

THE SOCIETIES REGISTRATION ACT, 1860

ARRANGEMENT OF SECTIONS

PREAMBLE.

SECTIONS

1. Societies formed by memorandum of association and registration.
2. Memorandum of association.
3. Registration and fees.
4. Annual list of managing body to be filed.
5. Property of society how vested.
6. Suits by and against societies.
7. Suits not to abate.
8. Enforcement of judgment against society.
9. Recovery of penalty accruing under bye-law.
10. Members liable to be sued as strangers.
Recovery by successful defendant of costs adjudged.
11. Members guilty of offences punishable as strangers.
12. Societies enabled to alter, extend or abridge their purposes.
13. Provision for dissolution of societies and adjustment of their affairs.
14. Upon a dissolution no member to receive profit.
Clause not to apply to Joint-stock Companies.
15. Member defined. Disqualified members.
16. Governing body defined.
17. Registration of societies formed before Act.
18. Such societies to file memorandum, etc., with Registrar of Joint-stock Companies.
19. Inspection of documents, Certified copies.
20. To what societies Act applies.

THE SOCIETIES REGISTRATION ACT, 1860

ACT NO. 21 OF 1860¹

[21st May, 1860.]

An Act for the Registration of Literary, Scientific and Charitable Societies.

Preamble.—WHEREAS it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, ²[the diffusion of political education] or for charitable purposes; It is enacted as follows:—

STATE AMENDMENT**Union territory of Ladakh**

After the preamble and before the existing section 1, insert—

“1. Appointment, etc. of Registrar of Societies, etc.-(1) The Administration of Union territory of Ladakh may, by notification, appoint a person to be called the Registrar of Societies and he shall exercise such powers and perform such duties and functions as are conferred by or under the

1. Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

The Act (with the exception of the first four sections) is based on the Literary and Scientific Institutions Act, 1854 (17 and 18 Vict., c. 112), ss. 20 *et seq.*

It has been declared to be in force in the whole of India, except the Scheduled Districts, by s. 3 of the Laws Local Extent Act, 1874 (15 of 1874).

It has been extended to the New Provinces and Merged States by Act 59 of 1949.

It has been declared, by notification under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely:—

West Jalpaiguri See Gazette of India, 1881, Pt. I, p. 74. The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, . . .

Pt. I, p. 44), and Manbhum and ParganaDhalbhum . . .

and the Kolhan in the District of Singbhum . . . Ditto 1881, Pt. I, p. 504. The Scheduled portion of the Mirzapur District . . .

. . . Ditto 1879, Pt. I, p. 383. Jaunsar Bawar. Ditto 1879, Pt. I, p. 302. The Scheduled Districts in Ganjam and Vizagapatam . . . Ditto 1898, Pt. I, p. 870. Assam (except the North Lushai Hills). . . . Ditto 1897, Pt. I, p. 299. It has been extended, by notification under s. 5 of the last-mentioned Act, to the following Scheduled Districts, namely:—

Kumaon and Garhwal. See Gazette of India, 1876, Pt. I, p. 606. Ajmer and Merwara. Ditto 1878, Pt. I, p. 380.

The Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and the Schedule to Dadra and Nagar Haveli with modifications by Reg. 6 of 1963, s. 2 and the First Schedule (w.e.f. 1-7-1965) and to the Union territory of Lakshadweep, by Reg. 8 of 1965, s. 3 and Sch. (w.e.f. 1-10-1967).

It has been amended in—

C. P. and Berar by C. P. and Berar Act 3 of 1940,

Assam by Assam Acts 14 of 1948, 15 of 1948, 1 of 1952, 7 of 1957 and 11 of 1958,

Bihar by Bihar Acts 30 of 1948, 4 of 1951 and 2 of 1960,

Punjab by East Punjab Acts 32 of 1948, 6 of 1949 and Punjab Act 21 of 1961,
West Bengal by West Bengal Act 16 of 1950,
Andhra by President's Act 10 of 1954,
Madras by Mad. Act 9 of 1960,
Orissa by Orissa Acts 21 of 1958, 8 of 1969 and 9 of 1979,
Maharashtra by Maharashtra Acts 11 of 1968 and 49 of 1971,
Himachal Pradesh by H. P. Act 23 of 1973,
Uttar Pradesh by U. P. Acts 25 of 1959, 52 of 1975, 13 of 1978 and 11 of 1984,
Bombay by Bom. Act 76 of 1958,
Haryana by Haryana Act 23 of 1974,
Pondicherry by Act 9 of 1969, and
Union territory of Delhi by Act 26 of 1983.

The Act came into force in Pondicherry *vide* Reg. 7 of 1963 and the First Schedule (w.e.f. 1-10-1963). The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955 and in Mysore by Mysore Acts 17 of 1960 and 19 of 1973.

It has been repealed in its application to Mahakoshal, Vindhya Pradesh and Bhopal regions of Madhya Pradesh by Madhya Pradesh Act 1 of 1960 (when notified).

2. Ins. by Act 22 of 1927, s. 2.

2

provisions of this Act, and shall subject to such general or special order as the Administration of the Union territory of Ladakh may from time to time make, superintend the administration and carry out the provisions of this Act throughout the Union territory of Ladakh.”;

“(2) The Administration of the Union territory of Ladakh may by notification, appoint one or more Additional Registrars with such local jurisdiction as may be assigned to them.

(3) The Additional Registrars so appointed shall, subject to the control of the Registrar of Societies, exercise such of the powers and perform such of the functions of the Registrar of Societies as the Administration of the Union territory of Ladakh may authorise in that behalf.”;

(b) number the existing section as section 1A and in this section as so numbered, for "Registrar of Joint-Stock Companies" substitute "Registrar of Societies."

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, *vide* Notification No. S.O. 3805(E), dated (26-10-2020).]

STATE AMENDMENT

Arunachal Pradesh

Extension of Central Act, 1860 (21 of 1860).— The Societies Registration Act, 1860, as in force in the territories to which it generally extends, is hereby extended to the Union Territory of Arunachal Pradesh, subject to the modifications mentioned in the Schedule.

Certain notifications to be inoperative.—On the commencement of this Act, the notifications Nos. 5459P, 5463p, and 5467p dated the 13th October, 1914, in so far as they relate to the Societies Registration Act, 1860, shall cease to be operative in the Union Territory of Arunachal Pradesh. THE SCHEDULE

(See Section)

Modification to the Societies Registration Act, 1860.

1. Throughout the Act,—

(1) for the words “Registrar of Joint-Stock Companies” wherever they occur, the word “Registrar” shall be substituted.

(2) for the words “State Government” wherever they occur the word “Administrator” shall be substituted.

[*Vide* Arunachal Pradesh Act 6 of 1978, s. 2]

Amendment of Schedule.—In the Schedule to the Societies Registration (Extension to Arunachal Pradesh) Act, 19 (hereinafter referred to as the Principal Act) :-

(1) for the word "Administrator" wherever it occurs, the words "State Government" be substituted. (2) the clause (a) of serial 2 shall be omitted.

(3) after serial 2, the following shall be inserted, namely :

"2-A, for section 3 of the Central Act, 1860 (21 of 1860) the following shall be substituted,

namely :-

3. (1) Upon such memorandum and certified copy being filed along with particulars of the address of the Society's office which shall be its registered address, by the Secretary of the Society on behalf of the persons subscribing to the memorandum, the Registrar shall certify under his hand that the Society is registered under this Act, and there shall be paid to the Registrar for every such registration a fee of ten thousand rupees or such smaller fee as the State Government may notification in respect of any class of Societies :

Provided that the State Government may by notification in the Official Gazette, increase from time to time the fee payable under this sub-section :

Provided further that the Registrar may, in his discretion, issue public notice(s) to such person as he thinks fit inviting objections, if any, against the proposed registration and consider all objections that may be received by him before registering the Society.

(2) Notwithstanding anything in sub-section (1), the Registrar shall refuse to register a Society, if after giving it an opportunity of showing cause against such refusal he is satisfied that : (a) the name of the Society is identical with that of any other society previously registered under this Act ;

3

(b) the name of the Society sought to be registered uses any of the words, namely, 'Union', 'State', 'Land Mortgage', 'Land Development', 'Co-operative', 'Gandhi Reserve Bank' or any words expressing or implying the sanction, approval or patronage of the Central or any State Government or any word which suggests or is calculated to suggest any connection with any local authority or any corporation or body constituted by or under any law for the time being in force, or is such as is otherwise likely to deceive the public or the members of any other society previously registered under this Act.

(c) any one or more of the objects of the Society sought to be registered is not an object mentioned in sections 1 and 20 ; or

(d) its objects are contrary to any other law for the time being in force :

Provided that the State Government may in exceptional circumstances, for reasons to be recorded permit any society to use the word 'Union' or the word 'Gandhi' in its name, and thereupon, the use of that word in the name of the society shall not be a ground for refusal to register or to renew the certificate of registration of such society.

3-A Renewal of certificate of registration-(1) Subject to the provisions of sub-section (2), a certificate of registration issued under section 3 shall remain in force for a period of three years from the date of issue :

Provided that a certificate issued before the commencement of the Societies Registration (Extension to Arunachal Pradesh) (Amendment) Act, 2008 (hereinafter in the section referred to as the said Act), shall remain in force for a period of three years from the date of such commencement on payment of the difference of the fees specified under sub-section (3) and the fees already paid.

(2) A Society registered under section 3 whether before or after the commencement of the said Act, shall on application alongwith a copy of duly audited statement of account made to the Registrar within one month of the expiration of the period referred to in sub-section (1) and on payment of the fee specified in sub-section (3), be entitled to have its certificate of registration renewed for one year at a time :

Provided that in the case of a society registered before the commencement of the said Act, the Registrar shall refuse to renew the certificate of registration, if, after giving it an opportunity of showing cause against such refusal, he is satisfied that any of the grounds mentioned in sub-section (2) of section 3 exist in respect thereof.

- (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 or rupees four thousand, whichever is less, if such application is filed within the period specified in subsection (2) :

Provided that the State Government may, by notification in the Official Gazette, increase from time to time, the fee payable under this clause subject to the condition that the fee so increased shall not exceed the registration fee payable under section 3 ;

- (b) an additional fee of four hundred rupees or such higher fee not exceeding one fifth of the fee payable under clause (a) as may be notified by the State Government, if such application is filed within one month of the date of expiration of the period specified in sub-section (2) ; and
- (c) an additional fee at the rate of twenty rupees per month or part thereof or such higher additional fee per month not exceeding half of the additional fee payable under clause (b) as may be notified by the State Government, if such application is filed beyond one month of the expiration of the period specified in sub-section (2).
- (4) Every application for renewal of the certificate shall be accompanied by a list of members of the managing body elected after the registration of the society or after the renewal of certificate of registration and also the certificate sought to be renewed unless dispensed with by the Registrar on the ground of its loss or destruction or any other sufficient cause.
- (5) A society which fails to get its certificate of registration renewed in accordance with this section within one year from the expiration of the period for which the certificate was operative shall become an unregistered society :

Provided that the Registrar may, for sufficient cause, allow an application for renewal more than one year after the expiration of the period for which the certificate was operative on payment of a fee of four hundred rupees or such higher fee not exceeding ten times of the additional fee payable under clause (b) of sub-section (3) as may be notified by the State Government from time to time.

4

(6) Where a certificate of registration is renewed in accordance with sub-section (2) or sub-section (5) such renewal shall operate from the date of expiration of the period from which the certificate was operative.

3-B Reference to the State Government —If any question arises whether any society is entitled to get itself registered in accordance with section 3 or to get its certificate of registration renewed in accordance with section 3-A, the matter shall be referred to the State Government, and the decision of the State Government, thereon shall be final".

(4) in serial 6, of the Schedule to the State Act No. 6 of 1978 in section 19 of the Central Act No. 21 of 1860 for the words "one rupee" and "fifteen paise" respectively the words "ten rupees" and "five rupees" shall be substituted.

(5) in serial 7, (i) in section 21 (1) for the words "five hundred" and "fifty rupees" respectively, the words, "five thousand rupees" and "five hundred rupees" shall be substituted.

(ii) in section 21 (2) for the words "two thousand" the words "twenty thousand" shall be inserted.

(7) after serial 7, serial 8 shall be added, namely :— "8. after section 22, the following shall be added, namely :

[*Vide* Arunachal Pradesh Act 9 of 2008, s. 2]

1. Societies formed by memorandum of association and registration.—Any seven or more persons associated for any literary, scientific, or charitable purpose, or for any such purpose as is described in section 20 of this Act, may, by subscribing their names to a memorandum of association, and filing the same with the Registrar of Joint-stock Companies^{1***}, form themselves into a society under this Act.

Orissa

Insertion of new section before section 1, Act 21 of 1860.—In the Societies Registration Act, 1860 (21 of 1860) (hereinafter referred to as the said Act), section 1 shall be renumbered as section 1-A and before the said section as so renumbered, the following new section shall be inserted, namely:—

1. Appointment of Registrar of Societies.—The State Government may, by notification, appoint a person to be called the Registrar of Societies and he shall exercise such powers and perform such duties and functions as are conferred by or under the provisions of this Act, and shall subject to such general or special order as the State Government may from time to time make, superintend the administration and carry out the provisions of this Act throughout the State or Orissa.

[*Vide* the Orissa Act 21 of 1958, s. 2]

Adaptation.—In the said Act, for the expressions, “Registrar of Joint Stock Companies” and “Registrar” wherever they occur, the expression “Registrar of Societies” shall be substituted.

[*Vide* the Orissa Act 21 of 1958, s. 3]

Pending proceedings and construction of reference to Registrar of Companies in instruments issued or made before this Act.—(1) All proceedings under the said Act pending before the Registrar of Joint Stock Companies at the date of commencement of this Act shall stand transferred to the Registrar of Societies and any such proceedings shall be continued and disposed of by the Registrar of Societies, as if it had been originally instituted before such Registrar under the said Act.

(2) In all certificates of registration and in all rules or bye-laws of societies and in all other instruments issued or made under the said Act before the date of commencement of this Act, references to the Registrar of Joint Stock Companies or the Registrar of Companies shall be deemed to be and be construed as references to the Registrar of Societies.

[*Vide* the Orissa Act 21 of 1958, s. 4]

1. The words and figures “under Act 19 of 1857” rep. by Act 16 of 1874, s. 1 and Sch., Pt. I. *See* now the Companies Act, 1956 (1 of 1956).

Orissa

Amendment of Section 1.—In the Societies Registration Act, 1860 (21 of 1860), as applicable to the State of Orissa, section 1 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) The State Government may, by notification, appoint one or more Additional Registrars with such local jurisdiction as may be assigned to them by the State Government.

(3) The Additional Registrars so appointed shall, subject to the control of the Registrar of Societies, exercise such of the powers and perform such of the functions of the Registrar of Societies as the State Government may authorize in that behalf.”

[*Vide* the Orissa Act 9 of 1979, s. 2]

Union territory of Ladakh

After the preamble and before the existing section 1, insert--

"1. Appointment, etc. of Registrar of Societies, etc.--(1) The Administration of Union territory of Ladakh may, by notification, appoint a person to be called the Registrar of Societies and he shall exercise such powers and perform such duties and functions as are conferred by or under the provisions of this Act, and shall subject to such general or special order as the Administration of the Union territory of Ladakh may from time to time make, superintend the administration and carry out the provisions of this Act throughout the Union territory of Ladakh.";

"(2) The Administration of the Union territory of Ladakh may by notification, appoint one or more Additional Registrars with such local jurisdiction as may be assigned to them. (3) The Additional Registrars so appointed shall, subject to the control of the Registrar of Societies, exercise such of the powers and perform such of the functions of the Registrar of Societies as the Administration of the Union territory of Ladakh may authorise in that behalf."; (b) number the existing section as section 1A and in this section as so numbered, for "Registrar of Joint-Stock Companies" substitute "Registrar of Societies".

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, vide Notification No. S.O. 3805(E), dated (26-10-2020).]

Arunachal Pradesh

After section 1, the following section shall be inserted, namely:--

“Definitions-1A. --In this Act, unless the context otherwise requires:-

(a) “Administrator” means the Administrator of the Union territory of Arunachal Pradesh appointed by the President under Article 239 of the Constitution;

(b) “Registrar” means the Registrar of Societies appointed by the Administrator.” [*Vide* Arunachal Pradesh Act 6 of 1978, s. 2 and the schedule]

Uttarakhand

Substitution of section 1.—In Societies Registration Act 1860, (which is hereinafter referred to as Principal Act) the section 1 shall be substituted as follows, namely:--

“1. Societies formed by memorandum of association and registration.---Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 20 of the Act, may, be digital signature of their name in online form of Memorandum of Association and rules filling the same online with the Registrar form themselves into a society under this Act.

[*Vide* Uttarakhand Act 4 of 2019, s. 2]

Haryana

Insertion of section 1A in Central Act 21 of 1860.—After section 1 of the Societies Registration Act, 1860 (hereinafter called the principal Act), The following section shall be inserted, namely:--

“1A. Definitions.—In this Act, unless the context otherwise requires,--

(a) “prescribed” means prescribed by rules made under this Act;

(b) “State Government” means the Government of the State of Haryana.”.

[*Vide* Haryana Act 14 of 2007, s. 2]

2. Memorandum of association.—The memorandum of association shall contain the following things (that is to say)—

the name of the society;
the objects of the society;

the names, addresses, and occupations of the governors, council, directors, committee, or other governing body to whom, by the rules of the society, the management of its affairs is entrusted.

A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.

¹**3. Registration and fees.**—Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the Registrar for every such registration fee of fifty rupees, or such smaller fee as ²[the State Government] may, from time to time, direct; and all fees so paid shall be accounted for to ³[the State Government].

STATE AMENDMENT

Orissa

Insertion of a new section.—In the Societies Registration Act, 1860 (21 of 1860) (hereinafter referred to as the principal Act), after Section 3, the following section shall be inserted, namely:—

3-A. Prohibition against registration of societies with undesirable names.—No society shall be registered by a name which, in the opinion of the Registrar of Societies is undesirable, being a name identical with or, which in the opinion of the Registrar of Societies so nearly resembles the name by which any other existing society has been previously registered under this Act or anybody corporate which has been incorporated or registered under any other law for the time being in force as to be likely to deceive the public or members of either society or anybody corporate, or which, without the previous permission of the Government concerned, suggests or is calculated to suggest the patronage of that Government or connection with anybody constituted by that Government or any local authority, or which may, subject to any rules made in that behalf, be deemed to be undesirable by the Registrar of Societies.”.

[*Vide* the Odisha Act 6 of 2013, s. 2]

Union territory of Ladakh

Section 3.—For "Registrar", substitute "Registrar of Societies."

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, vide Notification No. S.O.3805(E), dated (26-10-2020).]

1. This section was amended in its application to Berar by s. 14 of the Central Provinces and Berar Vidya Mandir Act, 1939 (C. P. & B. Act 3 of 1940).
2. The words “the Governors-General of India in Council” have been successively adapted by the A.O. 1937 and the A.O. 1950 to read as above.
3. The word “Govt.” has been successively adapted by the A.O. 1937 and the A. O. 1950 to read as above.

Uttarakhand

Amendment of section 3.—In Principal Act sub-section (1) of section 3 of shall be substituted as follows, namely:--

“3. Registration and fees.—(1) Upon such memorandum and its digitally signed copy being filed alongwith particulars of the address of Society office which will be registered address, by the secretary of the society on behalf of the persons subscribing to the memorandum, the Registrar shall certify under his digital signature that the society is registered under this Act, For every such registration fees of five thousand five hundred and fifty rupees shall be paid to Registrar. For every such registration for Youth/Women Mangal Dal, Women Group/Community Group fees of fifty

rupees shall be paid.

Provided further that the State Government may, by notification in the Official Gazette, increase from time to time the fee payable under this sub-section.

Provided further that the Registrar may, in his discretion, issue public offline notice or issue offline notice to such persons as he thinks fit inviting offline objections, if any against the proposed registration and consider all objections that may be received by him before registering the society.

The prescribed fee of registration shall be submitted online after the online approval of registration by the Registrar. After depositing the prescribed fees, the digitally signed Society Registration Certificate shall be downloaded by the applicant.

[*Vide* Uttarakhand Act 4 of 2019, s. 3]

Haryana

Amendment of Section 3 of Central Act 21 of 1860.— In Section 3 of the Societies Registration Act, 1860 (hereinafter called the principal Act), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

[*Vide* Haryana Act 14 of 2001, s. 2]

Insertion of section 3A in Central Act 21 of 1860.—After section 3 of the principal Act, the following section shall be inserted, namely:--

“3A. Refusal of registration.—(1) The Registrar may, in his discretion, issue public notice or issue notice to such persons as he thinks fit inviting objections, if any, against the proposed registration and consider all objections that may be received by him before registering the society.

(2) Notwithstanding anything contained in section 3, the Registrar shall refuse to register a society, if after giving it an opportunity of showing cause against such refusal, he is satisfied that—

(a) the name of the society is identical with that of any other society previously registered under this Act;

(b) the name of the society sought to be registered uses any of the words, namely:-- ‘Union’, ‘State’, ‘Land Mortgage’, ‘Land development’, ‘Co-operative’, ‘Gandhi’, ‘Reserve Bank’ or any words expressing or implying the sanction. Approval or patronage of the Central or any State Government or any word which suggests or is calculated to suggest any connection with any local authority or any corporation or body constituted by or under any law for the time being in force or is such as is otherwise likely to deceive the public or the members of any other society previously registered under this Act;

(c) anyone or more of the objects of the society sought to be registered is not an object mentioned in section 1 and 20; or

(d) its objects are contrary to any other law for the time being in force or contrary to public policy.”.

[*Vide* Haryana Act 14 of 2007, s. 3]

4. Annual list of managing body to be filed.—Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the

society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint-stock Companies, of the names, addresses and occupations of the governors, council, directors, committee, or other governing body then entrusted with the management of the affairs of the society.

STATE AMENDMENT

Assam

Insertion of new section 4A in Act XXI of 1860.- After section 4 of the principal Act, the following new section shall be inserted, namely:-

“4A. Changes in managing body and rules to be filed.-(1) Together with the list mentioned in section 4, there shall be sent to the Registrar of Joint Stock Companies a statement showing changes during the year to which the list relates in the personnel of the governors, council, directors, committee or other governing body to whom the management of the affairs of the society is entrusted and also a copy of the rules of the society corrected up-to-date and certified to be a correct copy by not less than three of the members of the governing body.

(2) A copy of every alteration made in the rules of the society, certified to be a correct copy by not less than three members of the governing body, shall be sent to the Registrar of Joint Stock Companies within fifteen days of the making of such alterations.”

[*Vide* Assam Act 11 of 1952, s. 2]

Orissa

Insertion of new sections 4-A, 4-B and 4-C, Act (21 of 1860).—In the Societies Registration Act, 1860 (21 of 1860) (hereinafter referred to as the principal Act) after section 4, the following new sections shall be inserted, namely:-

“4-A Changes in the list mention 4 and rules to be filed.—(1) Without prejudice to the provisions of section 4 any change in personnel on the list filed under the said section occurring during the year to which such list relates shall be intimated to the Registrar or Societies within two months of such change.

(2) A copy of every alteration made in the rules and regulations of the Society, certified to be a correct copy by not less than three of the Governors, Directors or Members of the governing body, as the case may be, shall be sent to the Registrar or Societies within two months of the making of such alteration.

4-B. Persons by whom lists, etc., are to be sent.—It shall be the duty—

(a) Of the Chairman or, as the case may be, the President, the Secretary or any other person authorized in that behalf by the rules and regulations of the Society or by a resolution of the governing body of the Society; or

(b) Of the Chairman or, as the case may be, the President of the governing body of the Society where is no such authorization, to file the list mentioned in section 4, or to send the intimation or as the case may be, the copy mentioned in section 4-A to the Registrar of Societies.

4-C. Offence.—(1) If any person who is required so do to under the preceding section fails without reasonable cause to comply with the provisions thereof, he shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(2) If any person willfully makes or causes to be made any false entry or alternation in, or any omission from, the list filed under section 4 or any statement or copy of rules and regulations sent to the Registrar of Societies under section 4-A, he shall, on conviction, be punishable with fine which may extend to five hundred rupees.”

[*Vide* the Orissa Act 8 of 1969, s. 2]

Union territory of Ladakh

Section 4.—For "Registrar of Joint-Stock Companies", substitute "Registrar of

Societies". **Insertion of new sections**—After section 4, insert the following sections, namely:—

provisions of section 4 and change in personnel on the list filed under said section occurring during the year to which such list relates shall be intimated to the Registrar of Societies within two months of the making of such changes.

(2) A copy of every alteration made in the rules and regulation of the society, certified to be a correct copy by not less than three of the Governors, Directors or members of governing body, as the case may be, shall be sent to the Registrar of Societies within two months of such alteration.

4B. Persons by whom lists, etc., are to be sent.-It shall be the duty--

(a) of the Chairman or, as the case may be, the President, the Secretary or any other person authorised in that behalf by the rules and regulations of the society or by a resolution of the governing body of the society; or

(b) of the Chairman, or as the case may be, the President of the governing body of the society where there is no such authorisation,

to file the list mentioned in section 4 or to send the intimation, or as the case may be, the copy mentioned in section 4A to the Registrar of Societies.

4C. Offence.-(1) If any person who is required so to do under the preceding section fails without reasonable cause to comply with the provisions thereof, he shall, on conviction, be punishable with fine which may extend to one thousand rupees.

(2) If any person wilfully makes or causes to be made any false entry or alteration in, or any omission from, the list filed under section 4 or any statement or copy of rules and regulations sent to the Registrar of Societies under section 4A, he shall on, conviction, be punishable with fine which may extend to five thousand rupees."

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, *vide* Notification No. S.O.3805(E), dated (26-10-2020).]

Arunachal Pradesh

After section 4, the following section shall be inserted, namely:-

“4A. Change in Managing Body and rules to be files.—(1) Together with the list mentioned, in section 4, there shall be sent to the Registrar a statement showing changes during the year to which the list relates in the personnel of the Governor, council, directors, committee or other governing body to whom the management of the affairs of the societies is entrusted and also a copy of the rules of the society corrected up-to-date and certified to be a correct copy by not less than three members of the governing body.

(2) A copy of every alteration made in the rules of the society certified to be a correct copy by not less than three members of the governing body, shall be sent to the Registrar within fifteen days of the making of such alteration.”

[*Vide* Arunachal Pradesh Act 6 of 1978, s. 2 and the schedule]

Haryana

Amendment of Section 4 of Central Act 21 of 1860.—In Section 4 of the principal Act, the following words shall be added at the end, namely :—

"There shall be paid to the Registrar for every list a fee of ten rupees."

[*Vide* Haryana Act 14 of 2001, s. 3]

5. Property of society how vested.—The property, movable and immovable, belonging to a society registered under this Act, if not vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.

10
STATE AMENDMENT

Uttarakhand

Insertion of section 5A.—In Principal Act after section 5 the following section shall be inserted, namely:--

“5A. Restriction on transfer of property.—(1) Notwithstanding anything contained in any law, contract or other instrument, it shall not be lawful for the governing body of a society registered under this Act or any of its members to transfer, without the previous approval of the court, any immovable property belonging to any such society.

(2) Every transfer made in contravention of sub-section (1) shall be void.

Explanation I.—For the purposes of this section the word “court” shall have the meaning assigned to it in section 13.

Explanation II.—For the purposes of this section the word “transfer” means—

- (d) a mortgage, charge, sale, gift or exchange.
- (e) lease for term exceeding five years; or
- (f) irrevocable licence.”

[*Vide* Uttarakhand Act 4 of 2019, s. 4]

Omission of section 5-A of Act no. 21 of 1860.—Section 5-A of the Societies Registration Act, 1860 shall be omitted.

[*Vide* Uttarakhand Act 23 of 2014, s. 2]

6. Suits by and against societies.—Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and regulations of the society, and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Provided that it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if on application to the governing body some other officer or person be not nominated to be the defendant.

7. Suits not to abate.—No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person, by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

8. Enforcement of judgment against society.—If a judgment shall be recovered against the person or officer named on behalf of the society, such judgment shall not be put in force against the property, movable or immovable, or against the body of such person or officer, but against the property of the society.

The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society.

9. Recovery of penalty accruing under bye-law.—Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary), any pecuniary penalty is imposed for the breach of any rule or bye-law of the

society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

10. Members liable to be sued as strangers.—Any member who may be in arrear of a subscription which according to the rules of the society he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any

11

property of the society, may be sued for such arrear or for the damage accruing from such detention, injury, or destruction of property in the manner hereinbefore provided.

Recovery by successful defendant of costs adjudged.—But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought, or from the society, and in the latter case shall have process against the property of the said society in the manner above described.

11. Members guilty of offences punishable as strangers.—Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence.

12. Societies enabled to alter, extend, or abridge their purposes.—Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society;

but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

STATE AMENDMENT

Assam

Insertion of new sections 12A, 12B and 12C in Act XXI of 1860.— After section 12 of the Societies Registration Act, 1860 (XXI of 1860), the following shall be inserted, namely:—

"12A. Change of name.—Any society registered under this Act may, with the consent of not less than two-thirds of the total number of its members' by a resolution at a general meeting convened for the purpose and subject to the provisions of section 12B, change its name.

12B. Notice of change of name.—(1) Notice in writing of every change of name, signed by the Secretary and, by seven members of the society changing its name, shall be sent to the Registrar;

(2) If the proposed name is identical with that by which any other existing society has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of

this Act in respect of change of name have been complied with, register the change of name and the change of name shall have effect from the date of such registration.

12C. Effects of change of name.--The change in the name of a society registered under this Act shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name".

[*Vide* Assam Act 14 of 1948, s. 2]

Orissa

Amendment of a section 12, Act (21 of 1860).—In section 12 of the principal Act—

(a) in the first paragraph after the words “any other society” the words “ or whenever the governing body of any such society decides to change the name of the society” shall be inserted;

(b) after the second paragraph the following proviso shall be inserted, namely:—

“Provided that no proposition for amalgamation shall be carried into effect unless it has been considered, agreed to and confirmed by all the concerned societies in the manner prescribed in this section”.

[*Vide* the Orissa Act 8 of 1969, s. 3]

Orissa

Insertion of new sections 12-A, 12-B and 12-C, Act 21 of 1860.—After section 12 of the principal Act the following new sections shall be inserted, namely:—

12-A. Registration of change of name.—(1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of Societies for registering the change of name. If the proposed name is identical with that by which any other existing society has been registered or in the opinion of the Registrar so nearly resembles the name of such other society as is likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name.

(2) Save as provided in sub-section (1), the Registrar shall, if he is satisfied that the provisions of this Act in respect of the change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case. On the issue of such certificate the change of name shall be complete.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the State Government.

12-B. Effect of change of name.—The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by the new name.

12-C. Registration of change of name effected before commencement of the societies Registration Amendment.—If any society registered under this Act has, before the date of the coming into force of the Societies Registration (Orissa Amendment) Act, 1969 intimated to the Registrar the change of its name and if the Registrar has recorded such change the Registrar may, notwithstanding anything contained in this Act, on an application made by the society in this behalf and on payment of

fees as provided in sub-section (3) of section 12-A register the change of such name and issue a certificate to the society under sub-section (2) of the said section. On the issue of such certificate the change shall be deemed to be complete from the date on which such change was recorded by the Registrar.”

[*Vide* the Orissa Act 8 of 1969, s. 4]

Orissa

Amendment of section 12A.—In the principal Act, in section 12A,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

13

“(1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of Societies for registering the change of name”.

(1A) The Registrar of Societies may refuse to register the change of name, if he is of the opinion that the proposed change of name is undesirable for any of the reasons mentioned in section 3A.”.

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) if, through inadvertence or otherwise a society is registered by a name which is identical with or, which in the opinion of the Registrar of Societies so nearly resembles the name by which any other existing society has been previously registered under this Act or any body corporate which has been incorporated or registered under any other law for the time being in force or any body constituted by the Government or any local authority the Registrar of Societies may after hearing the party concerned direct the society to change the name and the society shall change its name within a period of three months from the date of issue of the direction in accordance with the provisions of this Act, or such longer period as the Registrar of Societies may think fit to allow.”.

[*Vide* the Orissa Act 6 of 2013, s. 3]

Insertion of a new section.—In the principal Act, after section 12-C, the following section shall be inserted, namely:—

12-D. Registrar’s power to cancel registration in certain circumstance.—(1) Notwithstanding anything contained in this Act, the Registrar may, be order in writing , cancel the registration of any society on any of the following grounds, namely:—

(a) the registration of the society, or its name or change of name is contrary to the provisions of this Act or of any other law for the time being in force; or

(b) its activities or, opposed activities have been, or are subversive of the objects of the society or proposed to public policy; or

(c) the registration certificate has been obtained by misrepresentation of fact or fraud; or

(d) the society fails to comply the direction issued under sub-section (4) of section

12-A:

Provided that no order of cancellation of registration of any society shall be passed until the society has been given a reasonable opportunity of altering its name or objects or of showing cause against the action proposed to be taken in regard to it.”.

[*Vide* the Act Orissa Act 6 of 2013, s. 4]

Union territory of Ladakh

Section 12.—

(i) after "any other society", insert "or whenever the governing body of any such society decides to change the name of the society"; and

(ii) after the words "after the formal meeting" insert--

"Provided that no proposition for amalgamation shall be carried into effect unless it has been considered, agreed to and confirmed by all concerned societies in the manner prescribed in this section."

14

Insertion of new sections—

After section 12, insert—

12A. Registration of change of name.-(1) Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar for registering the change of name and if the proposed change in the name is in his opinion undesirable for any of the reasons mentioned in section 3A, the Registrar shall refuse to register the change of name.

(2) Save as provided in sub-section (1), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet the circumstances of the case, and on the issue of such a certificate the change of name shall be complete.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2), a fee of rupee five hundred and all fees so paid shall be accounted for to the Administration of the Union territory of Ladakh.

(4) If, through inadvertence or otherwise, a society is registered by a name which should not have been registered (due regard being had to the provisions of section 3A), the Registrar may, after hearing the party concerned direct the society to change the name; and the society shall change its name within a period of three months from the date of the direction in accordance with the provisions of this Act, or such longer period as the Registrar may think fit to allow.

12B. Effect of change of name.-The change in the name of society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

12C. Maintenance of accounts and their balancing and accounting.-(1) Every governing body entrusted with the management of the affairs of a society registered under this Act shall keep regular accounts.

(2) Such accounts shall be kept in such form as may be approved by the Registrar, and shall contain such particulars as may be prescribed by rules.

(3) The accounts shall be balanced each year on the 31st day of March or such other day as may be fixed by the Registrar.

(4) The accounts shall be audited annually in such manner as may be prescribed by rules and by a person who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), or by such persons as may be authorised in this behalf by the Administration of the Union territory of Ladakh.

12D. Auditor's duty to prepare balance sheet and report irregularities, etc.—(1) It shall be the duty of every auditor auditing the accounts of a society under section 12C to prepare balance sheet and income and expenditure account and to forward a copy of the same to the Registrar.

(2) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure or failure or omission to recover money or other property belonging to the society or of loss or waste of money or other property thereof, and state whether such expenditure, failure, omission, loss or waste was caused in consequence of breach of trust or misapplication or any other misconduct on the part of the governing body or any other person."

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, *vide* Notification No. S.O.3805(E), dated (26-10-2020).]

15

Arunachal Pradesh

After section 12, the following sections shall be inserted namely:—

“12A. Change of name.—A society registered under this Act may, with the consent of not less than two-thirds of the total number of its members, by a resolution, at a general meeting convened for the purpose and subject to the provisions of section 12B change its name.”

“12B. Notice of change of name.—(1) Notice in writing of every change of name, signed by the Secretary and by seven members of the society, shall be sent to the Registrar.

(2) If the proposed name is identical with that by which any other existing society has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name shall have been complied with, register the change of name and the change of name shall have effect from the date such registration.”

“12C. Effect of change of name.—The change in the name of a society registered under this Act shall not effect any right or obligation of the society or render defective any legal proceeding by or against the society and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its changed name.”

[*Vide* Arunachal Pradesh Act 6 of 1978, s. 2 and the Schedule]

Haryana

Insertion of section 12C, 12D and 12E in Central Act 21 of 1860.—After section 12B of the principal Act, the following sections shall be inserted, namely:—

“12C. Maintenance of accounts and their balancing and auditing.—(1) Every governing body entrusted with the management of the affairs of a society registered under this Act shall keep regular accounts.

(2) The accounts shall be kept in such form as may be approved by the Registrar, and shall contain such particulars as may be prescribed.

(3) The accounts shall be balanced each year on the 31st day of March or on such other day as may be fixed by the Registrar.

(4) The accounts shall be audited annually in such manner as may be prescribed and by a person who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (Act 38 of

1949), or by such person as may be authorized in this behalf by the State Government.

12D. Auditor's duty to prepare balance sheet and report irregularities, etc.—(1) It shall be the duty of every auditor auditing the accounts of a society under section 12C to prepare balance sheet and income and expenditure account and to forward a copy of the same to the Registrar.

(2) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure or failure or omission to recover money or other property belonging to the society or of loss or waste of money or other property thereof, and state whether such expenditure, failure, omission, loss or waste caused in consequence of breach of trust or misapplication or any other misconduct on the part of the governing body or any other person.

12E. Registrar's power to cancel registration in certain circumstances.—(1) Notwithstanding anything contained in this Act, the Registrar may, by order in writing cancel the registration of any society on any of the following grounds:--

(a) that the registration of the society or of its name or change of name is contrary to the provisions of this Act or of any other law for the time being in force;

(b) that its activities or proposed activities have been or are or will be subversive of the objects of the society or opposed to public policy;

16

(c) that the registration certificate has been obtained by misrepresentation or fraud;

(d) that the society is carrying on any unlawful activity or allows unlawful activity to be carried on within any premises under the control of the society:

Provided that no order of cancellation of registration of any society shall be passed until the society has been given a reasonable opportunity of altering its name or object or of showing cause against the action proposed to be taken in regard to it.

(2) An appeal against an order made under sub-section (1) may be preferred to such authority and within such time and in such manner as may be prescribed.

(3) The decision of the authority under sub-section (2), shall be final."

[Vide Haryana Act 14 of 2007, s. 4]

13. Provision for dissolution of societies and adjustment of their affairs.—Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the society is situate; and the Court shall make such order in the matter as it shall deem requisite:

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Provided that ¹[whenever any Government] is a member of, or a contributor to, or otherwise interested in any society registered under this Act, such society shall not be dissolved ²[without the consent of the Government of the State of registration].

STATE AMENDMENT

Assam

Amendment of section 13 of Act XXI of 1860.- In section 13 of the said Act,--

(a) after the words "as the governing body" the words "or special Committee formed to replace the governing body in respect of all matters affecting the winding up of the affairs of the Society;" shall be inserted;

(b) after the words "the said governing body" the words "should it not have been replaced by the aforesaid special Committee in respect of all matters affecting the winding up of the Society, or the said special Committee," shall be inserted.

(2) After section 13 of the Act, the following proviso shall be inserted as the first proviso, namely:-

Provided that any matter decided by three-fifths of those present either in person or by proxy at any meeting of the members of the Society or of the governing body thereof or of any special Committee appointed at a General Meeting for the purpose of winding up of the affairs of a Society shall not be deemed to be a matter of dispute within the meaning of this section.

[*Vide* Assam Act 15 of 1948, s. 2]

1. Subs. by the A.O. 1937, for "whenever the Government".

2. Subs., *ibid.*, for "without the consent of Government".

17

Arunachal Pradesh

In section 13:--

(a) after the words "as the governing body", the words "or special committee formed to replace the governing body in respect of all matters affecting the winding up of the affairs of the society" shall be inserted;

(b) after the words "the said governing body", the words "should it have not been replaced by the aforesaid special committee in respect of all matters affecting the winding up of the society, or the said special committee" shall be inserted;

(c) in the second proviso, for the words "Government of the State of registration", the word "Administrator" shall be substituted;

(d) after the second proviso, the following further proviso shall be inserted, namely:-- Provided further that any matter decided by three-fifth of those present either in person or by proxy at any meeting of the members of the society or of any governing body thereof or of any special committee appointed at a general meeting for the purpose of winding up of the affairs of a society shall not be deemed to be a matter of dispute within the meaning of this section." [*Vide* Arunachal Pradesh Act 6 of 1978, s. 2 and the Schedule]

14. Upon a dissolution no member to receive profit.—If upon the dissolution of any society registered under this Act there shall remain after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or, in default thereof, by such Court as aforesaid:

Clause not to apply to Joint-stock Companies.—Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-stock Company.

STATE AMENDMENT

Assam

Amendment of section 14 of Act XXI of 1860.—In section 14 of the said Act, after the words "some

other society,” the words “whether registered under this Act or not,” shall be inserted. [*Vide* Assam Act 15 of 1948, s. 3]

Tripura

Amendment of Central Act XXI of 1860 by inserting a new section 14A—In its application to the Union territory of Tripura, after section 14 insert the following new section, namely— “**14A. Disposal of property of a dissolved society.**—Notwithstanding anything contained in section 14 it shall be lawful for the members of any society dissolved under section 13 to determine by a majority of the votes of the members present personally or by proxy at the time of the dissolution of such society that any property whatsoever remaining after the satisfaction of all the debts and liabilities shall be given to the Government of Tripura to be utilised for any of the purposes referred to in section 1. [*Vide* Tripura Act 5 of 1969, s. 2]

15. Member defined. Disqualified members.—For the purposes of this Act a member of a society shall be a person who, having been admitted therein according to the rules and regulations thereof, shall have paid a subscription, or shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Act no person shall be entitled to vote or be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months.

16. Governing body defined.—The governing body of the society shall be the governors, council, directors, committee, trustees or other body to whom by the rules and regulations of the society the management of its affairs is entrusted.

STATE AMENDMENT

Haryana

Amendment of section 16 of Central Act 21 of 1860.— In section 16 of the principal Act, after the words and signs "committee, trustees," the words "trustee mandal" shall be inserted. [*Vide* Haryana Act 14 of 2007, s. 5]

Insertion of section 16A in Central Act 21 of 1860.— After section 16 of the principal Act, the following section shall be inserted, namely: --

"16A. Duties, functions and powers of governing body.— The duties, functions and powers of governing body of the society shall be such as may be prescribed."

[*Vide* Haryana Act 14 of 2007, s. 6]

17. Registration of societies formed before Act.—Any company or society established for a literary, scientific, or charitable purpose, and registered under ¹Act 43 of 1850, or any such society established and constituted previously to the passing of this Act but not registered under the said ³Act 43 of 1850, may at any time hereafter be registered as a society under this Act; subject to the proviso that no such company or society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by the governing body.

In the case of a company or society registered under ³Act 43 of 1850, the directors shall be deemed to be such governing body.

In the case of a society not so registered, if no such body shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice, to create for itself a governing body to act for the society thenceforth.

18. Such societies to file memorandum, etc., with Registrar of Joint-stock Companies.—In order

to any such society as is mentioned in the last preceding section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-stock Companies ² *** a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 2, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

STATE AMENDMENT

Union territory of Ladakh

Section 18.—For "Registrar of Joint-Stock Companies", substitute "Registrar of Societies".

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, *vide* Notification No. S.O. 3805(E), dated (26-10-2020).]

19. Inspection of documents, Certified copies.—Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one rupee for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

STATE AMENDMENT

Union territory of Ladakh

Section 19.—For "Registrar", substitute "Registrar of Societies".

1. Rep. by the Indian Companies Act, 1866 (10 of 1866), s. 719, *see* now the Companies Act, 1956 (1 of 1956). 2. The words and figures "under Act 19 of 1857", rep. by Act 16 of 1874, s. 1 and the Schedule, Pt. 1, *see* now the Companies Act, 1956 (1 of 1956).

19

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Second Order, 2020, *vide* Notification No. S.O. 3805(E), dated (26-10-2020).]

Arunachal Pradesh

In section 19, for the words "two annas", the words "fifteen paise" shall be substituted.

[*Vide* Arunachal Pradesh Act 6 of 1978, s. 2 and the Schedule]

Uttarakhand

Substitution of section 19.—In Principal Act section 19 shall be substituted as follows, namely:--

"19. Inspection of documents, Certified copies.—Any person may inspect all document files with the Registrar under this act on payment of a fee of three hundred rupees for each inspection; and any person may require a digitally signed copy or extract of any documents or any part of any document or any part of any documents, to be digitally certified by the Registrar on payment of rupees one hundred as ordinary fee and rupees two such copy or extract and digital signed copy shall *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

Provided further that the State Government may, by notification in the Official Gazette, increase from time to time the fee payable under this sub-section.

[*Vide* Uttarakhand Act 4 of 2019, s. 5]

Haryana

Amendment of Section 19 of Central Act 21 of 1860.— In Section 19 of the principal Act,— (i) for the words "one rupee", the words "twenty rupees" shall be substituted ; and (ii) for the words "twenty-five naye paise for every hundred words", the words "ten rupees per page or part thereof" shall be

substituted.

[*Vide* Haryana Act 14 of 2001, s. 4]

20. To what societies Act applies.—The following societies may be registered under this Act:—

Charitable societies, the military orphan funds or societies established at the several presidencies of India, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge,¹[the diffusion of political education] the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public, or public museums and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs.

STATE AMENDMENT

Assam

Insertion of new sections 21 and 22 in Act XXI of 1860.—After section 20 of the principal Act, the following new section shall be inserted, namely: —

“21. Penalties.—(1) if the President, Secretary or any other person authorized in this behalf by a resolution of the governing body of the society fails to comply with the provisions of section 4, he shall, on conviction, be punishable with fine which may extend to five hundred rupees and in case of a continuing breach, shall also be punishable with fine not exceeding fifty rupees for each day, during the period the breach continues after first conviction for such offence.

(2) If any person willfully makes or causes to be made any false entry in, or any omission from, the list required by section 4, or in or from any statement of copy of rules or of alterations in rules sent to the Registrar of Joint Stock Companies under section 4A, he shall, on conviction, be punishable with fine which may extend to two thousand rupees.

1. Ins. by Act 22 of 1927, s. 2.

Haryana

Insertion of section 22 to 32 in Central Act 21 of 1860.— After section 21 of the principal Act, the following sections shall be added at the end, namely:—

“22. Power of Registrar to call for information.—(1) The Registrar may, by written order, require any society to furnish in writing such information or document within such time, being ordinarily not less than three weeks from the date of receipt of the order by the society, as he may specify in the order in connection with the affairs of the society or any documents filed by the society under this Act.

(2) On receipt by the society of an order under sub-section (1), it shall be the duty of the President, Secretary or any other person authorized in this behalf to furnish such information or documents.

23. Investigations of affairs of society.— (1) Where on the information received under section 22 or otherwise, the Registrar is of opinion that there is apprehension that the affairs of a society registered under this Act are being so conducted as to defeat the objects of the society or that the society or its governing body by whatever name called, or any office-bearer thereof in actual effective control of the society is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations, the Registrar may, either himself or by any person authorized by him in that behalf, inspect or investigate into the affairs of the society or inspect any institution managed by the society.

(2) It shall be the duty of every office-bearer of the society when so required by the Registrar or

other person authorised under sub-section (1) to produce any books of account and other records of or relating to the society which are in his custody and to give him all assistance in connection with such inspection or investigation.

(3) The Registrar or other person authorized under sub-section (1) may call upon and examine on oath any office-bearer, member or employee of the society in relation to the affairs of the society and it shall be the duty of every office-bearer, member or employee, when called upon, to appear before him for such examination.

(4) The Registrar or other person authorized under sub-section (1) may, if in his opinion it is necessary for the purpose of inspection or investigation, seize any or all the records including account books of the society:

Provided that any person from whose custody such records are seized shall be entitled to make copies thereof in the presence of the person seizing such records.

(5) On the conclusion of the inspection or investigation, as the case may be, the person, if any, appointed by the Registrar to inspect or investigate shall make a report to the Registrar on the result of his inspection or investigation.

(6) The Registrar may, after such inspection or investigation, give such directions to the society or to its governing body or any office-bearer thereof, as he may think fit, for the removal of any defects or irregularities within such time as may be specified and in the event of default in taking action according to such directions, the Registrar may proceed to take action under section 12E or section 30, as the case may be.

24. Disputes regarding election of office-bearers.—(1) The prescribed authority may, on a reference made to it by the Registrar or by at least one-fourth of the members of a society registered in Haryana, hear and decide in a summary manner any doubt or dispute in respect of the election or continuance in office of an office-bearer of such of society, and may pass such orders-in respect thereof it deems fit:

Provided that the election of an office-bearer shall be set aside where the prescribed authority is satisfied—

- (a) that any corrupt practice has been committed by such office bearer; or
- (b) that the nomination of any candidate has been improperly rejected; or

21

(c) that the result of the election insofar as it concerns to such office-bearer has been materially affected by the improper acceptance of any nomination or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non compliance with the provisions of any rules of the society.

Explanation I.— A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by any other person, —

(i) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury, any elector to give or to refrain from giving a vote in favour of any candidate, or any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election;

(ii) with a view to inducing any elector to give or to refrain from giving a vote in favour of any candidate, or to inducing any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;

(iii) abets (within the meaning of the Indian Penal Code) the doing of any of the acts

specified in clauses (i) and (ii);

(iv) induces or attempts to induce ni candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

(v) canvasses on grounds of caste, community, sect or religion;

(vi) commits such other practice as the State Government may prescribe to be a corrupt practice.

Explanation II. -- A promise of individual advantage or profit to a person includes a promise for the benefit of the person himself, or of anyone in whom he is interested.

Explanation III.--- The State Government may prescribe the procedure for hearing and decision of doubts or disputes in respect of such elections and make provision in respect of any other matter relating to such elections for which insufficient provision exists in this Act or in the rules of the society.

(2) Where by an order made under sub-section (1) an election is set aside or an office-bearer is held no longer entitled to continue in notice or where the Registrar is satisfied that any election of office bearers of a society has not been held within the time specified in the rules of that society, he may call a meeting of the general body of such society for electing such office bearer or office-bearers, and such meeting shall be presided over and be conducted by the Registrar or by any officer advisory by him in this behalf, and the prescribe the rules of the society relating to meetings and elections shall apply to such meeting and election with necessary modifications.

(3) Where a meeting is called by the Registrar under sub-section (2), no other meeting shall be called for the purpose of election by any other authority or by any person claiming to be an office-bearer of the society.

Explanation.— For the purposes of this section, the expression 'prescribed authority' mean, an officer or court authorized in this behalf by the State Government by notification published in the Official Gazette.

25. Terms of gift to be observed.—Where a society accepts a gift or nation of money or property of any other kind from any person for a specific purpose, it shall not use the money or other property gifted or donated or any part thereof for any other purpose except for the promotion of the activities of the society.

26. Penalties.—Any society which—

(a) fails to furnish the list of managing body or other information required to be furnished under section 22 or wilfully makes or causes to be made a false entry in, or any omission from, the list or

22

any statement or copy of rules or of alteration in rules or other information sent to the Registrar under the said section;

(b) wilfully fails, neglects or refuses to maintain, balance and audit accounts as referred to in section 12C;

(c) wilfully fails to produce any books of accounts or other records as required by sub-section (2) of section 23;

(d) wilfully fails to appear before the Registrar or other person authorised by him or otherwise contravenes the provisions of sub-section (3) of section 23;

shall be punishable with fine which may extend to five thousand rupees.

27. Compounding of offences.—(1) The Registrar may accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 26 or against whom a prosecution under that section has been instituted, a sum of money by way of composition

fee for the offence which such person is suspect or accused to have committed.

(2) On the payment of such composition fee the suspected person shall be discharged and no further proceedings shall be taken against him, and if persecution of such composition shall have the effect of his acquittal.

28. Manner of payment of fees.— Fees payable under the provisions of this Act shall be paid in such manner as may be prescribed.

29. Mode of service of notice by Registrar.— (1) Any notice, order or requisition means for a society or for the governing body thereof to be issued by the Registrar may be served on the Secretary of the society, and service on the Secretary shall be as effectual as if the same had been served on every member of the society or, as the case may be, on every member of the governing body thereof, unless the Registrar otherwise directs.

(2) The sending of such notice, order or requisition to the Secretary of the society by registered post at its registered office shall amount to sufficient service thereof on the society.

30. Appointment of Administrator.— (1) Where on receipt of a complaint from three office bearers of a society or three affected persons or on inspection of records, the Registrar is satisfied, ---

(i) that the society is working against the objectives and ideals as per sections 1 and 20 on the basis of which the society was granted certificate;

(ii) that the society is not working democratically or the elections have not taken place within the specified time or election taken place fraudulently or against the clauses of memorandum of association;

(iii) that the office-bearers have been nominated against the clause of memorandum of association;

(iv) that the number of members in a trustee mandal has been purposely kept below seven, the Registrar may recommend to the State Government to appoint an Administrator :

Provided that no adverse order shall be passed unless an opportunity of being heard has been given to the concerned society:

Provided further that the action of the Registrar in this behalf shall be final and no appeal shall lie in any court against such action.

(2) The State Government may, by order published in the Official Gazette, shall appoint an Administrator of such society who shall not be below the rank of Deputy Secretary for such period, not exceeding six months, as may be specified in the order to manage the affairs of the society :

Provided that for reasons to be recorded in writing, the State Government may, by like order, extend the said period for a further duration of six months.

(3) On the appointment of the Administration under sub-section (2), the governing body of the society shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations of any other law and subject to any directions which the State Government may from time to time issue, all such functions or duties shall be performed or discharged by the Administrator.

(4) The Administrator shall, before the expiry of the period of his appointment, take necessary action to convene the general body meeting of the society and hold election for the constitution of the governing body.

(5) If the Administrator is not, for reasons beyond his control to convene the general body meeting or in spite of such meeting being convened the general body fails to elect the governing body,

the Administrator shall forthwith send a report to the State Government who may pass such orders as are considered necessary, either extending the period of appointment of the Administrator for a further duration or if satisfied that public interest so requires, for the dissolution of the society.

(6) The State Government may, if it thinks fit, appoint a committee to advise and assist the Administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the committee shall have such qualifications as may be prescribed and shall hold office during the pleasure of the State Government.

(7) Where an order of dissolution is passed under sub-section (5), the assets of the society shall vest in and the liabilities shall devolve on the State Government.

31. indemnity.— No suit, prosecution or other legal proceedings shall lie in any court against the State Government, the Registrar or against any person appointed for inspection or investigation under section 23, for anything in good faith done or intended to be done under this Act or the rules made thereunder.

32. Power to make rules.—(1) The State Government may, after previous publication, make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(a) prescribing the form of the register of societies and the mode in which entries relating to registration are to be made therein, and the mode in which such entries are to be amended or notes made therein;

(b) regulating the filing of documents received by the Registrar;

(c) prescribing the particulars to be contained in the form of accounts under sub-section (2) of section 12C;

(d) prescribing the manner in which the accounts shall be audited under sub-section (4) of section 12C;

(e) prescribing the authority before whom and the time within which an appeal shall be preferred under sub-section (2) of (g) section 12E. and the manner in which such appeal shall be filed;

(f) prescribing the duties, functions and powers of governing body of the society under section 16A;

(g) prescribing conditions for the inspection of original documents and regulating the grant of copies of documents under section 19;

(h) prescribing the procedure for hearing and decision of doubts or disputes in respect of elections under sub-section (1) of section 24;

(i) prescribing the manner in which fees payable under this Act shall be paid under section 28;

24

(j) prescribing the qualifications of members of society under sub-section (6), of section 30:

(k) providing for any other matter for which there is no provision or insufficient provision exists in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, If the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter 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 under that rule.”.

[*Vide* Haryana Act 14 of 2007, s. 7]

22. Procedure.—(1) No Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under this Act except upon complaint made by the Registrar of Joint Stock Companies or any other person, authorized in writing by him, in this behalf.”

[*Vide* Assam 11 of 1952, s. 3]

Arunachal Pradesh

After section 20, the following sections shall be inserted, namely:-

“21. Penalties.—(1) If the President, Secretary or any other person authorised in this behalf by a resolution of the governing body of the society fails to comply with the provisions of section 4A, he shall, on conviction be punishable with fine which may extend to five hundred rupees and in case of a continuing breach, shall also be punishable with fine not exceeding fifty rupees for each day, during the period the breach continue after the first conviction for such offence.

(2) If any person willfully makes or causes to be made any false entry in, or any commission from the list required by section 4, or in or from any statement or copy of rules or of alterations in rules sent to the Registrar under section 4A, he shall, on conviction, be punishable with fine which may extend to two thousand rupees.

22. Procedure.—(1) No court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Explanation.—Judicial Magistrate of the first class for the purposes of this Act means the Deputy Commissioner, Additional Deputy Commissioner, Assistant Commissioner and Extra Assistant Commissioner who has been empowered under the Assam Frontier (Administration of Just) Regulation, 1945 (1 of 1945), to administer justice in the territory of Arunachal Pradesh.

(2) No. court shall take cognizance of an offence punishable under this Act except upon complaint made by the Registrar or any other person, authorised in writing by him, in this behalf.”

[*Vide* Arunachal Pradesh Act 6 of 1978, s. 2 and the Schedule]

Haryana

Amendment of section 20 of Act 21 of 1860.—In section 20, for the words and sign, “instruments or design”, the words and sign “instruments or design, promotion of the interest or welfare of the public and any other object as may be notified by the Government as beneficial to the public”, shall be substituted.

[*Vide* Haryana Act 23 of 1974, s. 2]

Insertion of section 22 to 32 in Central Act 21 of 1860.—After section 21 of the principal Act, the following sections shall be added at the end, namely:—

“22. Power of Registrar to call for information.—(1) The Registrar may, by written order, require any society to furnish in writing such information or document within such time, being

ordinarily not less than three weeks from the date of receipt of the order by the society, as he may specify in the order in connection with the affairs of the society or any documents filed by the society under this Act.

(2) On receipt by the society of an order under sub-section (1), it shall be the duty of the President, Secretary or any other person authorized in this behalf to furnish such information or

documents.

23. Investigations of affairs of society.—(1) Where on the information received under section 22 or otherwise, the Registrar is of opinion that there is apprehension that the affairs of a society registered *under* this Act *are* being so conducted as to defeat the objects of the society or that the society or its governing body by whatever name called, or any office-bearer thereof in actual effective control of the society is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations, the Registrar may, either himself or by any person authorized by him in that behalf, inspect or investigate into the affairs of the society or inspect any institution managed by the society.

(2) It shall be the duty of every office-bearer of the society when so required by the Registrar or other person authorised under sub -section (1) to produce any books of account and other records of or relating to the society which are in his custody and to give him all assistance in connection with such inspection or investigation.

(3) The Registrar or other person authorized under sub -section (1) may call upon and examine on oath any office -bearer, member or employee of the society in relation to the affairs of the society and it shall be the duty of every office -bearer, member or employee, when called upon, to appear before him for such examination.

(4) The Registrar or other person authorized under sub -section (1) may, if in his opinion it is necessary for the purpose of inspection or investigation, seize any or all the records including account books of the society:

Provided that any person from whose custody such records are seized shall be entitled to make copies thereof in the presence of the person seizing such records (5) On the conclusion of the inspection or investigation, as the case may be, the person, if any, appointed by the Registrar to inspect or investigate shall make a report to the Registrar on the *result of his inspection or investigation*.

(6) The Registrar may, after such inspection or investigation, give such directions to the society or to its governing body or any office-bearer thereof, as he may think fit. for the removal of any defects or irregularities within such time es may be specified and in the event of default in taking action according to such directions, the Registrar may proceed to take action under section 12E or section 30, as the case may be.

24. Dispute regarding election of office-bearers.—(1) The prescribed authority may, on a reference made to it by the Registrar or by at least one-fourth of the members of a society registered in Haryana, meet and decide in a summary manner any doubt or dispute in respect of the election or continuance in office of an office-bearer of such society, and may pass such orders in respect thereof as it deems fit:

Provided that the election of an office-bearer shall be set aside where the prescribed authority is satisfied—

(a) that any corrupt has been committed by such office-bearer; or

(b) that the nomination of any candidate has been improperly rejected; or

(c) that the result of the election insofar as it concerns to such office -bearer has been materially affected by the improper acceptance of any nomination or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non compliance with the provisions of any rules of the society.

Explanation I.— A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by *any* other person. –

(i) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury, any elector to give oi to refrain from giving a vote in favour of any candidate, or any

person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election;

(ii) with a view to inducing any elector to give or to refrain from giving a vote in favour of any candidate, or to inducing any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;

(iii) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i) and (ii);

(iv) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

(v) canvasses on grounds of caste, community, sect or religion;

(vi) commits, or engages in, any other practice as the State Government may prescribe to be a corrupt practice.

Explanation II.—A promise of individual advantage or profit to a person includes a promise for the benefit of the person himself, or of anyone in whom he is interested.

Explanation III.—The State Government may prescribe the procedure for hearing and decision of doubts or disputes in respect of such elections and make provision in respect of any other matter relating to such elections for which insufficient provision exists in this Act or in the rules of the society.

(2) Where by an order made under sub-section (1), an election is set aside or an office-bearer is held no longer entitled to continue in office or where the Registrar is satisfied that any election of office-bearers of a society has not been held within the time specified in the rules of that society, he may call a meeting of the general body of such society for electing such office-bearer or office-bearers, and such meeting shall be presided over and be conducted by the Registrar or the society relating to meetings and elections shall apply to such meeting and election with necessary modifications.

(3) Where a meeting is called by the Registrar under sub-section (2), no other meeting shall be called for the purpose of election by any other authority or by any person claiming to be an office-bearer of the society.

Explanation.—For the purposes of this section, the expression 'prescribed authority' means, an officer or court authorized in this behalf by the State Government by notification published in the Official Gazette.

25. Terms of gift to be observed.—Where a society accepts a gift or donation of money or property of any other kind from any person for a specific purpose, it shall not use the money or other property gifted or donated or any part thereof for any other purpose except for the promotion of the activities of the society.

26. Penalties.—Any society which—

(a) fails to furnish the list of managing body or other information required to be furnished under section 22 or wilfully makes or causes to be made a false entry in, or any omission from, the list or any statement or copy of rules or of alteration in rules or other information sent to the Registrar under the said section:

(b) wilfully fails, neglects or refuses to maintain, balance and audit accounts as referred to in section 12C, wilfully fails to produce any books of accounts or other records as required by sub-section (2) of section 23;

(d) wilfully fails to appear before the Registrar or other person authorised by him or otherwise contravenes the provisions of sub-section (3) of section 23;

shall be punishable with fine which may extend to five thousand rupees.

27. Compounding of offences.—(1) The Registrar may accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 26 or against whom a prosecution under that section has been instituted, a sum of money by way of composition fee for the offence which such person is suspected or accused to have committed.

(2) On the payment of such composition fee the suspected person shall be discharged and no further proceedings shall be taken and the composition shall have the effect of his acquittal.

28. Manner of payment of fees.—Fees payable under the provisions of this Act shall be paid in such manner as may be prescribed.

29. Mode of service of notice by Registrar.—(1) Any notice, order or requisition meant for a society or for the governing body thereof to be issued by the Registrar may be served on the Secretary of the society, and service on the Secretary shall be as effectual as if the same had been served on every member of the society or, as the case may be, on every member of the governing body thereof, unless the Registrar otherwise directs.

(2) The sending of such notice, order or requisition to the Secretary of the society by registered post at its registered office shall amount to sufficient service thereof on the society.

30. Appointment of Administrator.—(1) Where on receipt of a complaint from three office-bearers of a society or three affected persons or on inspection of records, the Registrar is satisfied,—

(i) that the society is working against the objectives and ideals as per sections 1 and 20 on the basis of which the society was granted certificate;

(ii) that the society is not working democratically or the elections have not taken place within the specified time or the election have taken place fraudulently or against the clauses of memorandum of association;

(iii) the office-bearers have been nominated against the clauses of memorandum of association;

(iv) that the number of members in a trustee mandal has been purposely kept below seven, the Registrar may recommend to the State Government to appoint an Administrator :

Provided that no adverse order shall be passed unless an opportunity of being heard has been given to the concerned society:

Provided further that the action of the Registrar in this behalf shall be final and no appeal shall lie in any court against such action.

(2) The State Government may, by order published in the Official Gazette, shall appoint an Administrator of such society who shall not be below the rank of Deputy Secretary for such period, not exceeding six months, as may be specified in the order to manage the affairs of the society :

Provided that for reasons to be recorded in writing, the State Government may, by like order, extend the said period for a further duration of six months.

(3) On the appointment of the Administration under sub-section (2), the governing body of the society shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations of any other law and subject to any directions which the State Government may from time to time issue, all such functions or duties shall be performed or discharged by the Administrator.

(4) The Administrator shall, before the expiry of the period of his appointment, take necessary action to convene the general body meeting of the society and hold election for the constitution of the governing body.

28

(5) If the Administrator is not, for reasons beyond his controllable to convene the general body meeting or in spite of such meeting being convened the general body fails to elect the governing body, the Administrator shall forthwith send a report to the State Government who may pass such orders as are considered necessary, either extending the period of appointment of the Administrator for a further duration or if satisfied that public interest so requires, for the dissolution of the society.

(6) The State Government may, if it thinks fit, appoint a committee to advise and assist the Administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the committee shall have such qualifications as may be prescribed and shall hold office during the pleasure of the State Government.

(7) Where an order of dissolution is passed under sub-section (5), the assets of the society shall vest in and the liabilities shall devolve on the State Government.

31. indemnity.—No suit, prosecution or other legal proceedings shall lie in any court against the State Government, the Registrar or against any person appointed for inspection or investigation under section 23, for anything in good faith done or intended to be done under this Act or the rules made thereunder.

32. Power to make rules.—(1) The State Government may, after previous publication, make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(a) prescribing the form of the register of societies and the mode in which entries relating to registration are to be made therein, and the mode in which such entries are to be amended or notes made therein;

(b) regulating the filing of documents received by the Registrar;

(c) prescribing the particulars to be contained in the form of accounts under sub-section (2) of section 12C;

(d) prescribing the manner in which the accounts shall be audited under sub-section (4) of section 12C;

(e) prescribing the authority before whom and the time within which an appeal shall be preferred under sub-section (2) of section 12E and the manner in which such appeal shall be filed;

(f) prescribing the duties, functions and powers of governing body of the society under section 16A;

(g) prescribing conditions for the inspection to original documents and regulating the grant of copies of documents under section 19;

(h) prescribing the procedure for hearing and decision of doubts or disputes in respect of elections under sub-section (1) of section 24;

(i) prescribing the manner in which fees payable under this Act shall be paid under section

2S; (j) prescribing the qualifications of members of society under sub-section (6), of section 30;

(k) providing for any other matter for which there is no provision or insufficient provision exists

in this Act and for which provision is, in the opinion of the State Government necessary for giving effect to the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, If the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter 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 under that rule.]