

## ***The Societies Registration Act, 1860***

***(21 of 1860)***

***Last Updated 30th July, 2019***

***[act082]***

[21st May, 1860 ]

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

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

### **LEGISLATIVE HISTORY ▼**

- Indian Short Titles Act, 1897 (14 of 1897)
- Repealing Act, 1874 (16 of 1874)
- Societies Registration (Amendment) Act, 1927 (22 of 1927)
- Adaptation of Indian Laws Order, 1937
- Adaptation of Laws Order, 1950

### **FACT SHEET ▼**

- Short title.-"The Societies Registration Act, 1860". See The Indian Short Titles Act XIV of 1897.
- The Act (with the exception of the first four sections) is based on the Literary and Scientific Institutions Act, 1854 (17 and 18 Vict., c. 112), Section 20, et seq.
- The Act has been declared to be in force in the whole of India, except as regards the Scheduled Districts, by Section 3 of the Laws Local Extent Act XV of 1874.
- This Act has been extended to the Union Territories of (1) Dadra and Nagar Haveli by Regn.VI of 1963, (2) Pondicherry by Regn.VII of 1963, (3) Goa, Daman and Diu by Regn.XII of 1962. Goa is now a State, see Act 18 of 1987, (4) Laccadive, Minicoy and Amindivi Islands by Regn.VIII of 1965. These islands are now known as Lakshadweep, see Act 34 of 1973, Section 3.
- The Act shall have effect in the Union Territory of Dadra and Nagar Haveli subject to the modifications to which it is subject in its application to the State of Gujarat immediately before its commencement in that Union Territory. See Regn.II of 1965, Section 4(b).
- The Act as adapted to the pre-reorganisation State of Rajasthan by means of Rajasthan Ordinance IV of 1950, has been repealed by Section 21

of the Rajasthan Societies Registration Act XXVII of 1958.

□ The Act has been repealed in its application to Mahakoshal, Vindhya Pradesh and Bhopal regions in the State of Madhya Pradesh by the Madhya Pradesh Societies Registration Act 1 of 1960 which applies to the entire State, with effect from 15th August, 1961.

□ The Act has now been repealed also in its application to West Bengal by West Bengal Act XXVI of 1961, with effect from 1st April, 1963.

### **1. Societies formed by memorandum of association and registration**

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

### **STATE AMENDMENTS ▼**

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, in section 1, for the words "Registrar of Joint Stock Companies", substitute the word "Registrar", [U.P. Act No. 25 of 1958, section 2 (w.e.f. 25-8-1958)].

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

the name of the society;

the objects of the society;

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

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

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

### **STATE AMENDMENTS ▼**

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, for section 3, substitute the following section, namely: -

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

societies].

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

(2) Notwithstanding anything in sub-section (1) the Registrar shall refuse to register a society, if after giving it an opportunity of showing-cause against such refusal, he is satisfied that -

- (a) the name of the society is identical with that of any other society previously registered under this Act;
- (b) the name of the society sought to be registered uses any of the words, namely, 'Union', 'State', 'Land Mortgage', 'Land Development', 'Co-operative', 'Gandhi', 'Reserve Bank' or any words expressing or implying the sanction, approval or patronage of the Central or any State Government, or any word which suggests or is calculated to suggest any connection with any local authority or any corporation or body constituted by or under any law for the time being in force or is such as is otherwise likely to deceive the public or the members of any other society previously registered under this Act;
- (c) any one or more of the objects of the society sought to be registered is not an object mentioned in sections 1 and 20; or
- (d) its objects are contrary to any other law for the time being in force.

*Explanation.* - In this Act, the word 'Registrar' means a person appointed as such by the State Government, and includes an Additional Registrar, Joint Registrar, Deputy Registrar, or Assistant Registrar, on whom all or any of the powers of Registrar under this Act are conferred by general or special order of the State Government. [U.P. Act 52 of 1975, section 2 (10-10-1975).]

In its application on the State of Uttar Pradesh, in section 3, in sub-section (2), after clause (d) for the existing Explanation, the following proviso substituted and deemed always to have been so: -

Provided that the State Government may in exceptional circumstances, for reasons to be recorded permit any society to use the word 'union' or the word 'Gandhi' in its name, and thereupon, the use of that word in the name of the society shall not be a ground for refusal to register or to renew the certificate of registration of such society. [U.P. Act 26 of 1979, section 2].

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, after section 3, insert the following section, namely: -

**3A. Removal of certificate of registration.** - [(1) Subject to the provisions of sub-section (2), a certificate of registration issued under section 3 shall remain in force for a period of two years from the date of

issue:

Provided that certificate issued before the commencement of the Societies Registration (Uttar Pradesh Amendment) Act, 1984 (hereinafter in this section referred to as the said Act), shall remain in force for a period of five years from the date of such commencement on payment of difference of the fees specified under sub-section (3) and the fee already paid.]

(2) A Societies registered under section 3, whether before or after the commencement of the said Act, shall on application made to the Registrar within one month of the expiration of the period referred to in sub-section (1) and on payment of the fee specified in sub-section (3), be entitled to have its certificate of registration renewed for [five years] at a time:

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

(3) There shall be paid to the Registrar with every application for renewal of the certificate of registration -

- (a) [a fee equal to the registration fee payable under section 3 or [rupees twenty-five], whichever is less] if such application is filed within the period specified in sub-section (2);
- (b) an additional fee of five rupees, if such application is filed within one month of the date of expiration of the period specified in sub-section (2);
- (c) an additional fee at the rate of two rupees per month or part thereof, if such application is filed beyond one month of the expiration of the period specified in sub-section (2);

[(4) Every application for renewal of the certificate shall be accompanied by a list of members of the managing body elected after the registration of the society of after the renewal of certificate of registration and also the certificate sought to be renewed unless dispensed with by the Registrar on the ground of its loss or destruction or other sufficient cause.]

(5) A society which fails to get its certificate of registration renewed in accordance with this section within one year from the expiration of the period for which the certificate was operative shall become an unregistered society:

Provided that the Registrar may, for sufficient cause allow an application for renewal more than one year after the expiration of the period for which the certificate was operative on payment of a fee of fifty rupees.

(6) Where a certificate of registration is renewed in accordance with sub-section (2) or sub-section (5) such renewal shall operate from the date of expiration of the period for which the certificate was operative.[U.P. Act 52

of 1975., section 3 (30.4.984)].

(II) After section 3-A of the principal Act, the following section shall be inserted, namely :-

**"3B. Reference to the State Government.** - If any question arises whether any society is entitled to get itself registered in accordance with section 3 or to get its certificate of registration renewed in accordance with section 3-A, the matter shall be referred to the State Government, and the decision of the State Government thereon shall be final." [U.P. Act No. 26 of 1979]

In section 3 of the Societies Registration Act, 1863, hereinafter referred to as the principal' Act, for the words "*one hundred rupees* the words, *one hundred fifty rupees*" shall be substituted

**UTTAR PRADESH.** - In section 3-A of the principal Act-

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

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

Provided that a certificate issued before the commencement of the Societies Registration (Uttar Pradesh Amendment) Act, 1984 (hereinafter in this section referred to as the said Act), shall remain in force for a period of five years from the date of such commencement on payment of the difference of the fees specified under sub-section (3) and the fees already paid." [U.P. Act No. 11 of 1984]

(b) in sub-section (2), for the words, "*two years*", the words "*five years*" shall be *substituted*;

(c) in sub-section (3), in clause (a), for the words "*ten rupees*", the words, "*rupees twenty-five*" shall be *substituted*;

(d) for sub-section (4), the following sub-section shall be *substituted*, namely:-

"(4) Every application for renewal of the certificate shall be accompanied by a list of members of the managing body elected after the registration of the society or after the renewal of certificate of registration and also the certificate sought to be renewed unless dispensed with by the Registrar on the ground of its loss or destruction or any other sufficient cause." [U.P. Act No. 11 of 1984]

(1) In section 3 of the Societies Registration Act, 1860, hereinafter referred to as the principal Act, in sub-section (1),-

(a) for the Words "*five hundred rupees*" the words "*one thousand rupees*" shall be substituted;

(b) far the existing proviso the following provisos shall be substituted, namely:-

"Provided that the State Government may, by notification in the official Gazette, increase from time to time the fee payable under this sub-section: Provided further that the Registrar may, in his discretion, issue public notice or Issue notices to such persons as he thinks fit inviting objections, if any, against the proposed registration and consider all objections that may be received by him before registering the society." [U.P. Act No. 8 of 2000]

(2) In section 3-A of the principal Act,-

(i) In sub-section (3), for clauses (a), (b) and (c) the following clauses shall be *substituted*, namely: -

"(a) a fee equal to the registration fee payable under section 3 or rupees two hundred, whichever is less, if such application is filed within the period specified in sub-section (2):

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

(b) an additional fee of forty rupees or such higher fee not exceeding one-fifth of the fee payable under clause (a) as may be notified by the State Government, if such application is filed within one month of the date of expiration of the period specified in sub-section (2) ; and

(c) an additional fee at the rate of twenty rupees per month or part thereof, or such higher additional fee per month not exceeding half of the additional fee payable under clause (b) as may be notified by the State Government, if such application is filed beyond one month of the expiration of the period specified in Sub-section (2)."

(ii) In sub-section (5), in the proviso for the words "*two hundred rupees*" the words "*four hundred rupees*" or such higher fee not exceeding ten times of the additional fee payable under clause (b) of sub-section (3) as may be notified by the State Government from time to time shall be *substituted*. [U.P. Act No. 8 of 2000]

**4. Annual list of managing body to be filed.** - Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint-Stock Companies, of the names, addresses and occupations of the governors, council, directors, committee, or other governing body then entrusted with the management of the affairs of the society.

#### **STATE AMENDMENTS ▼**

**UTTAR PRADESH.** - In section 4 of the principal Act, in sub-section (1) the following proviso shall be inserted, namely:-

"Provided that if the managing body is elected after the last submission of the list, the counter signatures of the old members, shall, as, far as

possible, be obtained on the list. If the old office bearers do not countersign the list, the Registrar may, in his discretion, issue a public notice or notice to such persons as he thinks fit inviting objections within a specified period and shall decide all objections received within the said period." [U.P. Act No. 11 of 1984]

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, after section 4, insert the following section, namely: -

**4A. Changes etc. in rules to be intimated to Registrar.** - A copy of every change made in rules of the society and intimation of every change of address of the society, certified by not less than three of the members of the governing body shall be sent to the Registrar within thirty days of the changes.[U.P. Act 52 of 1975, section 5 (10.10.1975).]

In its application to the State of Uttar Pradesh, after section 4-A, the following section, shall be Inserted, namely: -

**4B.** (1) At the time registration/renewal of a society, list of members of General Body of that society shall be filled with the Registrar mentioning the name father's name, address and occupation of the members. The Registrar shall examine the correctness of the list of members of the General Body of such society on the basis of the register of members of the General Body and minutes book thereof, cash book, receipt book of membership fee and bank pass book of the society.

(2) If there is any change in the list of members of the General Body of the society referred to in sub-section (1), on account of induction, removal, resignation or death of any member, a modified list of members of General Body, shall be filed with the Registrar, within one month from the date of change.

(3) The list of members of the General Body to be filed with the Registrar under this section shall be signed by two office bearers and two executive members of the society.[U.P. Act 23 of 2013, S. 2.]

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, in section 4, for the words "Registrar of Joint Stock Companies", substitute the word "Registrar", [U.P. Act No. 25 of 1958, section 2 (w.e.f. 25-8-1958).

In its application to the State of Uttar Pradesh, (i) renumber section 4 as sub-section (1), thereof, and after sub-section (1) as so renumbered, insert the following sub-section, namely: -

(2) Together with list mentioned in sub-section (1) there shall be sent to the Registrar a copy of the memorandum of association including any alteration, extension, or abridgement of purposes made under section 12, and of the rules of the society corrected up to date and certified by not less than three of the preceding year of account. [U.P. Act 52 of 1975, section 4 (10.10.1975)].

(ii) in sub-section (1) insert the following proviso -

Provided that if the managing body is elected after the last submission of

the list, the counter signatures of the old members, shall as far as possible, be obtained on the list. If the old office bearers do not countersign the list, the Registrar may in his discretion, issue a public notice or notice to such persons as he thinks fit inviting objections within a specified period and shall decide all objections received within the said period.[U.P. Act 11 of 1984, section 4 (30.4.1984).]

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

#### **STATE AMENDMENTS ▼**

**UTTAR PRADESH.** - After section 5 of the principal Act, the following section shall be inserted, namely :-

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

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

*Explanation I.* - The word 'court' shall have the meaning assigned to it in section 13.

*Explanation II.* - The expression 'transfer' shall for the purposes of this section mean-

(a) a mortgage, charge, sale, gift, or exchange ;

(b) lease for a term exceeding five years ; or

(c) irrevocable licence."[U.P. Act No. 26 of 1979]

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

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

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

same suit or proceeding shall be continued in the name of or against the successor of such person.

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

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

**9. Recovery of penalty accruing under bye-law.** - Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary), any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

**10. Members liable to be sued as strangers.** - Any member who may be in arrear of a subscription which according to the rules of the society he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such detention, injury, or destruction of property in the manner hereinbefore provided.

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

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

## **12. Societies enabled to alter, extend or abridge their purposes. -**

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

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

### **STATE AMENDMENTS ▼**

**Uttar Pradesh** - In its application to the State of Uttar Pradesh, after 12 section, insert the following sections, namely: -

**[12A. Change of name.** - Any society registered under this Act, may, with the consent of not less than two-thirds of the total number of its members, and with the previous approval of the Registrar in writing change its name by resolution passed at a general meeting convened for the purpose.

**12B. Notice of change of name or objects.** - (1) Notice in writing of every change of objects made under Section 12 or of name made under Section 12-A signed by the Secretary and any three other members of the society be sent to the Registrar.

(2) Where the registrar is satisfied that the provisions of this Act in respect of objects or name of society and in respect of change of objects or of name, as the case may be, have been complied with he may subject to the provisions of Section 12-C registrar the change of name which shall have effect from the date of such registration.

**12C. Effect of change of name or objects.** - The change on the objects or name of a society shall not affect any rights or obligations of the society, nor render defective any legal proceedings by or against the society, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

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

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

(b) that its activities or proposed activities have been or are or will be subversive of the objects of the society or opposed to public policy:[U.P. Act 52 of 1975, S. 6 (10.10.1975); U.P. Act 26 of 1979, Ss. 5 and 6 (16.7.1979).]

**UTTAR PRADESH.** - (I) In section 12-A of the principal Act, after the words "*two-thirds of the total number of its members*", the words "*and with the previous approval of the Registrar in writing*" shall be inserted. [U.P. Act No. 26 of 1979]

(II) In section 12-D of the principal Act, in sub-section (1), in clause (a) for the word "*was*" the word "*is*" shall be *substituted*. [U.P. Act No. 26 of 1979]

In section 12-D of the principal Act -

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely:-

"(c) that the registration or the certificate of renewal has been obtained by misrepresentation or fraud."

(b) for sub-sections (2) and (3), the following sub-sections shall be *substituted*, namely:-

"(2) An appeal against an order made under sub-section(1) may be preferred to the Commissioner of the Division in whose jurisdiction the Headquarter of the Society lies, within one month from the date of communication of such order.

(3) The decision of the Commissioner under sub-section (2) shall be final and shall not be called in question in any court." [U.P. Act No. 11 of 1984]

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

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

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

#### **STATE AMENDMENTS ▼**

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, in section 13, for the words "Chief building of the Society" substitute the words "registered office of the society." [U.P. Act 52 of 1975, S. 7 (10.10.1975)].

In its application to the State of Uttar Pradesh, after Section 13, insert following new sections, namely: -

**13A. Power of Registrar to apply for dissolution.** - (1) where in the opinion of Registrar, there are reasonable grounds to believe in respect of a society registered under this Act that any of the grounds mentioned in clauses (a) to (e) of sub-section (1) of section 13-B exists he shall send to the society, a notice calling upon it to show cause within such time as may be specified in the notice why the society be not dissolved.

(2) If on or before the date specified in the notice or within such extended period as the Registrar may allow, the society fails to show any cause or if the cause shown is considered by the Registrar to be unsatisfactory, the Registrar may move the Court referred to in section 13 for making an order for the dissolution of the society.

**13B. Dissolution by Court.** - (1) On the application of the Registrar under Section 13-A or under section 24 or on an application made by not less than one-tenth of the members of a society registered under this Act, the Court referred to in section 13 may make an order for the dissolution of the society on any of the following grounds, namely: -

- (a) that the society has contravened any provision of this Act or of any other law for the time being in force and it is just and equitable that the society should be dissolved;
- (b) that the number of the members of the society is reduced below seven;
- (c) that the society has ceased to function for more than three years preceding the date of such application;
- (d) that the society is unable to pay its debts or meet its liabilities; or
- (e) that the registration of the society has been cancelled under section 12-D, on the ground that its activities or proposed activities have been or are or will be opposed to public policy.

(2) Without prejudice in the provisions of sub-section (1) or of section 12-D, the Court may, on an application of the District Magistrate in this behalf, make an order for the dissolution of a society on the ground that the activities of the society constitute a public nuisance or are otherwise

opposed to public policy.

(3) When an order for the dissolution of a society is made under sub-section (1) or sub-section (2), all necessary steps for the disposal and the settlement of the property of the society, its claims and liabilities and any other adjustment of its affairs shall take place in manner as the Court may direct. [U.P. Act 52 of 1975, S. 8 (10.10.1975).]

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

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

#### STATE AMENDMENTS ▼

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, after section 14, insert following section, namely: -

**"14A. Disposal of property of a dissolved society.** - Notwithstanding anything contained in section 14, it shall be lawful for the members of any society dissolved under section 13 to determine by a majority of the votes of the members present whatsoever remaining after the satisfaction of all the debts and liabilities shall be given to the Government to be utilised for any of the purposes referred to in section 1." [U.P. Act 52 of 1975, S. 9 (10.10.1975)].

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

#### STATE AMENDMENTS ▼

**UTTAR PRADESH.** - The existing section 15 of the principal Act shall be re-numbered as sub-section (1) thereof, and *after* sub-section (1) so re-numbered, the following sub-section shall be *inserted*, namely:-

"(2) Every society shall maintain a register of members giving such particulars as may be prescribed." [U.P. Act No. 11 of 1984]

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

#### **STATE AMENDMENTS ▼**

**UTTAR PRADESH.** - In its application to the State of Uttar Pradesh, after section 16, insert the following section namely: -

**"16A. Disqualifications for holding office in society.** - A person who is an undischarged insolvent or who has been convicted for any offence in connection with the formation, promotion Management or conduct of the affairs of a society. or of a body incorporated or of an offence involving moral turpitude shall be disqualified for being chosen as, and for being a member of the governing body or the President, Secretary, or any other officer-bearer of a society." [U.P. Act 52 of 1975, S. 10 (10.10.1975).]

**17. Registration of societies formed before Act.** - Any company or society established for a literary, scientific or charitable purpose, and registered under [Act 43 of 1850], or any such society established and constituted previously to the passing of this Act but not registered under the said [Act 43 of 1850], may at any time hereafter be registered as a society under this Act;

**Assent required.** - subject to the proviso that no such company or society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by the governing body.

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

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

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

#### **STATE AMENDMENTS ▼**

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, in section 18, for the words "Registrar of Joint Stock Companies", substitute

the word "Registrar", [U.P. Act No. 25 of 1958, section 2 (w.e.f. 25-8-1958).

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

#### STATE AMENDMENTS ▼

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, in section 19,

- (i) for the words "on payment of a fee of one rupee for each inspection" substitute the words "on payment of such fee as the State Government may, by notification in the Official Gazette fix"; and
- (ii) for the words "on payment of two annas for every hundred words of such copy or extract" , substitute the words "on payment of such fee as the State Government may, by notification in the Official Gazette, fix". [U.P. Act 52 of 1975, section 11 (10.10.1975)].

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

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

#### STATE AMENDMENTS ▼

**UTTAR PRADESH.** - In section 20 of the principal Act, after the words "*established for the promotion of* " and before the word "*science*", the words, "*Khadi and Village Industry, Panchayat Industry, Rural Development,*" shall be *inserted*. [U.P. Act No. 11 of 1984]

(1) For section 21 of the principal Act, the following section shall be substituted, namely:

**"21.** In this Act, the word 'Registrar' means a person appointed as such by the State Government, and includes an Additional Registrar, a Joint Registrar, Deputy Registrar, or Assistant Registrar, on whom all or any of the powers of the Registrar under this Act are conferred by general or special order of the State Government." [U.P. Act No. 26 of 1979].

**Uttar Pradesh.** - In its application to the State of Uttar Pradesh, after

section 21, insert following sections, namely: -

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

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

**23. Audit.** - (1) Without prejudice to the provisions of sub-section (2) of section 4 or of section 22, where the Registrar is of opinion that it is necessary or expedient so to do, he may, by written order, require any society to furnish its accounts or a copy of a statement of receipts and expenditure for any particular year duly audited by a Chartered Accountant: Provided that the Registrar may, at the request of society permit it to have such accounts and statement audited by any other person approved by him.

(2) If the society fails to furnish the documents referred to in sub-section (1) within the period specified in the order or within such extended period as the Registrar may from time to time allow, the Registrar may cause the accounts of such society audited for the said year and may recover the cost of such audit from that society.

(3) If the society neglects or refuses to make its accounts or other documents available for audit under sub-section (2) or, in the opinion of the Registrar, otherwise fails to provide requisite facilities to have the audit made with due expedition, the Registrar may proceed to take action under section 24.

**24. Investigation of affairs of a society.** - (1) Where on information received under section 22 or otherwise, or in circumstances referred to in sub-section (3) of section 23, Registrar is of opinion that there is apprehension that the affairs of a society registered under this Act are being so conducted as to defeat the objects of the society or that the society or its governing body by whatever name called, or any officer thereof in actual effective control of the society is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations, the Registrar may, either himself or by any person appointed by him in that behalf, inspect or investigate into the affairs of the society or inspect any institution managed by the society.

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

inspection or investigation.

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

[(3A) The Registrar or other person appointed under sub-section (1) may, if in his opinion it is necessary for the purpose of inspection or investigation, seize any or all the records including account books of the society:

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

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

(5) The Registrar may, after such inspection or investigation, give such directions to the society or to its governing body or any officer thereof, as he may think fit, for the removal of any defects or irregularities, within which as may be specified and in the event of default in taking action according to such directions, the Registrar may proceed to take action under section 12-D or section 13-B, as the case may be.

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

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

- (a) that any corrupt practice has been committed by such office-bearer;  
or
- (b) that the nomination of any candidate has been improperly rejected;  
or
- (c) that the result of the election insofar 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 by any non-compliance with the provisions of any rules of the society.

*Explanation 1.* - A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by any other person -

- (i) induces, or attempts to induce, by fraud, intentional

misrepresentation, coercion or threat of injury, any elector to give or to refrain from giving a vote in favour of any candidate, or any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election;

- (ii) with a view to inducing any elector to give or to refrain from giving a vote in favour of any candidate, or to inducing any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;
- (iii) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i) and (ii);
- (iv) induces or attempts to induce 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 State Government may prescribe to be a corrupt practice.

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

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

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

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

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

**26. Terms of gift to be observed.** - Where a society accepts a gift or donation of money or property of any other kind from any person for a specific purpose, it shall not use the money or other property gifted or donated or any part thereof for any other purpose without the written consent of the Registrar who shall refuse such consent except when he is satisfied that the purpose for which the gift was made is incapable of execution by the society.

**27. Penalties.** - Any person who -

- [(a) fails to furnish the list of managing body or other information required to be furnished under section 4 or 4-A or wilfully makes or causes to be made a false entry in, or any omission from, the list or any statement or copy of rules or of alteration in rules or other information sent to the Registrar under the said section 4 or section 4-A.].
- (b) wilfully fails to furnish any account or statement referred to in sub-section (1) of section 23 or furnishes in compliance with the said sub-section particulars which are false and which he either knows or believes to be false or does not believe to be true;
- (c) neglects or refuses to make its accounts or other documents available for audit as required by sub-section (3) of section 23;
- (d) wilfully fails to produce any books of accounts or other records as required by sub-section (2) of section 24;
- (e) wilfully fails to appear before the Registrar or other person appointed by him or otherwise contravenes the provisions of sub-section (3) of section 24;

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

**28. Procedure.** - No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act nor shall cognizance of any such offence be taken except on a complaint made by the Registrar or any other person authorised in writing by him by general or special order in that behalf.

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

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

**30. Manner of payment of fees.** - Fees payable under the provisions of this Act shall be paid in such manner as may be prescribed by rules.

**31. Indemnity.** - No suit, prosecution or other legal proceeding shall lie in any Court against the State Government, the Registrar or against any person appointed for inspection or investigation under section 24, for anything in good faith done or intended to be done under this Act or the rules made thereunder.

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

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

**33. Power to make rules.** - (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be, after they are made, be laid before each House of the State Legislature while it is in session, for a total period of thirty days extending in its one session or more than one successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the Official Gazette, subject to such modifications or annulments as the two Houses of the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to validity of anything previously done thereunder. [U.P. Act 52 of 1975, section 12 (10-10-1975)].