

Haryana Registration and Regulation of Societies Act, 2012

Haryana Act No. 1 of 2012

hl470

Part I

Haryana Government

Law and Legislative Department

No. Leg. 3/2012, dated 28th March, 2012 - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th March, 2012, and is hereby published for general information :

An Act to consolidate the law relating to the registration and regulation of Societies in the State of Haryana, promoting art, fine arts, charity, craft, culture, education, literature, philosophy, political education, religion, sports, science, any public or charitable purpose and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows :-

CHAPTER-I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Haryana Registration and Regulation of Societies Act, 2012.

(2) It shall extend to the State of Haryana.

(3) It shall come into force on such date, as the Government may, by notification, in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions. - In this Act, unless the context otherwise requires,

(i) Act means the Haryana Registration and Regulation of Societies Act, 2012.;

(ii) Bye-laws means the Bye-laws of a Society ;

(iii) Collegium means an intermediate body consisting of elected representatives of members of a Society and required to be constituted in cases where the number of members exceeds three hundred;

(iv) defunct Society means a Society which is not carrying on any business or operation or has not filed its annual or other returns with the District Registrar continuously for a period, as may be prescribed;

(v) due date means and refers to the date on which the term of a Collegium or Governing Body of a Society expires and by which the elections of the successor body should be completed;

- (vi) District means a revenue district notified by the Revenue Department under the Registration Act, 1908 (XVI of 1908);
- (vii) District Registrar means an officer appointed under section 3 of the Act;
- (viii) document means and includes register of members, books of accounts, returns, annual returns, other statutory registers, summons, notice, requisition, order, other legal processes, whether issued or kept in pursuance of this or any other Act or otherwise;
- (ix) elected member means a member of a Society who is duly elected to the Collegium or as an office-bearer of the Governing Body;
- (x) financial year means the period commencing from the 1st day of the month of April of a year and ending with the 31st day of the month of March of the following year;
- (xi) General Body means the body of all members of a Society;
- (xii) Governing Body means the Executive Committee, Managing Committee or any other committee constituted or elected by the members of the General Body or Collegium, as the case may be, and responsible for the management of day-to-day affairs of the Society;
- (xiii) Government means the Government of the State of Haryana;
- (xiv) major means a person of twenty one years of age or above;
- (xv) member means a person who fulfils the eligibility criteria for becoming a member of a Society, as specified in the Act and has been admitted as a member of the Society in accordance with its Bye-laws;
- (xvi) Memorandum means the Memorandum of Association of a Society as originally framed and as amended, from time to time, in accordance with the provisions of the Act;
- (xvii) office bearer means and includes the President, Vice-President, Secretary, Joint Secretary, Manager, Treasurer or any other member of the Governing Body empowered under the Bye-laws to give directions in regard to the conduct of the business of the Society;
- (xviii) prescribed means prescribed under the rules;
- (xix) public notice means a notice published in at least two newspapers largely circulating in the area, of which one shall be in vernacular and copy of which is also displayed on the notice board of the office of the District Registrar;
- (xx) Registrar means the Registrar of Societies appointed under section 3 of the Act;

- (xxi) Registrar General means the Registrar General appointed by the Government under section 3 of the Act;
- (xxii) Rules means the rules made under the Act;
- (xxiii) Society means a Society duly registered or deemed to be registered under the provisions of the Act and includes a State Aided Society;
- (xxiv) special resolution means a resolution passed in a meeting of the General Body or the Collegium, as the case may be, in which at least forty per cent of the members entitled to vote are present and the resolution is approved by three-fifth of the members so present and voting.
- (xxv) State means the State of Haryana;
- (xxvi) State Aided Society means a Society which is in receipt of any recurring grant or financial aid from the Government or a local body or any of its entities to manage its facilities or institutions established in accordance with the objectives set out in its Memorandum or its Bye-laws and shall include a Society where any one or more of its institution is receiving aid.

CHAPTER-II

Officers of the Society

3. Registrar General, other officers and their powers. - (1) The Government may, by order, appoint a member of Indian Administrative Services as the Registrar General, who shall exercise such powers and perform such duties and functions, as are conferred upon him by or under the Act.

(2) The Registrar General may, by order, appoint a Class-I officer of the Government as Registrar and other officers of the Government not below the rank of Class-II as Additional Registrar or Joint Registrar to assist the Registrar in the discharge of his functions and empower them to exercise such powers and perform such duties and functions, as may be assigned to them, from time to time.

(3) The Registrar General, may further appoint District Registrars not below the rank of Class-II in the Government, to exercise the powers and discharge such functions and duties, as assigned to them under the Act, in respect of the territorial jurisdiction of one or more districts. He may also appoint certain officers as Deputy District Registrars or Assistant District Registrars not below the rank of Class-II of the Government as per relevant service rules or terms of employment and empower them to exercise such duties and functions, as may be assigned to them, from time to time.

(4) The officers appointed under this section shall exercise powers, discharge duties and perform functions under the overall administrative control and superintendence of the Government.

4. Registrar General and other officers to be public servants. - Every officer exercising or authorized to exercise powers under the Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

5. Indemnity for acts done in good faith. - No suit, prosecution or other legal proceedings shall lie against the Registrar General or any officer or official subordinate to him or acting under his authority, in respect of anything done by or purporting to have been done by him in good faith under the Act.

CHAPTER-III

Aims and Objects of Society

6. Aims and objects. - Any seven or more persons associated for any of the purposes mentioned hereunder, may, by subscribing their names to a Memorandum and filing the same with the District Registrar, form themselves into a Society. The aims and objects, for which a Society may be formed are,-

- (i) promotion of charity or any philanthropic activity;
- (ii) promotion of arts, education, science, literature, philosophy, religion, industries, skill development, fine arts, etc.;
- (iii) promotion of sports (excluding games of chance);
- (iv) promotion of folk arts;
- (v) promotion of artefacts and handicrafts;
- (vi) instruction and diffusion of any useful knowledge;
- (vii) diffusion of political education;
- (viii) establishment or maintenance of libraries or reading rooms for general public use, or of public museums and galleries of painting and other works of art;
- (ix) promotion of conservation and proper use of natural resources such as land, water, forests and wildlife, and optimal use of infrastructure facilities like roads, power, eco-friendly initiatives and such other resources and infrastructure facilities, as may be notified by the Government, from time to time;
- (x) formation of associations of flats or tenement or condominium or floor space owners pursuant to the requirements as laid down under the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983) or a welfare organization formed for housing projects or a resident welfare organization for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area;
- (xi) the collection of natural history, mechanical and philosophical inventions, instruments or designs etc.; and
- (xii) implementation and promotion of any Government sponsored schemes in the State:

Provided that no Society shall be registered under the Act unless it prohibits the payment of any dividend or distribution of any assets, income or profits to its members or their dependents or legal heirs except where a Society has been formed or established by the contributions of share holders or members in the nature of a housing Society or a welfare

association of flats or tenement or floor space owners pursuant to the requirements laid down under the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983) or a resident welfare association for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area.

CHAPTER-IV

Registration of Society

7. Societies not to be registered with undesirable name. - (1) No Society shall be registered with a name which contravenes the provisions of the Emblems and Names (Prevention of the Improper use) Act, 1950 (Central Act 12 of 1950).

(2) Except with the previous approval of the Government in writing, no Society shall be registered by a name which contains any of the following words, namely: -

(i) Co-operative or Land Development;

(ii) Reserve Bank;

(iii) Union or State or National or International or Universal or any word expressing or implying the sanction, approval or patronage of the Central Government or any State Government; and

(iv) Municipal or Chartered or any word which suggests or is calculated to suggest connection with any municipality or other local authority.

(3) No Society shall be registered in the State under a name which is identical with or too nearly resembles the name of any other Society or any body corporate which has been previously registered under the Act or incorporated under any other law for the time being in force, as the case may be, except where the Society in existence is in the course of being dissolved and signifies in writing its consent to registration of such name.

8. Approval of name and application for registration. - (1) An application shall be filed in the prescribed proforma for getting approval of the name of the Society in accordance with the prescribed procedure.

(2) After approval of the name, an application for registration of the Society shall be filed with the District Registrar, in whose jurisdiction the registered office of the Society is situated, alongwith the Memorandum and the Bye-laws prepared in accordance with the provisions of the Act and containing all such particulars, as may be prescribed.

(3) The Memorandum shall be signed by at least seven members who shall be major and they shall add their address, description and occupation, if any, in the presence of at least two witnesses who shall also be major and who shall append their signatures and add their address, description and occupation, if any. The Bye-laws shall also be signed by the signatories to the Memorandum.

9. Registration. - (1) After scrutiny of the documents presented before the District Registrar, if he is satisfied that the applicant has complied with all the provisions of the Act and the rules as to registration, he shall enter the particulars of the Society registered, in a register maintained by him in physical or electronic form and issue a certificate of registration in the form and manner, as prescribed.

(2) If the District Registrar refuses to register a Society, he shall state the reasons therefor and communicate the same to the applicants.

(3) Every Society registered by the District Registrar shall be assigned a distinct registration number.

(4) Every existing Society shall apply in the prescribed proforma to the District Registrar for obtaining a new registration number within a period of one year or such further period, as may be notified by the Government. If the new number is not applied within one year then number shall be applied alongwith fee, as may be prescribed, within a period of six months and if the Society fails to move an application for new number within such extended period, the registration may be cancelled.

10. Evidence of registration. - (1) A certificate of registration issued by the District Registrar shall be conclusive evidence that the Society therein mentioned is duly registered unless proved otherwise.

(2) Every Society registered under the Act shall prominently display its name alongwith registration number outside its registered office or any other place where it is carrying on its business or operations, and shall have a seal with its name engraved thereon. The Societys name, registration number and its registered office shall be mentioned in all documents executed in its favour or on its behalf.

11. Registered office. - (1) Every Society shall have a registered office situated at any place in the district in which it is registered, to which all communications and notices shall be addressed.

(2) Information about every change in the address of the Society shall be given by the Society to the office of the District Registrar within thirty days of its registration or the date of the change, as the case may be, who shall record the same in the certificate of registration and the register of societies.

(3) Any change of the registered office of a Society to a place outside the district in which it is registered, shall be intimated to both the District Registrars.

12. Change in the name. - (1) A Society may change its name after getting the proposed new name approved from the District Registrar in the manner prescribed. After approval of name, the person authorised by the Society shall submit an application for change of name alongwith the prescribed fee and a copy of the special resolution to the District Registrar.

(2) The District Registrar shall register the change in the name of the Society by entering the new name in the register in place of the former one and issue a fresh certificate of registration, comprising the old, as well as the changed name, with necessary alternations embodied therein. The change of name shall be valid only upon issue of such a certificate.

13. Change in name on the direction of Registrar. - (1) If a Society is registered under a name which, in the opinion of the Registrar, is identical with or too nearly resembles the name of any other Society or a body corporate which, having been previously registered or incorporated under the Act or any other law for the time being in force, or being deemed to have been registered under the Act continues to exist, he may, by order made in this behalf direct such Society to change its name and amend its Memorandum within such period as the Registrar may allow.

(2) Where a change in name is directed by the Registrar, the Society which was registered first may be allowed to retain the name and those registered subsequently shall be required to change their names within such period, as may be specified by the Registrar.

(3) A change of name shall not affect the rights and liabilities of the Society or any legal proceedings by or against it.

CHAPTER-V

Membership

14. Minimum number of members and types of members. - A Society shall consist of a minimum seven members at the time of its registration and it may admit persons as founder-members, life-members, ordinary members, associate-members, tenure-members or honorary members, in accordance with the provisions contained in its Bye-laws. A donation shall not create a right in the donor to be admitted as a member of the Society.

15. Different fees for different types of members. - A Society may prescribe different fees for different types of membership in its Bye-laws, along with annual subscription fee and the member shall enjoy such type of membership, as long as, he is not in arrears of payment of any such fee or annual subscription for the period, as may be prescribed.

16. Eligibility conditions for becoming a member. - A person shall be eligible to become a member of Society, if he,

- (i) is 21 years of age on the date of admission;
- (ii) subscribes to the aims and objects of the Society;
- (iii) has deposited the membership fee as prescribed in the Bye-laws of the Society; and
- (iv) is not an insolvent or of unsound mind or have not been convicted of an offence involving moral turpitude, punishable with imprisonment of one year or more.

17. Identity Card. - Every person admitted as a member shall be issued an identity card by the Society containing the photograph and particulars, as may be prescribed.

18. Register of Members. - (1) Every Society shall maintain a register of its members at its registered office and shall enter therein the particulars of admission or removal of member within fifteen days of the admission or removal or the cessation of any membership, as the case may be, in the prescribed manner.

(2) A copy of the register of members maintained by the Society, if not filed at the time of registration, shall be filed with the District Registrar within sixty days from the date of registration.

(3) The Society shall file an updated list of members, separately showing the inclusions and deletions, if any, every year within a period of sixty days of the close of the financial year in the office of the District Registrar in physical or electronic mode, as may be prescribed.

(4) While filing the updated list of members, the authorised officer of the Society shall certify that such inclusions or deletions are as per the provisions of the Act, rules and the Bye-laws.

19. Inspection. - The register of members shall be kept open at the registered office of the Society and remain accessible to any officer of the office of District Registrar, Registrar, Registrar General or any member of the Society during the business hours.

20. Rights and obligations of members. - (1) Every member shall subscribe to and be bound by the Bye-laws as amended, from time to time and registered with the District Registrar.

(2) Every person admitted as a member on the date of notification of elections, subject to his not being in arrears of membership fees or annual subscription, for a period as may be prescribed, shall have the right to exercise his vote in person.

(3) Every member shall have the right to inspect the books of accounts, books containing the minutes of proceedings of meetings on any working day during business hours after giving reasonable notice.

21. Settlement of membership disputes. - (1) Where any member claims to have been admitted as a member but not included in the register of members or any member is

aggrieved with his removal from the membership of the Society, such person may submit a petition to the District Registrar alongwith prescribed fee.

(2) The District Registrar may require such person to support his petition with such documentary or other evidence, as may be considered appropriate.

(3) Upon receipt of any such petition, the District Registrar shall consider the matter and settle the disputes in accordance with the Bye-laws after giving opportunity of hearing to all concerned.

(4) Where the Bye-laws are observed to be silent or lack clarity for addressing the dispute or are inconsistent with the provisions of the Act and the rules made thereunder, the District Registrar shall decide the matter in accordance with the provisions contained in the Act or the rules made thereunder.

(5) Where the Society has large number of members and it is considered expedient to verify, determine and establish the identity and genuineness of such members, the District Registrar may require all members of the Society to appear before him in person alongwith an acceptable proof of identity and address, as recorded in the register of members, within such time and in such manner, as may be prescribed.

(6) Where action is taken in accordance with sub-section (5) above and certain members do not appear before him inspite of two opportunities granted, the District Registrar shall be competent to strike off the names of such members from the register.

22. Cessation of membership. - A member admitted to a Society shall cease to be so in the following events,

- (i) upon submission and acceptance of his resignation; or
- (ii) if he ceases to fulfil the eligibility condition for being admitted as a member as mentioned under section 16; or
- (iii) upon his failure to pay membership fee or annual subscription fee continuously for a period, as may be prescribed; or
- (iv) upon the death of a member:

Provided that in case of a Society registered for the purposes pursuant to the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983), a housing Society or a resident welfare association registered as a Society for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area, the nominee or the legal heir shall be enrolled as a member subject to fulfillment of qualifications as laid down in the Bye-laws and the provisions of the Act.

23. Firm barred from being member. - A partnership firm, whether registered or not, or a body corporate of whatever description, shall not be eligible to be a member of a Society: Provided that there shall not be any bar for a partner as defined in section 4 of the Indian Partnership Act, 1932 (Central Act 9 of 1932) or a member or share holder of a body corporate to become a member in his individual capacity.

CHAPTER-VI

Memorandum and Bye-Laws of Society

24. Memorandum. - The Memorandum shall state,-

- (i) the name of the Society;

- (ii) the aims and objects of the Society;
- (iii) the names, addresses and occupations of the members of the first Governing Body to whom the management of its affairs is entrusted under the Bye-laws;and
- (iv) the place and the district in which the registered office of the Society is situated.

25. Bye-laws. - The Bye-laws shall generally conform to the model Bye-laws as prescribed and shall contain provisions in respect of the following matters,-

- (i) identity which includes name and address of the Society;
- (ii) aims and objects of the Society;
- (iii) provisions regulating the membership of the Society i.e. eligibility, admission, kinds of membership, membership fee, subscription fee, resignation, withdrawal and termination etc.;
- (iv) the composition of the General Body, its powers functions, periodicity of its meetings, quorum, period of notice for meetings, manner of voting, record of proceedings etc.;
- (v) principles of formation of electoral colleges, constitution of Collegium, manner and mode of election for a member of the Collegium, resignation, removal, the term of office of the member, powers, functions, procedure and periodicity of holding the meetings of the Collegium, quorum, period of notice for meetings, manner of voting, record of proceedings etc.;
- (vi) composition of Governing Body, the manner and mode of election or appointment, resignation or removal, the term of office of the office bearers, its powers, functions and duties, procedure and periodicity of holding the meetings, quorum, period of notice for meetings and manner of voting, record of proceedings etc.;
- (vii) procedure for amendment in the Bye-laws;
- (viii) procedure regarding amalgamation, division and dissolution;
- (ix) sources of finance including the types of funds to be raised, maintenance of accounts, inspection of accounts and its audit, appointment of auditor, liability of member for discharge of debts etc.;
- (x) provisions regarding the safe custody of the property or assets of the Society, particularly mentioning the manner of keeping or investing any money of the Society; and
- (xi) any other matter relating to the affairs of the Society, as may be required.

26. Amendment of Memorandum and Bye-laws. - (1) A Society may, by a special resolution, amend the provisions of its Memorandum with respect to,

- (i) change in the name of Society; or
- (ii) change in the aims and objects of the Society, as permissible under the Act.

(2) A Society may amend its Bye-laws by a special resolution.

(3) Any special resolution passed under sub-section (1) or (2) shall be filed with the District Registrar within thirty days from the date of approval thereof and the District Registrar may, if he is satisfied that the same is in accordance with the provisions of the Act and the rules, register such change. Any such change shall have no effect until it has been so registered.

(4) If the District Registrar refuses to register a change in the Memorandum or the Bye-laws under sub-section (3), he shall communicate the reasons therefor in writing within a period of sixty days of filing of the special resolution by the Society, and the special resolution passed by the Society in that case shall have no effect. If the District Registrar fails to communicate the reasons within sixty days, the special resolution shall be deemed to have been registered by him.

27. Powers of the Registrar to direct amendment in Memorandum or Bye-laws. - (1)

Notwithstanding anything contained in the Act or the rules made thereunder, if the Registrar, on a report from the District Registrar or otherwise, considers that an amendment of the Memorandum or Bye-laws is necessary or desirable to bring the same in conformity with the provisions of the Act or rules made thereunder, he may, by an order in writing, direct the Society to make such amendment within such time, as may be specified, in such order.

(2) The Governing Body shall place such directions before the General Body or the Collegium, as the case may be, for its consideration and approval within forty five days of the receipt of such directions.

(3) If the Society fails to make any such amendment within specified time, the Registrar, after giving the Society an opportunity to state its objections, if any, register such amendment to the Memorandum or the Bye-laws, as the case may be, and send a certified copy thereof to the Society. Such amendment to the Memorandum or Bye-laws, as the case may be, shall be final and binding on the Society and its members.

28. Supply of copy of Memorandum and Bye-laws. - Every Society shall, on demand, deliver a copy of its Memorandum and the Bye-laws to a member at the time of admission.

CHAPTER-VII

General Body, Collegium and Governing Body

29. General Body. - (1) The total number of persons admitted as members of a Society in accordance with the provisions of the Act shall constitute its General Body.

(2) Every Society shall prescribe in its Bye-laws the composition of its General Body, its powers, functions and duties, the periodicity of and the quorum for the meetings, the manner of recording of its proceedings and all other matters relating to the affairs of the General Body.

(3) The quorum for the meeting of the General Body shall not be less than forty percent of the total members entitled to vote and present in person subject to a minimum of four members.

(4) Every member shall have one vote and shall cast his vote in person.

30. Collegium. - (1) A Society consisting of more than three hundred members, unless it is divided into two or more Societies or opts to re-determine and revise its membership in accordance with clause (ii) of sub-section (1) of section 32 and subsection (2) of section 51, shall constitute a Collegium consisting of not less than twenty one and not more than three hundred members in accordance with its Byelaws. The status of a Collegium in this case

shall be the same in all respects as that of the General Body of a Society comprising of not more than three hundred members.

(2) The tenure of the Collegium shall not exceed three years and the members elected to the Collegium shall, in turn, elect the Governing Body.

(3) The Society shall file the list of the elected members of the Collegium with the District Registrar within a period of fifteen days of holding the elections for the Collegium in the manner, as prescribed.

31. Meetings of General Body or Collegium. - (1) An annual general meeting of the General Body or the Collegium, as the case may be, may be held as and when required. However, at least one meeting of the General Body or the Collegium, as the case may be, shall be held in every financial year in which the annual accounts of the Society, duly audited, shall be placed before the members for adoption.

(2) A clear notice of fourteen days of every meeting shall be given to the members of the General Body or the Collegium, as the case may be, before the date appointed for the meeting. A copy of such notice alongwith the business to be transacted during the general meeting shall also be endorsed to the District Registrar.

(3) The notice shall specify the date, time, place and the object of the meeting and in case any agenda item requiring a special resolution is proposed to be considered in such meeting, the notice shall contain a copy each of such agenda.

(4) The District Registrar may nominate an officer subordinate to him or an independent observer to be present at such general meeting.

(5) In addition to the annual general meeting, an extra-ordinary meeting of the General Body or the Collegium, as the case may be, may be convened, at any time, after giving due notice to all the members.

(6) The Governing Body shall convene an extra-ordinary meeting of the General Body or the Collegium, as the case may be, within forty-five days of receipt of a written requisition from at least one-tenth of the members of General Body or the Collegium, as the case may be, for convening such a meeting. The notice requisitioning the general meeting shall contain the reasons for such meeting alongwith the proposed agenda.

(7) A clear notice of fourteen days shall be given for the extra-ordinary meeting of the General Body or the Collegium, as the case may be, to all the members specifying therein the date, time, place and the business to be transacted at such meeting. A copy of the notice for an extra-ordinary general meeting shall also be endorsed to the District Registrar, who may nominate an officer subordinate to him or an independent observer to remain present during such meeting.

(8) In case the Governing Body fails to convene a meeting of the General Body or the Collegium, as the case may be, upon such requisition under sub-section (6) above, the District Registrar may, direct the Governing Body to convene such meeting, within such period as directed.

(9) The Governing Body shall furnish a copy of the proceedings of the meeting of the General Body or the Collegium, as the case may be, convened under sub-section (6) above, duly countersigned by the subordinate officer or observer, if deputed for such meeting, to the District Registrar within a period of thirty days. Wherever such subordinate officer or the observer validates the proceedings of the meeting, the District Registrar shall take the same on record.

(10) No extra-ordinary general meeting shall be deemed to have been duly convened, if the members of the General Body or Collegium, as the case may be, have not been given the requisite notice.

32. Constitution of the General Body/ Collegium of existing Societies. - (1) Where a Society, registered prior to the coming into force of the Act, consists of more than three hundred members, it shall convene a meeting of its members to consider and resolve through a special resolution at least six months before the due date for election of Governing Body,-

- (i) to continue with the present number of members; or
- (ii) re-determine the number of members of the General Body by prescription of a revised criteria, including membership fee and annual subscription or special additional charges:

Provided that in case the number of members opting for any such revised criterion exceeds three hundred, the membership may be decided by draw of lots.

(2) Where the term of Governing Body is expiring before the expiry of six months from the commencement of the Act, it shall be deemed to have been extended up to six months from the date of commencement of the Act and the Society shall take action according to clause (i) or (ii) above.

(3) Where the membership of a Society exceeds three hundred, the Governing Body shall prepare a scheme of determination of the electoral colleges in accordance with the principles, as may be prescribed, for holding elections to the Collegium and place the same for consideration of its members as a special resolution with consequential amendment to its Bye-laws.

(4) Where a Society resolves to approve a scheme under sub-section (2) above, the Governing Body shall submit the resolution to the District Registrar for his approval.

(5) The District Registrar shall examine the scheme received under sub-section (3) above and,-

- (i) approve the same and take it on record, if found to be in accordance with the principles as prescribed ; or
- (ii) suggest such modification, as he may consider necessary, and the Society shall reconsider and revise the scheme accordingly.

(6) Where an existing Society does not have a duly elected Governing Body in position and the affairs of the Society are being managed either through an adhoc body or through an Administrator appointed by the Government in this behalf,-

- (i) such adhoc body or the Administrator shall take steps to hold the elections of the Governing Body, if its membership is within the specified numbers;
- (ii) prepare and submit a scheme for determination of the electoral colleges and constitution of a Collegium or determination of the number of members under sub-section (1) above, to the District Registrar, who shall examine the same and cause a meeting of the members of the Society convened and place the same for consideration of the proposed scheme, with or without any modifications.

(7) Where the members of the Society resolve to approve the scheme prepared under clause (ii) of sub-section (6) above, with or without any modification, the District Registrar shall take the same on record and approve the same. Thereafter, the Bye-laws of the Society shall be deemed to be modified to that extent .

(8) Where it is not found feasible by the adhoc body or the Administrator to convene a meeting of the members or the number of members attending such meeting does not represent the quorum, the adhoc body or the Administrator, as the case may be, shall submit a scheme prepared under clause (ii) of sub-section (6) above, to the District Registrar, who shall forward the same to the Registrar with his recommendations and the Registrar shall approve the scheme with or without any modifications.

(9) The scheme, as approved by the Registrar, shall be notified to the general public through a public notice, at the expense of the Society.

(10) The adhoc body or the Administrator, as the case may be, shall take steps for the constitution of the Collegium in the first instance, to be followed by the election of the Governing Body.

(11) All proceedings under this section shall be conducted in a summary manner.

33. Governing Body. - (1) The members of the General Body or the Collegium, as the case may be, shall elect the Governing Body (by whatever name called), consisting of not less than three and not exceeding 21 members. The office-bearers shall comprise of the President, Secretary and Treasurer as a minimum, and other office-bearers, as prescribed under the Bye-laws.

(2) The Society shall file the list of the elected office-bearers with the District Registrar within a period of thirty days of holding of the elections for the Governing Body in the manner, as prescribed.

(3) The tenure of the Governing Body shall not exceed three years. The matters pertaining to re-election of any office-bearer shall be regulated in accordance with the Bye-laws.

(4) Every Society shall maintain a register showing the names, addresses and occupation of the persons appointed or elected as office-bearers and shall file with the District Registrar, -

- (i) a copy of the register within a period of thirty days from the date of appointment or election of the office-bearers;
- (ii) a notice of every change in the office-bearer within a period of thirty days, from the date of such change; and
- (iii) the details of the office-bearers alongwith the annual return in the manner, as prescribed under the rules.

(5) The constitution of the Governing Body, appointed or elected for the first time or thereafter, shall be valid only upon approval thereof by the District Registrar and its tenure shall commence from the date of its approval.

34. Office-bearers, their powers, functions and duties. - (1) The Bye-laws shall contain provisions for its office-bearers, namely, the President, Vice-President, Secretary, Joint Secretary, Treasurer etc. and specify their powers, functions and duties, singly or jointly with other members of the Governing Body.

(2) The office-bearers shall exercise their powers strictly in accordance with the provisions contained in the Bye-laws and any powers exercised in excess of the authorisation under the Bye-laws shall render such decisions non-est.

35. Disqualification of office bearer. - A person shall be disqualified from continuing as an office-bearer as soon as he ceases to be a member of the Society.

36. Meetings of Governing Body. - (1) Meetings of the Governing Body may be held as and when required. However, the Governing Body shall meet once every quarter and hold at least four meetings in a financial year.

(2) A clear notice of three days of every such meeting shall be given by the Secretary of the Governing Body to the office bearers before the date appointed for the meeting. However, the Governing Body may meet at shorter notice, wherever so required, with the consent of at least fifty percent of its members.

37. Record of proceedings of meetings of General Body or Collegium and the

Governing Body. - (1) The Society shall maintain record of the minutes of proceedings of every meeting of the General Body or Collegium, as the case may be, and every meeting of its Governing Body in the proceedings books separately maintained for this purpose. Such minutes shall be signed by the Chairman and the Secretary of the meeting.

(2) In case the minutes of the meeting are not signed by the Chairman for any reasons, whatsoever, the Governing Body may authorize any of the officebearer to sign such minutes.

(3) The minutes of every meeting of the Governing Body or the General Body or Collegium, as the case may be, shall be placed for confirmation in the succeeding meeting of such body.

(4) Any resolution passed by the Governing Body or the General Body or Collegium, as the case may be, during any of its meetings, which is not consistent with the provisions of the Act or the rules framed thereunder or the Byelaws, shall be invalid.

(5) No act or proceedings of a Society or any of its office bearer shall be deemed to be invalid merely on the ground of any vacancy or defect in the organisation of the Society

38. Notice to accompany copies of balance sheet and auditors report etc. - Every Society shall supply a copy of the balance-sheet or a statement of accounts together with the auditor's report to every member of the General Body or the Collegium, as the case may be, alongwith the notice of the annual general meeting, unless these documents have been placed on the website of the Society.

CHAPTER-VIII

Elections

39. Elections and settlement of disputes. - (1) Elections shall be first held for the constitution of the Collegium from within the electoral colleges determined therefor, wherever applicable, and thereafter for the Governing Body by the Collegium.

(2) The process of elections of the Collegium of a Society shall be commenced, in so far as possible, three months prior to the due date so that the newly elected Governing Body is in place on or before the due date.

(3) On the day the elections of a Society are notified, the Governing Body or the adhoc body or the Administrator, as the case may be, shall publish the list of members entitled to vote. Such list of members shall be made available to a member on demand, on payment of such fee, as may be prescribed by the Society in its Bye-laws.

(4) Any person or group of persons, if aggrieved with the list of members published under sub-section (3) above on account of non-inclusion or wrongful inclusion of any member, may file a petition with the District Registrar stating the specific grounds of challenge within a period of fifteen days of publication of the list of members. The District Registrar may, where the number of members is very large and for reasons to be recorded, accept the petition within an extended period of seven days.

(5) The District Registrar may, if he has reasons to suspect the bonafides of any such petition, require the petitioners to deposit such amount, as prescribed, as a surety against any abuse of sub-section (4) above. The amount deposited by the petitioners shall be

refunded forthwith if the petition succeeds but shall be liable to be forfeited, if such petition is found to have been made without any merits.

(6) Where a petition is filed before the District Registrar under subsection (4) above, the District Registrar shall, after fulfillment of the condition specified under subsection (5), immediately hold the election process in abeyance and proceed to conduct an inquiry by himself or by an officer appointed by him, in this behalf, for determining the list of eligible members.

(7) The District Registrar may, for the purpose of his inquiry, refer to the annual return of members filed by the Governing Body in his office and consult any or all the relevant records of the Society. The District Registrar shall enjoy all the powers vested in him under Chapter XII of the Act for holding the inquiry. Any such inquiry shall be conducted in the open and completed in a summary manner.

(8) Upon completion of the inquiry under sub-section (6) above, the District Registrar shall determine the list of members eligible to vote, make it public and set the process of election in motion. Where the initial list of members published under sub-section (3) above is found to be defective during the inquiry, the election of the Collegium or the Governing Body, as the case may be, shall be conducted by the District Registrar under his direct supervision and control after settling the dispute as per the provisions of the Act.

(9) Where elections of the Governing Body are held by the members of the General Body, without requirement of a Collegium, any challenge to the list of members of the General Body shall be settled by the District Registrar in the same manner, as specified above.

(10) Where the elections of the Governing Body are not held by the due date, for whatsoever reasons, the District Registrar may constitute an adhoc Committee or appoint an Administrator to manage the affairs of the Society, immediately upon the expiry of the due date, for the intervening period and for conducting the elections of the Governing Body.

(11) A Society may approach the District Registrar for appointment of the returning officer and/or an observer for conducting the elections of the Collegium or the Governing Body, as the case may be, whereupon the District Registrar shall order the appointment of the returning officer and/or an observer within seven working days of the receipt of such request from the Governing Body or the adhoc Committee or the Administrator, as the case may be.

(12) The returning officer appointed by the District Registrar shall ensure a minimum notice of fifteen days to all the members, served individually where possible, or through a public notice, at the expense of the Society, for the information of the members.

(13) The returning officer and/or the observer, wherever appointed, shall complete the process of elections, and submit a report thereof to the District Registrar, whereupon the duly elected Governing Body shall be placed in charge of the affairs of the Society and the appointment of any adhoc Committee or the Administrator shall cease to continue forthwith.

(14) The District Registrar may fix the remuneration or honorarium for the person appointed as the Administrator, the returning officer, the observer or member of adhoc Committee in the manner and at the rates prescribed from time to time.

40. Settlement of disputes arising from election of Collegium or Governing Body and its office-bearers.

(1) The Registrar, on a reference made to him by the District Registrar or by at least one-fourth of the members of the General Body or the Collegium, as the case may be, hear and decide in a summary manner any doubt or dispute in respect of the election or continuance in office of any elected member or office bearer to the Collegium or Governing Body, as the case may be, and may pass such orders in respect thereof, as he deems appropriate:

Provided that the election of any or all the members of the Collegium or the office-bearers of the Governing Body shall be set aside where the Registrar is satisfied,

- (i) that any corrupt practice has been committed by such office-bearer (s); or
- (ii) that the nomination of any candidate has been improperly rejected; or
- (iii) that the result of the election, in so far as it concerns 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 does not comply with the provisions of any Bye-law.

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

- (i) induces or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury to 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 induce 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 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 such other practice as the 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 for anyone in whom he is interested.

(2) The Government may, prescribe the procedure for hearing and deciding 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 the Act or in the rules framed thereunder.

(3) Where by an order made under sub-section (1), an election to the Collegium or the Governing Body 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-bearer of a Society has not been held within the time and in accordance with the Bye-laws, he may cause a meeting of the General Body or Collegium, as the case may be, convened for electing such office-bearer or office-bearers, and such meeting shall be presided over and conducted by the District Registrar or by any officer authorized by the Registrar in this behalf, and the provisions of the Bye-laws relating to meetings and elections shall apply to such meeting and election with necessary modifications.

(4) Where a meeting of the General Body or the Collegium, as the case may be, is convened on the orders of the Registrar under sub-section (3), 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.

CHAPTER-IX

Property and Funds of the Societies

41. Acquisition of moveable and immovable property. - A Society registered under the Act may acquire movable or immovable property, on free-hold or lease basis, from out of its funds or donations or grants or loans obtained from legal sources in accordance with its Bye-laws in its name.

42. Property how vested. - All property, movable and immovable, belonging to a Society, whether acquired before or after its registration, if not vested in the trustees, shall vest in the Society, and any such property may be referred to as the property of such Society in any legal proceedings: Provided that in case a Society is registered for the purposes of the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983), a housing Society or a resident welfare association registered as a Society for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area, the property may vest in the members or their successor-in-interest who have contributed for acquisition of such property.

43. Terms of gift. - Where a Society accepts a gift or donation of money or property of any other kind from any person or institution for a specific purpose, it shall use the money or such property gifted or donated or any part thereof only for the purpose for which it has been so gifted or donated and for no other purpose.

44. Restrictions on the sale or transfer of immovable property. - (1) A Society registered under the Act shall be competent to sell, transfer or alienate any of its immovable properties subject to the following: -

- (a) in case the immoveable property is acquired from the Government or any of its instrumentalities or a municipal body or gram panchayat or any other such authority, with the prior written permission of the Government;
- (b) in case the immoveable property is acquired by means of a conditional gift or conditional donation from any source, in accordance with such conditions subject to the prior permission of donor or his authorised representative, and in case the donor is not alive and has left no such authorised representative, with the prior permission of the Registrar;
- (c) any other immoveable property acquired by the Society from out of its own resources or funds or borrowings, with the prior permission of the General Body or the Collegium, as the case may be, through a special resolution.

(2) The Governing Body shall determine the reserve price of any such immoveable asset, which shall not be less than the applicable Collector rates, before its disposal, so as to ensure that it is not sold or transferred at an undervalued consideration.

(3) The proceeds from the transfer or sale of any immoveable property of the Society, wherever conducted in accordance with the provisions contained in this section, shall be immediately deposited in the account of the Society.

(4) Where any office bearer of the Governing Body indulges in violation of the provisions contained in sub-sections (1), (2) and (3) above, the District Registrar shall be competent to take any or all of the following actions,-

(i) where the amount of consideration is not deposited in the account of the Society within three working days, direct such office bearer to pay interest out of his own pocket at the rate of twenty four percent for the period it remained in his possession but such period shall in no case be more than thirty days;

(ii) where the immoveable asset has been sold or transferred at an undervalued price, recover the difference assessed on the basis of Collector rates from the erring office bearer and deposit the same in the Societys account;

(iii) where the immoveable asset has been disposed of without the permission as required under sub-section (1) or without complying with the conditions applicable, recover the amount, alongwith any additional amount as assessed on the basis of Collector rates, from the concerned office bearer and deposit the same with the allotting authority;

(5) Where the recovery of any amount is involved from any person in the course of enforcement of sub-section (4) above, and the persons concerned do not deposit the said amount within the period allowed, the District Registrar shall be competent to recover such amount as arrears of land revenue.

(6) In addition to the action under sub-sections (4) and (5) above and depending upon the gravity of the violation, the District Registrar may also recommend to the Registrar for,

(i) removal of any erring person from the office and debarring such person from holding any position in future or removal from membership of the Society ;

(ii) super-session of the Governing Body and appointment of an Administrator for managing the affairs of the Society; and

(iii) registration of an FIR.

(7) The Registrar shall take appropriate action on the recommendations of the District Registrar within a period of fifteen working days of the receipt of information.

(8) Nothing under this section shall absolve the office-bearer from criminal action.

45. Investment of Funds. - Every Society, to such extent, and under such conditions, as may be permitted under its Bye-laws, from time to time, invest or deposit any portion of its funds not immediately required,-

(i) in immoveable properties; or

(ii) in securities of the Government or in National Savings Certificates or other securities of the Government of India;

(iii) in the Post Office Savings Banks Account; or

(iv) in a special account opened by the Society for the purpose in a

- (a) Scheduled Bank as authorized or notified by the Reserve Bank of India; or
- (b) Cooperative Bank situated in the State, or in such other mode of investment, as may be prescribed.

46. Application of funds. - (1) A Society shall have the powers to spend such sums out of its funds, as it thinks fit, for the purposes authorised under its Bye-laws or by the Act.
(2) No payment shall be made out of the funds to the President, Vice- President, Secretary, Treasurer or any other office bearer by way of honorarium or remuneration :
Provided that incurring of any expenditure on the Boarding/ Lodging and TA/DA of the office bearers while on tour in connection with the affairs of the Society, shall be permissible following the prudent financial norms. (3) Notwithstanding the restrictions prescribed above, a Society may pay such remuneration, salary or honorarium to the persons in its full-time or part-time employment, as it may determine:
Provided that no member shall be in the employment of the Society.

CHAPTER-X

Accounts, Audit, Filing of Documents

47. Books of Accounts. - (1) Every Society shall keep proper books of accounts i.e. cash book, ledger etc. as required by Income Tax laws or the books as per standards laid down by the Institute of Chartered Accountants, at its head office or as may be prescribed with respect to,-

- (i) all sums of money received and expended by the Society; and
- (ii) the assets and liabilities of the Society.

(2) The books of accounts shall be open to inspection during the business hours by the Registrar General, Registrar, District Registrar or any officer authorised by them.

48. Audit. - (1) Every Society shall get its annual accounts audited from an auditor who is a member of the Institute of Chartered Accountants of India, constituted under the Chartered Accountants Act, 1949 (Central Act 38 of 1949).

(2) The auditor shall not be a member of the Governing Body or family member of any of the office bearer.

49. Verification of accounts. - The accounts, returns and registers shall be verified and signed by at least two office-bearers, authorised by the Governing Body.

50. Annual and other returns. - (1) Every Society shall file the following returns, in the prescribed form, with the District Registrar within thirty days of holding the annual general meeting,-

- (i) a list of the members duly certified by the President and the Secretary, as on the 31st March of the year, separately showing the deletions and additions during the previous year;
- (ii) a list of the members of the Collegium duly certified by the President and the Secretary, alongwith the list of electoral colleges as on the 31st March of the year, separately showing the deletions and additions during the previous year;
- (iii) a list of the office-bearers alongwith their names, addresses and occupations separately showing the deletions and additions during the previous year, if any;

(iv) an annual report on the working of the Society by the Governing Body duly certified by the President and Secretary;

(v) a copy each of the balance-sheet, receipt expenditure statement and the auditors report duly certified by the auditor; and

(vi) a copy of the special resolution, as and when passed.

(2) Non-filing of annual returns as mentioned above shall be punishable with fine in the extended period and thereafter with penalty as may be prescribed.

CHAPTER-XI

Amalgamation and Division

51. Amalgamation or division of Societies. - (1) Any two or more Societies, after passing special resolutions for amalgamating with each other, shall move an application alongwith copies of resolutions, in the prescribed form for obtaining approval of the Registrar and after getting the approval, shall amalgamate together as one Society.

(2) Any Society, after passing special resolution for division of a Society, shall move an application in the prescribed form alongwith copy of resolution, for obtaining approval of the Registrar and after getting the approval, shall stand divided. The resolution shall contain proposals for the division of the assets and liabilities of the Society among the new Societies, relationship of the parent Society with the divided societies, if any, and may specify the areas of operation of and the members who may constitute each of the new Societies:

Provided that before division, the Society shall settle all the claims and liabilities or divide the assets and liabilities amongst the Societies on prorata basis.

(3) No amalgamation or division of a Society under sub-section (1) or sub-section (2), as the case may be, shall have any effect until and unless the new Society or Societies is/ are duly registered.

(4) Upon the registration of the new amalgamated Society or the divided Societies, as the case may be, the assets and liabilities of the original registered Society or Societies shall, subject to the provisions of this section, be transferred to and become the assets and liabilities of the new Society or Societies in the manner specified in the special resolution.

CHAPTER-XII

Inquiry and Supersession of the Governing Body

52. Powers to call for information or explanation. - (1) The Registrar General, Registrar or District Registrar may, by written order, require any Society to furnish in writing such information or document or explanation as prescribed in the order within such time, not being less than two weeks from the date of receipt of such order.

(2) On receipt of the order, it shall be the duty of the Society to furnish such information or documents or explanation.

53. Powers to seize records etc. - (1) Where the Registrar General, Registrar or District Registrar is satisfied that,-

- (i) the records, registers or the books of accounts are likely to be tampered with or destroyed and the funds and the property are likely to be misappropriated or misapplied; or
- (ii) the Governing Body is reconstituted at a general meeting and the outgoing members of the Governing Body refused, to hand-over charge of the records and property of the Society to those entitled to receive such charge; or
- (iii) the office bearer, where the elections of the Governing Body have not been held by the due date, are likely to misuse such documents, funds, records or are reluctant to hand over the records to an adhoc Committee or the Administrator appointed for managing the affairs of the Society as an interim measure, he may issue an order directing a person duly authorised by him in writing to seize and take possession of such document, funds, records and property whereupon the office bearer responsible for custody of such documents, record, funds and property shall give delivery thereof to the person so authorised.

(2) In order to secure compliance of the order under sub-section (1), the District Registrar may take or cause to be taken such steps and use or cause to be used such minimum force, including police force, as may be considered necessary.

54. Power to inquire. - (1) Where on the information received or gathered under section 52 or on the application of a majority of the office bearers or on the application of not less than one-third of the members of the General Body or Collegium, as the case may be, or, if so moved by the District Collector or the State Government, the Registrar General, Registrar or District registrar is of opinion that there is apprehension that the affairs of a Society are being so conducted as to defeat the aims and objects of the Society or its Governing Body is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations or to defraud its creditors, he may, either himself or by any person authorized by him in that behalf, hold an inquiry into the affairs of the Society.

(2) An application or reference to the Registrar General, Registrar or District Registrar under sub-section (1) shall be supported by such evidence, as he may require for the purpose of showing that the applicant has good reason for applying for an inquiry.

(3) The District Registrar may require the applicants to furnish such security as he thinks fit as the cost of the proposed inquiry, before the inquiry is ordered.

(4) All expenses incidental or preliminary to the inquiry shall, where such inquiry is held,

(a) on application, be defrayed by the applicants thereof or out of the assets of the Society or by the members of the Society, in such proportion as the District Registrar may, by order in writing direct; and

(b) on a reference from the District Collector or the Government or the District Registrars, own motion, be defrayed out of the assets of the Society and shall be recoverable as arrears of land revenue.

(5) A person holding an inquiry shall have, at all reasonable times, free access to all the documents and shall have power to call upon any office bearer or officer to produce any of the document, as he may direct.

(6) It shall be the duty of all office bearers or officers, who were or are holding office, to furnish the Inquiry Officer with all the information or document in their possession.

(7) A person holding an inquiry may summon and examine any person on oath who, he has reason to believe, has knowledge of any affairs of the Society and may summon any person to produce any books of accounts or documents belonging to him or in his custody, if the person holding the inquiry has reason to believe that such books of accounts or documents contain any entries relating to transactions of the Society.

(8) A person holding an inquiry may, if in his opinion it is necessary for the purpose of inquiry, seize any or all the documents:

Provided that any person from whose custody such documents are seized shall be entitled to a receipt thereof and make copies thereof.

(9) If the inquiry is held by a person other than the District Registrar then he shall send the report to the District Registrar and the District Registrar shall make a report to the Registrar alongwith his recommendations. If the inquiry is held by the District Registrar himself, he shall forward the report to the Registrar alongwith his recommendations.

(10) The inquiry report shall be communicated to the Society and the applicants, if any.

55. Action on Inquiry report. - The Registrar shall consider the inquiry report alongwith the recommendations of the District Registrar, if any, and take any of the following steps,

(i) where no irregularities, whatsoever, of procedural or material nature, are found to have been committed by the Governing Body, he shall order closure of the inquiry alongwith information thereof to the Society and complainants, if any; or

(ii) where the irregularities or violations committed by the Society are found to be of procedural nature, which are rectifiable, he shall direct the Society to take recourse to such corrective measures within such time, as he may direct:

Provided that where a Society fails to carry out the directions, the Registrar shall forward the matter to the Registrar General alongwith his recommendations for appropriate action against the Society; or

(iii) where the irregularities or violations committed by the Society are found to be of a serious or material nature (e.g. relating to memberships, financial mis-management or financial irregularities or fraud or subversion of the objects of the Society), the Registrar shall forward the matter to the Registrar General alongwith his recommendations for appropriate action against the Society; or

(iv) pass any other appropriate order to meet the ends of justice.

56. Supersession of Governing Body and appointment of Administrator. - (1) On receipt of report or recommendations of the Registrar, if the Registrar General is of the opinion that a case is made out for supersession of the Governing Body, he shall issue a show cause notice of the action proposed to be taken in this regard and consider the response of the Society, and grant an opportunity of hearing, if so requested.

(2) The Registrar General, after considering the reply, shall pass an order and may appoint an Administrator to manage the affairs of the Society with such directions as deemed appropriate. The orders passed by the Registrar General in this behalf shall be final and absolute.

(3) The Administrator shall be a Class-I officer or of equivalent rank in the Service of the Government or any statutory authority or such person who may have retired from a Class I or equivalent position from the State or the Central Government or a statutory authority.

(4) Where a retired person is appointed as the Administrator, the Registrar General may also fix the honorarium or remuneration to be paid to the Administrator during the course of his appointment at the prescribed rates and direct such expenditure to be defrayed out of the funds of the Society.

(5) The Administrator may be appointed under sub-section (3) above for a period which shall not exceed one year in the first instance but whose term may be extended for such further period, as considered necessary, subject to the same not exceeding three years in total.

(6) On the appointment of the Administrator, the Governing Body shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it under the Act or the Bye-laws. The Administrator shall exercise all the powers of the Governing Body and perform all such functions or duties during the course of his appointment as provided in the Bye-laws, subject to any directions from the Registrar General.

(7) The Administrator shall, before the expiry of his term, take necessary action to hold the election of the Collegium or the Governing Body, if so required.

(8) If the Administrator is, for reasons beyond his control, not able to hold the election of the Collegium or fails to convene a meeting of the General Body, as the case may be, or inspite of such meeting having been convened, the General Body or Collegium, as the case may be, fails to elect the Governing Body, the Administrator shall forthwith send a report to the Registrar General who may pass such orders, as may be considered expedient, either extending the term of appointment of the Administrator for a further period or, if satisfied that public interest so necessitates, for the dissolution of the Society.

(9) The Registrar General may, if he thinks appropriate, appoint a committee to advise and assist the Administrator so appointed for exercise of the powers and discharge of the duties and functions conferred or imposed on him under the Act. The members of the committee shall have such qualifications, as may be prescribed and shall hold office during the pleasure of the Registrar General.

(10) Where an order of dissolution is passed, further action shall be taken in accordance with the relevant provisions of the Act.

CHAPTER-XIII

Suspension, Cancellation and Dissolution

57. Removal of defunct Society and cancellation of their registration. - (1) The District Registrar, in case he has reasonable cause to believe that a Society is defunct and is not carrying on business or operations, shall issue a show cause notice to such Society, at its registered office enquiring as to whether it is carrying on its business or operations and directing them to file such documents or returns, within a period of ninety days, from the date of issue of notice.

(2) Where the defunct Society responds to such notice within specified period and submits the requisite documents or informs alongwith evidence that it is carrying on business or operations, the District Registrar shall, after due verification of records, pass an appropriate order.

(3) If the District Registrar receives a reply from the defunct Society to the effect that it is not carrying on any business or operations, he may direct the Society to convene a meeting of its General Body and pass a special resolution for its dissolution after settling all its liabilities and thereafter apply for dissolution of the Society, whereupon it shall be incumbent upon such Society to carry out such directions, within specified period.

(4) Where the District Registrar does not receive any reply within specified period, he shall cause a public notice to be issued stating that on the expiration of such period, as may be specified in such notice, the registration of such defunct Society shall be suspended.

(5) If no response is received from the defunct Society, its member, creditor or claimant within the specified period, the District Registrar shall order suspension of registration of such Society and after passing of such order, the Society shall not be competent to carry on any business.

(6) An order under sub-section (5) suspending the registration of the Society shall be notified through a public notice for the information of general public.

(7) The Society, member, creditor or claimant aggrieved with the suspension, may, within a period of three months from the date of order of suspension, submit a representation to the District Registrar.

(8) The District Registrar, on being satisfied that the Society at the time of its suspension, was carrying on business or operations or otherwise and it is just and equitable that the name of the Society be restored to the register, may revoke the suspension.

(9) The Society whose registration is restored shall be deemed to have continued in existence as if its registration had not been suspended.

(10) No claims, whatsoever, shall be valid and entertained against a Society whose registration is suspended on expiry of a period of three months from the date of suspension of its registration.

(11) If no representation against the suspension order is received within a period of three months from the date of suspension of registration, the District Registrar may, unless contrary is shown, strike off the name of the Society from the register and cancel its registration.

58. Cancellation of Registration of a Society with no assets and liabilities. - A Society, which has no assets or liabilities to its account and is not desirous of carrying on with its business or operations, may, after passing a special resolution, apply for cancellation of its registration to the District Registrar and the District Registrar shall, after giving a public notice of not less than ninety days inviting objections, strike out its name from the register of Societies, after considering objections, if any.

59. Cancellation of registration upon inquiry. - (1) The Registrar may, if he is satisfied,

- (i) that the Society has contravened any of the provisions of the Act or the rules made thereunder; or
- (ii) that the Society is insolvent, or must necessarily become so; or
- (iii) that the business of any such Society is conducted fraudulently or not in accordance with its Bye-laws or the aims and objects specified in its Memorandum; or
- (iv) that it is carrying on any unlawful activity or allowing unlawful activity to be carried on in the premises under its control, order an inquiry to be conducted by the District Registrar or any other officer authorized by him.

(2) On receipt of inquiry report, the Registrar may, give a show cause notice to the Society specifying briefly the grounds of the proposed cancellation. A public notice inviting objections shall also be published after giving an opportunity to the Society and after issuing public notice inviting objections why the registration of the Society be not cancelled. After considering the objections filed by Society and public, the Registrar may cancel the registration.

Explanation. - For purposes of this section, an activity shall be deemed to be unlawful if such activity is an offence punishable under any provision of law, for the time being in force.

60. Effect of cancellation. - When the registration of a Society is cancelled, the Society shall forthwith cease to carry on its business, except in so far as it may be required for the beneficial winding-up of its affairs, for which purpose it shall pass a special resolution and dissolve itself in the manner as provided in the Act:

Provided that the liability of office bearer shall continue and may be enforced as if the registration of Society has not been cancelled.

61. Dissolution on directions by Registrar. - (1) Where the registration of a Society is cancelled, the District Registrar shall,-

- (i) direct the Society to complete the process of its dissolution i.e. pass a special resolution, collect all its receivables, and settle all its liabilities, provide the details of any of its assets left over after settlement of the liabilities, and submit a proposal for transfer of its left over assets to any other Society in existence with identical aims and objects;
- (ii) assess the credentials of a Society to whom any such assets are proposed to be transferred by the Society under clause (i) above and may either approve such proposal or direct the Society to place such assets at the disposal of the District Collector;
- (iii) constitute a committee of members of such Society to carry out the process of dissolution of the Society where there is no Governing Body or General Body to carry out the directions under (i) above;
- (iv) be competent to complete the dissolution of the affairs of the Society of his own or by appointing any of his subordinates to do the needful where it is not found feasible to constitute a committee of members of such Society. He shall associate any two members from any other Society in existence for the purpose.

(2) If on dissolution and after settlement of all the liabilities, a Society is left with any moveable or immovable assets, the District Registrar shall, in the first instance, make efforts to transfer all such assets to any other Society in existence with identical aims and objects in operation against a proper receipt, failing which, all such assets shall vest in the custody of the District Collector.

(3) Where any assets are placed at the disposal of the District Collector, he may either direct the transfer thereof to a Society in operation with identical aims and objects or use such assets preferably for the same purpose or for any other public purpose.

62. Dissolution by special resolution. - (1) A Society may resolve to dissolve itself by passing a special resolution in a meeting of the General Body or the Collegium, as the case may be, convened for the purpose.

(2) On the passing of the special resolution under sub-section (1) above, the Governing Body shall take all necessary steps for settlement of all claims and liabilities, as it may consider appropriate in accordance with its Bye-laws and if there are no Bye-laws, in accordance with the provisions of the Act.

(3) If any dispute arises amongst the members of the Society, the Governing Body, or the special committee, as the case may be, regarding the winding up of the affairs of the Society, it shall be referred to the District Registrar for such directions, as he may consider appropriate:

Provided that the special resolution for dissolution of the Society shall not be deemed to be a matter in dispute.

(4) If the Central Government or Government or any of its instrumentalities is a member of or a contributory to or otherwise interested in any Society, such Society shall not be dissolved without the consent of the Central Government or Government, as the case may be.

(5) After all necessary steps have been completed, the Governing Body shall send a report to the District Registrar, mentioning about the surplus assets, if any.

(6) The District Registrar shall thereupon cause a public notice issued at the expense of the Society inviting objections from any person interested in the affairs of such Society within the period specified in the notice, which shall in no case be less than three months.

(7) If no objection is received from any claimant, creditor or member of the Society within three months from the date of issue of such public notice, and after the surplus assets, if any, have been disposed of as provided in the Act, the District Registrar shall make an order confirming the dissolution and thereupon the Society shall stand dissolved. The District Registrar shall record the order of dissolution in the register maintained in his office and strike off the name of the Society from the register of Society.

(8) If any objection is received from any claimant or creditor or member or any other interested person within the period as aforesaid, the Registrar shall not make an order confirming the dissolution of the Society unless he is satisfied that the relevant claim or liability have been duly settled and the surplus assets, if any, have been disposed of as provided in the Act.

63. Dissolution by Registrar. - (1) Where the registration of a Society is cancelled and it is found to be meriting dissolution under section 57 or where the Government decides to dissolve a Society under section 62, the Registrar General or the Registrar, as the case may be, shall order dissolution of such Society in accordance with the procedure specified under the relevant sections.

(2) Upon dissolution of a Society under sub-section (1) above, the Registrar General or the Registrar or the District Registrar, as the case may be, shall take action for winding-up the affairs of the dissolved Society in accordance with the provisions contained in the Act.

64. Disposal of assets. - (1) Where any surplus assets are left after the settlement of its claims and liabilities, such assets shall not be paid to or distributed amongst the members of the Society but shall be taken over and vest in the custody of Government:

Provided that in case a Society is registered for the purposes of the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983), a housing Society or a resident welfare association registered as a Society for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area, the successor-in-interest shall step in the shoes of original member subject to fulfillment of qualifications as laid down in the Bye-laws of the Society and the provisions of the Act.

(2) The Government shall place such assets at the disposal of the District Collector, who may,-

- (i) in the first instance identify any other Society in operation with identical aims and objects and transfer such assets to such Society; or
- (ii) use such assets, preferably for the purpose for which such assets were created, or for any other public purpose, as deemed appropriate.

65. District Registrar to make up account after winding up of Society. - (1) As soon as the affairs of a Society are completely wound-up, the District Registrar or his nominee, if any, shall make up an account of the winding-up showing how the winding up has been conducted and the property of the Society has been disposed and call a General Body meeting for the purpose of placing before it the account and giving any explanation in respect thereof. On conclusion, the Society shall stand dissolved and name removed from the register.

(2) The records of accounts shall be maintained for a period of three years from the date of dissolution. In case any matter pertaining to any such Society is pending before any court, such records shall be maintained till the final disposal by the competent court.

CHAPTER-XIV

Special Provisions in Respect of State-Aided Societies

66. Chapter to override other provisions of Act. - The provisions of this Chapter shall be applicable to State Aided Society and shall have effect notwithstanding anything contrary contained in the Act or any other State law for the time being in force and any reference to the word Society in this Chapter shall mean a State Aided Society.

67. Powers of the Government to issue directions. - The Government shall have the powers to issue such directions to a State Aided Society, as may be considered expedient from time to time, with regard to the management of its affairs, membership, elections, financial management, audit and submission of documents on their working to the District Registrar or the Registrar.

68. Supersession of Governing Body and appointment of Administrator. - (1) If, in the opinion of the Government, the Governing Body of any Society,-

- (i) makes default or is negligent in the performance of duties imposed on it; or
- (ii) commits acts which are prejudicial to the interests of the Society, its members or public at large; or
- (iii) fails to resolve disputes with regard to the eligibility of members; or
- (iv) fails to hold elections of the Governing Body; or
- (v) is otherwise not functioning properly,

it may, after giving a show cause notice, direct the supersession of the Governing Body and appoint an Administrator, alongwith or without constitution of committee of persons to assist him for a period not exceeding two years in the first instance:

Provided that the period may be extended and continued at the request of Administrator but it shall not exceed five years in continuity.

(2) The Administrator shall, subject to the overall control of the Registrar General and such directions as may be received from him, have the powers to exercise all or any of the

functions of the Governing Body of the Society and take action as may be required for proper management of the Society.

(3) The Administrator so appointed shall, before the expiry of his term, make efforts to arrange for the constitution of the Collegium, if applicable and the Governing Body, as the case may be, in accordance with the Bye-laws, provisions of the Act and the rules made thereunder.

(4) The Registrar General may fix the honorarium or remuneration payable to the Administrator or the member of the committee with the approval of the Government and direct such expenditure to be defrayed out of the funds of the Society.

69. Dissolution. - (1) The Government may, after giving a show cause notice and for reasons to be recorded in writing, order dissolution of a Society with effect from such date, as may be specified in the order.

(2) Where the Governing Body stands superseded under section 68 and the affairs are being managed by an Administrator appointed by the Government and the Administrator reports to the Government that it is not feasible to hold the elections of the Governing Body, for whatsoever reasons, it shall be competent for the Government, by an order and for reasons to be recorded in writing, to dissolve the Society with effect from such date as may be specified in the order.

70. Effect of dissolution. - (1) If the Government orders dissolution, it shall, after settling the liabilities, if any, of the dissolved Society, take over its assets and properties, whether movable or immovable and transfer the same to any other Society having identical or similar objects, and where there is no such Society, the property shall vest in the custody of District Collector, until a Society having identical or similar objects is formed, where after the properties shall be transferred to such Society.

(2) On the dissolution of a Society, the registration of the Society shall stand cancelled and it shall cease to exist as a body corporate.

71. Powers to divide or amalgamate State Aided Societies. - (1) Where, in the opinion of the Government, it is necessary and in larger public interest to divide a Society or amalgamate two or more Societies, it may, by order and from a date fixed therein, direct the division or amalgamation of such Societies, as the case may be.

(2) The Government shall, before issuing an order either dividing a Society or amalgamating two or more Societies under sub-section (1) above, communicate to the Governing Body or bodies concerned the proposal to divide or to amalgamate the Societies, as the case may be, fix a reasonable time for the Governing Body or bodies for making a representation against the proposal and consider the representations, if any, received from the body or bodies.

(3) Where there is no duly elected Governing Body in place in respect of any one or more of such Societies and the affairs of any such Society are being managed by an Administrator or through any adhoc arrangement and there is a situation of deadlock or stalemate with regard to the elections of the Governing Body, the Government may, on the recommendations of the Administrator, take a decision in such cases for reasons to be recorded in writing.

(4) The order referred to in sub-section (1) shall contain the particulars of constitution, authorities, property, rights and interests, liabilities, duties and obligations of the Societies or Society concerned.

(5) Where a Society is divided or where two or more Societies are amalgamated, the registration of the Society or Societies divided or amalgamated, as the case may be, shall stand cancelled and the concerned Society or Societies shall cease to exist as corporate

bodies. The Registrar shall issue the necessary certificate of registration wherever a new Society is formed under sub-section (1) above.

CHAPTER-XV

Violations, Fines and Penalties

72. Penalties for non-compliance. - If a Society fails to comply with any of the requirements of the Act or contravenes any of the provisions thereof, then the Society in default shall be punishable with fine, as may be prescribed, which may extend to two thousand rupees, and in case of a continuing default or contravention, with fine which may extend to one hundred rupees for every day during which the default or contravention continues.

73. Penalty for falsifying any document. - If an office bearer or any employee of the Society knowingly or willingly makes or causes to be made any false entry in, or any omission from any register, account, balance-sheet, or other document, required to be maintained by a Society under the Act, he shall be punishable with penalty which may extend to five thousand rupees and may be removed from such position or membership of the Society forthwith.

74. Penalty for furnishing false information or disobeying summons, requisition or other order or direction. - If any office bearer knowingly or willingly makes a false return or furnishes false information or wilfully or without any reasonable reason, disobeys any summons, requisition, or other lawful order or direction issued under the provisions of the Act or withholds or fails to furnish any information lawfully required from him by the District Registrar, Registrar or Registrar General or person authorised in this behalf under the provisions of the Act, shall be punishable with fine which may extend to five thousand rupees, and in the case of a continuing default or contravention, with fine which may extend to one hundred rupees for every day during which the default or contravention continues.

75. Power of District Registrar to condone delay in certain cases. - The District Registrar may, upon an application in writing by any Society and on sufficient cause being shown, allow further time to such Society to comply with any of the provisions of the Act on payment of such late fees, as may be prescribed:
Provided that the extended period so allowed shall not be more than the time permissible under the Act or the rules made thereunder for any such compliance.

CHAPTER-XVI

Legal Proceedings

76. Society to be a Body Corporate. - A Society registered under the Act shall be a Body Corporate by the name under which it is registered and a common seal. The Society shall be entitled to acquire, hold and dispose of property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all other things necessary in furtherance of its aims and objects, for which, it has been established.

77. Suits and proceedings by and against the Society. - (1) A Society may sue or be sued in the name of the President, the Secretary or any office-bearer authorised by the Governing Body in this behalf and may bring or defend any action or other legal proceedings touching or concerning any property or any rights or claims of the Society.

(2) No suit or proceedings shall abate by reason of any vacancy or change in the holder of the office of the President, the Secretary or any office-bearer authorised under sub-section (1).

78. Prosecution of members. - Every member of a Society may, be sued or prosecuted by the Society, for any loss or damage caused to it or its property or for anything detrimental done by him against the interest of the Society.

79. Appeals and review. - (1) An appeal against any orders passed by the District Registrar shall lie with the Registrar and the appeal against the orders passed by the Registrar shall lie with the Registrar General. The orders passed by the Registrar General in any such appeal shall be final and no further appeal shall be competent against his orders.

(2) Where an order originates from the Registrar General, an appeal against such order shall lie before the Government.

(3) Any appeal shall be filed within a period of sixty days of the date of issue of the impugned orders. The appellate authority may entertain an appeal beyond this period up to a maximum of another sixty days on sufficient grounds for condonation of delay being shown.

(4) Every appeal shall be accompanied with the fee as prescribed.

(5) The District Registrar, Registrar or the Registrar General may suo motu or on an application received in this behalf from any party that any order has been passed which is based on some erroneous facts or carries some patent error or suffers from some inadvertent mistakes, may review its order within ninety days of its passing with the prior permission of the next higher authority.

80. Acts not to be invalidated by certain defects. - Save as otherwise expressly provided in the Act, no act or proceedings of a Society or any of its office bearer shall be deemed to be invalid merely on the ground of any vacancy or defect in the organisation of the Society.

81. Mode of service. - (1) Any notice, order or requisition meant for a Society or for the Governing Body thereof to be issued by the District Registrar, Registrar or the Registrar General or any other person or body shall be served on the President or Secretary of the Society, and service on the President or Secretary of the Society shall be effectual as if the same had been served on every member of the Society.

(2) The notice, order or requisition to the President or Secretary of the Society shall be sent by registered post or by any other mode, the service delivery of which can be tracked, at its registered office and once dispatched, it shall be deemed to have been served upon the Society.

82. Fees for various purposes to be fixed by the Government. - (1) The Government shall prescribe the fees payable for following purposes, namely:

- (i) application for approval of name;
- (ii) application for registration of Society;
- (iii) filing or recording or registering any document required by the Act or the rules made thereunder;
- (iv) inspection of documents in the custody of the Registrar;
- (v) making or granting copies of any entries or documents before or after registration;
- (vi) filing of appeals; and

(vii) such other matters as appear to the Government necessary to give effect to the purposes of the Act including late fees.

(2) All fees and penalties payable under the provisions of the Act, if not paid, shall be recoverable as arrears of land revenue. The amount so collected shall be credited to the consolidated fund of the State.

83. Applicability of provisions of Right to Information Act, 2005. - (1) All documents filed by a Society with the District Registrar under the Act shall be deemed to be public documents and can be accessed by any citizen under the provisions of the Right to Information Act, 2005. To that extent, every society registered under the Act shall be deemed to be a public office for the purposes of the said Act and shall be liable to supply the requisite information against the fee prescribed by the Society, if any, for that purpose.

(2) Notwithstanding the above, information relating to all other proceedings and internal processes of the working of a Society is within its exclusive jurisdiction and accessible to the members of such Society and the offices of the District Registrar and Registrar.

84. E-governance and online transactions. - The Government may, as soon as possible, introduce e-governance for effective and efficient administration of the provisions of the Act, and upon implementation of such a solution, all or part of the transactions, forms, payments, and other services under the Act, may be administered in the electronic/ online mode.

85. Exemptions. - The Government may, by general or special order and keeping in view special circumstances and larger public interest exempt any Society or class of Society from any of the provisions of the Act:

Provided that the exemption shall be granted only for a period of one year and which may be extended by another year only for the reasons to be recorded:

Provided further that the exemption may be granted only for a particular provision and not from the whole of the Act and except for the provision from which exemption has been granted, all other provisions shall be applicable.

86. Power to issue directions. - The Government shall be competent to issue such directions to any Society, as may be necessary, for the proper enforcement of the provisions of the Act and the rules made thereunder.

87. Power to make rules. - (1) The Government may make rules for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(i) draft Bye-laws;

(ii) conditions and procedure to be followed in making, amending and abrogating Bye-laws;

(iii) forms and documents required for the registration of Society;

(iv) Forms and Registers required to be maintained;

(v) Annual and other returns to be filed alongwith fee;

(vi) manner and verification of various forms of accounts, returns and registers;

(vii) qualifications of Administrator, members of the Committee to assist the Administrator, returning officers, observers, and of the persons authorised to hold inquiry;

- (viii) procedure to be followed for dissolution of a Society;
- (ix) inspection of documents kept by the Registrar and the grant of copies thereof;
- (x) custody of books, papers and documents in the Registrars office and the destruction of such books, papers and documents;
- (xi) any other matter for carrying into effect the provisions of the Act.

88. Act to override other laws. - Save as otherwise expressly provided in the Act, the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force.

89. Bar of Jurisdiction. - (1) No Civil Court shall have jurisdiction to entertain or proceed with a suit, settle, decide or deal with any matter which, under the Act, is required to be settled, decided or dealt with by an authority under the Act.

(2) No order of the Government, Registrar General, Registrar or District Registrar made under or in pursuance of the Act shall be called in question in any court.

90. Power to employ. - A Society may employ officers and officials for day to day conduct of its management or operations:

Provided that no member of the Society shall be in the employment of the Society.

91. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of the Act in the first three years from the date of commencement of the Act, the Government may, by order published in the Official Gazette, make such provision or give such directions not inconsistent with the provisions of the Act, as appears necessary or expedient for removing such difficulty.

92. Repeals and savings. - (1) The Societies Registration Act, 1860, in its application to the territorial jurisdiction of the State of Haryana is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act (including any order, rule, regulation, instructions, certificate or Bye-laws) in the exercise of any power conferred by or under the repealed Act shall be deemed to have been done or taken in the exercise of the powers conferred by corresponding provisions of the Act.

(3) Any Society registered at any place in the State of Haryana under the Societies Registration Act, 1860, shall be deemed to have been registered under the Act, and its principal office shall be deemed to be the registered office:

Provided that

- (i) the Memorandum and the Bye-laws of any such Society, to the extent these are repugnant to or inconsistent with any of the provisions of the Act and the rules made there under, shall be brought in conformity with the provisions of the Act within a period of two years from the commencement of the Act or within such further period as the Government may allow, and thereafter, to the extent of such repugnancy or inconsistency, be deemed to be void and of no effect;
- (ii) any officer elected or appointed to and holding office immediately before the commencement of the Act shall continue to hold such office until the expiry of his term of office or until such office is lawfully terminated;

(4) Nothing under the Act shall affect any right, privilege, obligation, liability or punishment under the repealed Act:

Provided that any investigation or proceedings, including proceedings for dissolution, or the supersession of the Governing Body or appointment of an Administrator commenced before the coming into force of the Act, shall be continued and conducted in accordance with the provisions contained in this Act.