Department whose decision thereon shall be final.

3D. **Effect of failure to Renew Registration.**- A Society which fails to get its certificate of Registration renewed in accordance with section 3C, its Registration lapses, and it shall cease to be a registered society with

effect from the actual date of expiration of its original registration or renewal thereof and its name and other particulars shall be struck off from the Register in which it was earlier registered or renewed :

Provided that no such registration shall be struck off before the expiry of twelve months from the date of expiry of the validity of the previous registration whether original or renewed.

Explanation :- For the purpose of calculating the twelve months period, the month in which the previous registration whether original or renewal, had expired shall be taken as one full month irrespective of the day of the month of such expiration of the registration or renewal."

Amendment of section 4B

4. In the principal Act, in section 4B, in sub-section (2), for the words "which may extend to five hundred rupees" appearing at the end, the words "which may extend to such amount as the State Government may, by notification in the Official Gazette, determine, from time to time", shall be substituted.

Amendment of sections 12A, 12B and 12C

5. In the principal Act, in sections 12A, 12B and 12C, for the words "name" wherever it occurs, the words and sign "name and/or address" shall be substituted.

Insertion of new sections 12D, 12E and 12F

6. In the principal Act, after section 12C, the following new sections 12D, 12E and 12F shall be inserted, namely :-

12D. Fees for change of name and/or address of the society.- At the time of filing the documents required for change of name and/or address of the society, there shall be paid to the Registrar a fee as the State Government may, by notification in the Official Gazette, fix, from time to time, which shall be accounted for to the State Government of Assam.

12E. Fees for issue of Duplicate Registration Certificate.- At the time of filing documents for issue of duplicate registration certificate of a society, there shall be paid to the Registrar a fee as the State Government may, by notification in the Official Gazette, fix from time to time, which shall be accounted for to the State Government of Assam.

12F. Refusal to change in name and/or address or issue duplicate Certificate by the Registrar.- The Registrar may refuse to register the change in name and/or address or issue a duplicate registration certificate, as the case may be, to a society, if the society fails to submit the required documents as per instructions specified in the Government website <https://rfsfinance.assam.gov.in>, by a speaking order :

Provided that the society may prefer an appeal against this order before the State Government in the Finance (Establishment-B) Department whose decision thereon shall be final."

Amendment of section 19

7. In the principal Act, in section 19,-

(i) for the words "of one rupee" appearing in between the words "fee" and

- “for each”, the words “as the State Government may, by notification in the Official Gazette, fix, from time to time”, shall be substituted;
- (ii) for the words “fifteen naye paise” appearing in between the words “payment of” and “for every hundred words”, the words “such amount as the State Government may, by notification in the Official Gazette, fix, from time to time,”, shall be substituted;
- (iii) in the existing provision, after the punctuation mark “.” appearing at the end, the following sentence shall be inserted, namely :-
“The amount of fees collected under this section shall be accounted for to the State Government of Assam.”

S. M. BUZAR BARUAH,
Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6

SECRET

**EXTRACT OF MINUTES OF THE CABINET MEETING HELD ON
18-05-2022 AT 6:00 PM IN THE CABINET ROOM OF CHIEF MINISTER'S
OFFICE AT JANATA BHAWAN, DISPUR, GUWAHATI**

Circulated during the Cabinet Meeting

Additional Item No.10
Finance Department

File No.FEB.335/2015

Sub : State Amendment Bill under the Societies Registration Act, 1860 (21 of 1860)
Assam Amendment as applicable in the State of Assam.

The Cabinet discussed the State Amendment Bill under the Societies Registration Act, 1860 (21 of 1860) which sought to amend section 3 of the Act to enable renewal beyond 1 year for a payment of Rs. 2000.00 per year as penalty. The Cabinet approved with a direction that the amendments would be brought about in the form of Ordinance by observing due formalities as the Legislative Assembly is presently not in session. Cabinet also approved that online registration be also allowed as in the case of trade licenses. Finance Department was, accordingly, directed to develop an online portal through NIC or any other Firm.

*Relevant Extract of the decision
of the Cabinet Meeting is sent
herewith for necessary action.*

[Signature]
22/05/2022
Officer-on-Special Duty
Political (Cabinet Cell) Department,
Dispur, Guwahati

The Principal Secretary
Government of Assam
Finance Department
Dispur, Guwahati.

ees (MT) ✓
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30/5/22

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31/5/22

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31/5/22

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31/5/22

Received on
31/05/22

R.K.
31/05