

THE INDIAN PARTNERSHIP (ASSAM AMENDMENT) BILL 2023

A

BILL

further to amend the Indian Partnership Act, 1932.

Preamble

Whereas it is expedient to amend the Indian Partnership Act, 1932, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central Act
No. IX of
1932

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

Short title,
extent and
commencement

1. (1) This Act may be called the Indian Partnership (Assam Amendment) Act, 2023.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force at once.

Amendment of
section 58

2. In the principal Act, in section 58,

(1) for sub-section (3), the following shall be substituted, namely:-

“(3) (i) A firm shall not have any of the names or emblems specified in the Schedule to the Emblems and Names (Prevention of Improper Use) Act, 1950, or any colourable imitation thereof unless permitted so to do under that Act or any name which is likely to be associated by the public with the name of any other firm on account of similarity or any name which, in the opinion of the Registrar for reasons to be recorded in writing, is undesirable.

Central Act
No. XII of
1950

(ii) A firm's name shall not contain any of the following words, namely:-

“Union”, “State”, “President”, “Republic”, “Governor” or words expressing or implying sanction, approval or patronage of Government, unless the Government of Assam signifies, by order in writing, its consent to the use of such words as part of the firm's name.”;

(2) after sub-section (3), the following new sub-sections (4) and (5) shall be inserted, namely:-

“(4) No firm shall be registered by a name which in the opinion of the Register as undesirable on any of the grounds as mentioned in sub-section (3).

“(5) Any person aggrieved by an order of the Registrar under sub-section (3) and (4) may, within 30 days from the date of communication of such order, appeal to the State Government whose decision thereon shall be final.”

09.03.2023

Insertion of
new section
70A

3. In the principal Act, after section 70, the following new section 70A shall be inserted, namely:-

“Maximum
fees and
power to
amend
Schedule-I

70A. (1) The fees payable under this Act and the rules made thereunder shall not exceed the maximum fees as specified in Schedule-I.

(2) Subject to the provisions of this section the State Government may, having regard to the expenditure incurred or to be incurred for carrying out the purposes of this Act, from time to time, by notification in the Official Gazette, vary any of the amounts of maximum fees and other particulars specified in Schedule-I, and thereupon, the said Schedule shall be deemed to be amended accordingly.

(3) Every notification issued under sub-section (2) shall take effect from the date of its publication in the Official Gazette, unless some other date is specified therein for this purpose.

(4) Every notification issued by the State Government under sub-section (2) shall be laid, as soon as may be after it is issued, before the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the notification or House agrees that the notification should not be issued, and notify such decision in the Official Gazette, the notification shall, from the date of publication of such decision, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done in pursuance of that notification.”

Amendment of
section 71

4. In the principal Act, in section 71, for sub-section (1), the following shall be substituted, namely:-

“(1) Subject to the provisions of section 70A, the State Government may, by notification in the Official Gazette make rules prescribing the fees which shall accompany documents sent to the Registrar or which shall be paid in respect of any intimation, notice or application given to the Registrar or which shall be payable for the inspection of documents in the custody of the Registrar or for copies from the Register of Firms or which shall be paid for supply of any prescribed forms.”

Insertion of
Schedule-I

5. In the principal Act, for the existing Schedule-I, the following shall be substituted, namely:-

**“SCHEDULE-I
MAXIMUM FEES
[See section 70A and 71 (1)]**

Document or Act in respect of which the fee is payable	Maximum fee
Statement under section 58	Two Thousand
Statement under section 60	One Thousand
Intimation under section 61	One Thousand
Intimation under section 62	One Thousand
Notice under section 63	One Thousand
Application under section 64	One Thousand
Inspection of Register of Firms under sub-section (1) of section 66	One Thousand
Inspection of Register of Firms under sub-section (1) of section 66	One Thousand
Copies from the Register of Firms	One Thousand

See
SETTLED BY THE
LEGISLATIVE DEPARTMENT
ON 21.12.2011