

The 23rd February 1960

No.LJL.16/59/11.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

(Received the assent of the Governor on the 16th February 1960)

ASSAM ACT No.III of 1960

THE ASSAM AID TO INDUSTRIES (SMALL AND COTTAGE INDUSTRIES) (AMENDMENT) ACT, 1959

(As passed by the Assembly)

[Published in the *Assam Gazette*, Extraordinary, dated the 24th February 1960]

*An
Act
further to amend the Assam Aid to Industries (Small and Cottage Industries) Act,
1955*

Preamble.

WHEREAS it is expedient further to amend the Assam Aid to Industries (Small and Cottage Industries) Act, 1955, hereinafter called the Principal Act, in the manner hereinafter appearing ;

Assam Act
II of 1956.

It is hereby enacted in the Tenth Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Assam Aid to Industries (Small and Cottage Industries) (Amendment) Act, 1959.

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

(3) It shall come into force at once.

Amendment of Section 2 of Assam Act II of 1956.

2. In Section 2 of the Principal Act:—

(1) for clause (b), the following shall be substituted:—

“(b) ‘Director’ means (i) the Director of Industries, Assam in respect of Small or Cottage Industries other than Small or Cottage Industries under Sericulture and Weaving, and

(ii) the Director of Sericulture and Weaving, Assam in respect of Small or Cottage Industries under Sericulture and Weaving”.

(2) after clause (i), the following shall be added as clauses (j) and (k) namely:—

“(j) ‘Political Sufferer’ means:—

(i) a person who was a detenue or an externee or was arrested and kept in jail either as convict or as an undertrial for a period of at least one month or who was fined in a court of law or whose property was confiscated or who was permanently disabled or who suffered grievous bodily injury for participation in any of the national movements;

(ii) a person;

- (a) dismissed or removed from service,
- (b) being a civil pensioner whose pension was forfeited,
- (c) who resigned or had to resign from Government service, for participating in or his association with the national movement,

(iii) a person who boycotted his educational institution in response to the national movement, and continued in Congress work for the attainment of the independence of India till 1947,

- (ii) a person who gave up his study due to his participation in the national movement of 1942 and resumed the same afterwards:

Provided that no such person shall be deemed to be a political sufferer if he had given an undertaking to the authority not to continue in any national movement, or if he had acted subsequently against the national movement.

Explanation.—(a) 'National movement' means the movements launched under the leadership of Mahatma Gandhi since 1921, or any other movement for the independence of India.

(b) 'Authority' means the Government for the time being, prior to the 15th August, 1947.

(k) 'Registrar of Co-operative Societies' shall be as defined in the Assam Co-operative Societies Act, 1949". Assam Act I of 1950.

Amendment of section 3 of Assam Act II of 1956.

3. In section 3 of the Principal Act, after Comma at the end of the word "Department" and before the word "Finance" the words and a Comma "Sericulture and Weaving Department," shall be inserted.

Amendment of section 4 of Assam Act II of 1956.

4. (1) In clause (b) of sub-section (1) of section 4 of the Principal Act, the words "of Cottage Industries" between the words "Director" and "or" shall be deleted.

(2) After sub-section (2) of section 4 of the Principal Act, the following sub-section (3) shall be added, namely:—

"(3) In case of Small or Cottage Industries owned by a Company or a Co-operative Society, the State Government may assist in the development of such industries by participation in the share capital or by purchasing debentures issued by such Company".

Amendment of section 5 of Assam Act II of 1956.

5. For sub-section (I) of section 5 of the Principal Act, the following shall be substituted, namely:—

"(1) Any person may submit in the prescribed form and in the prescribed manner an application to the Director or to any other officer empowered in this behalf by the Government for loan in respect of Small or Cottage Industries".

Amendment of section 6 of Assam Act II of 1956.

6. In section 6 of the principal Act:—

(1) In the first proviso, the sentence "Security may also include personal security" shall be omitted.

(2) the second proviso shall be substituted as follows:—

“Provided also that notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the Director or the authority empowered to issue loan may sanction loans upto one thousand rupees on personal bond of the applicant and upto two thousand and five hundred rupees on the security of one or more sureties:”.

(3) after the second proviso, the following provisos shall be added, namely:—

“Provided that Government or the authority empowered to issue loan may sanction such loan on the personal bond of the applicant and one or more personal sureties as considered adequate and reasonable subject to a maximum of Rs.7,500 in case of political sufferers who are certified as such by the competent authority and who are in need of rehabilitation through productive work.

A political sufferer who is in receipt of a pension from the State Government for participation in any National Movement shall not be entitled to the benefit of this proviso:

Provided further that the Government or the authority empowered to issue loan may sanction such loan without security to a Co-operative Society owning Small or Cottage Industries upto a maximum of fifteen times of the paid-up share capital of such Co-operative Society subject to production of a certificate from the Registrar of Co-operative Societies, Assam”.

Deletion of section 7 of Assam Act II of 1956.

7. Section 7 of the Principal Act shall be deleted.

Amendment of section 8 of Assam Act II of 1956.

8. Section 8 of the Principal Act shall be renumbered as section 7 and the words “of Cottage Industries” between the words “Director” and “may” shall be deleted.

Amendment of section 9 of Assam Act II of 1956.

9. Section 9 of the Principal Act shall be renumbered as section 8 and the words “of Cottage Industries” wherever occurring after the word “Director” in the section as so renumbered shall be omitted.

Amendment
of section 10
of Assam
Act II of
1956.

10. Section 10 of the Principal Act shall be re-numbered as section 9 and the words "of Cottage Industries" between the words "Director" and "in" shall be deleted.

Amendment
of sections 11,
12, 13, 14,
15, 16 and 17
of Assam
Act II of
1956.

11. Sections 11, 12, 13, 14, 15, 16 and 17 of the Principal Act shall be renumbered as sections 10, 11, 12, 13, 14, 15 and 16 respectively.

B. C. BARUA,
Secy. to the Govt. of Assam, Law I