

THE SOCIETIES REGISTRATION ACT, 1860
[The] Societies Registration Act, 1860
[Act 21 of 1860]¹

*An Act for the Registration of Literary, Scientific
And charitable societies*

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

1- Societies formed by memorandum of association and registration. - Any seven or more persons associated for any such purpose as is described in section 20 of the Act, may. by subscribing their names to a memorandum of association, and filing the same with the Registrar of Joint Stock Companies ³[***], form themselves into a society under this Act.

State Amendments

4[U.P. - Substitute the word 'Registrar' for the words "registrar of Joint stock Companies" w.e.f. 25-08-1958.

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 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 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.

1- The Indian Short Titles Act, 1897 {Act No. 14 of 1897} has given this short title of this Act.

2- Words added- See Societies Registration {Amendment} Act, 1927 {Act No 22 of 1927}.

3- Words and figures "under Act No. 19 of 1857" were earlier existing at this place- Stand deleted by Section 1 of the Repealing Act, 1874 {Act No 16 of 1974} read with Schedule Part I.

4- Section 2 of U.P. Act No 25 of 1958.

State Amendments

1[U.P.- (a) Section 3 replaced by new Sections 3 and 3-A w.e.f. 10-10-1975 as under-]

"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, by the Secretary of the Registrar behalf of the persons subscribing to the memorandum, the Registrar shall certify under his hand that the registrar for every such registration a Act. There shall be paid to the Registrar for every such registrations a fee of 2[one

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thousand rupees] [or such smaller fee as the State government may notify in respect of any class societies]³

4[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.]

(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;

1- Section 2 of U.P. Act No. 52 of 1975 (w.e.f. 10-18-1975).

2- Subs. By U.P. Act No. 08 of 2000, Section 2 (w.e.f. 25-11-1999) for the words ""five hundred rupees."

3- Section 3 of U.P. Act No. 13 of 1978(w.e.f. 27-02-1978).

4- Subs. By U.P. Act No. 08 of 2000, Section 3 (w.e.f. 25-11-1999).

(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.

Now for the existing Explanation, the following proviso has been substituted which is deemed always to have been so substituted-

"Provided that the State Government may in exceptional circumstances. for reasons to be recorded permit a 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."¹

'3-A *Renewal of certificate of registration,-* (1) Subject to the provisions of sub-section (2), a certificate of registration issued under Section 3 shall remain in force for a period of two 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 of the difference of the fees specified under sub-section (3) and the fees already paid.]²

(2) A Society 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 or the period referred to in sub-section (1) and on payment of the fee

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specified in sub-section (2), be entitled to have its certificate of registration renewed for 3[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) 4[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 subjects to the condition that the fee so increased shall not exceed the registration fee payable under-section 3;

1- Section 2 of U.P. Act No. 26 of 1979 (w.e.f. 16-07-1979).

2- Section 3 of U.P. Act No. 11 of 1984 (w.e.f. 10-18-1984).

3- Section 2 of U.P. Act No. 20 of 1979.

4- Subs. By U.P. Act No. 08 of 2000, Section 3 (w.e.f. 25-11-1999)

(b) an additional fee of forty rupees or such higher fee not exceeding one fifth of the fee payable under clause (a) as many 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 therefore, or such higher additional fee per month not exceeding half of the additional fee payable under clause (b) as many be notified by the State Government, if such application is filed beyond one month of the expiration of the period specified in sub-section(2).]

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

(5) A society which fails to get it was 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 then one year after the expiration of the period for which the certificate was operative on payment of a fee of 1[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:]

(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."

(b) New Section 3-B. added w.e.f. 16-07-1979 as under -

"3-B *Reference to the State Government*- If any question arises whether any society is entitled to get itself registered in accordance with Section 3 or to get its

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certificate of registration renewed in accordance with Section 3-A, the matter shall be referred to the State Government there on shall be final".

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 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, or other governing body then entrusted with the management of the affairs of the society.

1- Subs. By U.P. Act No. 08 of 2000, Section 3 (w.e.f. 25-11-1999) for the words (two hundred rupees).

State Amendments

¹[U.P.- In 1958, the word "Regular" was substituted, for the words "Registrar of Joint Stock Companies" w.e.f. 25-08-1958.

In 1975, the main Section 4 was renumbered as sub-section (1) and after this renumbering a new sub-section (2) and Section 4-A were added,² w.e.f. 10-10-1975

"(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 abridgment of purposes made under Section 12, and the rules of the society corrected up to date and certified by not less than three of the members of the aid governing body to be a correct copy and also a copy of the balance sheet for the proceeding year of account"

"Section 4-A, Changes etc. in rules to be intimated to Registrar- A copy of every change if made in rules of the society and intimation of every change of address to he 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 change."

In 1984, a Proviso to sub-section(1) was added w.e.f. 30-04-1984.³

5- Property of society how vested,- The Property, movable and immovable, belonging ot 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 proceeding, civil and criminal, may be described as the property of the governing body of such society by their proper title.

1- Section 2 of U.P. Act No. 25 of 1958.

2- Section 4 of U.P. Act No. 52 of 1975 (w.e.f. 10-10-1975).

3- Section 4 of U.P. Act No. 11 of 1984 Section 4.(w.e.f. 30-04-1984).

State Amendments

¹[U.P.- Add new section 5-A w.e.f. 6-7-1979 as under:-

"5-A 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 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.

- (a) a mortgage, charge, sale, gift, or exchange;
- (b) Lease for term exceeding five years; or

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(c) "Irrevocable license." - U.P. Act No. 26 of 1979, section 4 (16-07-1979)

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 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- Suit 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 there successor of such person.

8- Enforcement of judgment against society.- If judgment shall be recovered against the person or officer named on behalf 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.

1- Section 4 of U.P. Act No. 26 of 1979 section 4 (16-07-1979).

State Amendments

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-law, by any bye-law made³ 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 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 rule 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 ot 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 dete³ntion injury, or destruction of the 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

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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 willfully 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 purpose,- Whenever it shall appear to the governing body of any 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 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.

U.P.- in U.P. the following new section 12-A, 12-B, 12-C and 12-D have been inserted by Section 6 of U.P. Act 52 of 1975, w.e.f. 10-10-1975:

"Section 12-A. 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] ¹ Change its name by resolution passed at a general meeting convened for the purpose.

12-B, 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 register the change of name which shall have effect from the date of such registration.

12-D 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 [is]² contrary to the provisions of this Act or 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;
- ³[(c) that the registration or the certificate of renewal has been obtained by misrepresentation or fraud]⁴

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

5[(2) An appeal of the Commissioner under sub-section (2) shall be final and shall not be called in question in any court.]

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 society, the adjustment of its affairs shall be referred to the principal Court of original civil Jurisdiction or the district in which the chief building of the society is situate ; and the Court shall make such order in the matter as it shall deem requisite :

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

Provided that 6[Whenever any Government] is a member of, or a contributor to, or otherwise interested in any society shall not be dissolved. 7[Without the consent of Government of the State of registration]

1- Inserted by U.P. Act 26 of 1979 (w.e.f. 16-07-1979)

2- Substituted for the word "was" by of U.P. Act No. 26 of 1979, (w.e.f. 16-07-1979).

3- Added by U.P. Act 11 of 1984 (w.e.f. 30-04-1984)

4- Inserted by U.P. Act 11 of 1984 (w.e.f. 30-04-1984)

5- Inserted by U.P. Act 11 of 1984 (w.e.f. 30-04-1984)

6- Words "Whenever any Government" earlier existing here stand substituted by the present words (w.e.f. 01-04-1937) -see A.O. 1937.

7- Words "Without the consent of Government" earlier existing here stand substituted by the present words (w.e.f. 01-04-1937) -see A.O. 1937.

State Amendments

1[U.P. - (a) substitutes "registered office of the society" in place of "Chief building of the society" w.e.f. 10-10-1975.

(b) Add now Sections 13-A and 13-B w.e.f. 10-10-1975 as under.-

"13-A . Power of registration to apply for dissolution. - (1) Where in the opinion of Registrar, there are reasonable grounds to believe the respect of a society registered under this Act that any of the grounds mentioned in clauses (a) to (e) of sub-section (10 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 this 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 regarded to in Section 13 of making an order for the dissolution of the society.

13-B. 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

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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 proceeding 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 to 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"

14- Upon a dissolution no member to receive profit.- If upon 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 contribution of share-holders in the nature of, a Joint-Stock Companies.

1- Section 7 and 8 respectively of U.P. Act no. 52 of 1975.

1[U.P.- New Section 14-A added w.e.f. 08-02-1975]

14-a , Disposal of property of a dissolved society, - Notwithstanding anything contained in Section 14 It shall be lawful for the members of any society dissolved under Section 13 to determine by a majority of the votes of the members present personally or by proxy at the time of the dissolution of such society that any property whatsoever remaining after satisfaction of all the debts and liabilities shall be given to the government or be utilized for any of the purposes referred to in Section 1 of UP Act 52 of 1975 . Section 9, (10-10-1975)

15- Member defined, Disqualified members- for the purpose of this Act a member of a society shall be a person who, having been admitted therein according to the rules and regulation, thereof, 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

1[U.P. - Add new sub-section (2) after renumbering the original section as sub-section (1) w.e.f. 30-04-1984).

"(2) Every Society shall maintain a register of members giving such particulars as may be prescribed."

1- Section 6 of the U.P. Act NO. 11 of 1984 (w.e.f. 30-04-1984).

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16-Governing body defined, - The governing body of the society shall be the governing 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

¹[U.P. - Add new section 16-A w.e.f. 10-10-1973 as under-

"16-A, Disqualification for holding office in society, A person who is an undercharged insolvent or who has been convicted of any offence in connection with the formation, promotion, management or conduct of the affairs of a society or of body corporate, or of an offence involving moral turpitude shall be disqualified for being chosen as, and for being member of the governing body or the President, Secretary, or any other officer- bearer of a society "

17- Registration of societies formed before Act. - Any company or society established for literary, scientific or charitable purpose, and registered under the Act 43 of 1950, 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; subject to the proviso that no such its being so registered has been given by three-fifths 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.

1- Section 10 of the U.P. Act NO. 52 of 1975.

2- Act 43 of 1850 namely the Joint Stock Companies Act 1850 - /stands replaced by Section 219 if the Indian Companies Act, 1866,- Latter Act of 1856 also stands replaced by the present Companies Act, 1956 (Act No. 1 of 1956).

Provided 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 meeting convened for the purpose by governing body.

In the case of a company or society registered under the Indian Companies Act, 1913 (VII of 1913), or the Companies Act, 1956(1 of 1958), the directors of the said company or society, as the case may, 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 if self 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 ¹[***] 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 an registration of the society certified

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as provided in Section 1, and a copy of the report of the proceeding of the general meeting at which the registered was resolved on.

State Amendments

²[U.P. - Words "Registration: substituted in place of "Registrar of joint Stock Companies" w.e.f. 25-08-1958.

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

1- Words and figures "under Act 19 of 1857" earlier existing here- Stand deleted.

2- Section2 of the U.P. Act NO. 25 of 1958.

State Amendments

¹[U.P. - Words ' payment of such fee as the State Government may, by notification in the official Gazette, fix' be substituted at two places, one for ' on payment of a fee of one rupee for each inspection; and at other place for 'or payment of two annas for every hundred words of such copy or extract, w.e.f. 06-10-1975.

20- To what societies to Act shall apply, - The following societies may be registered under this Act-

Charitable societies, the military orphan funds or societies establishment for the promotion of science, literature or the fine arts, for instruction the diffusion or useful knowledge, ²[the diffusion of political education], the foundation or maintenance of libraries or reading- rooms for general use among he members or open to the public or public museums and galleries of paintings and other works of art, collection of natural hi9story, mechanical and philosophical inventions, instruments, or designs.

State Amendments

³[U.P.- Add words. "Khadi and village industry, Panchayat Industry, rural Development between "promotion of" and "science" w.e.f. 30-04-1984.

1- Section 11 of the U.P. Act NO. 52 of 1975.

2- Words Add- See Section 2 of the Societies Registration (Amendment) Act, 1927(Act no of 1927)

3- Section 07 of the U.P. Act NO. 11 of 1984.(w.e.f. 30-04-1984.)

Uttar Pradesh. - (A) New Section 21 added¹ w.e.f. 25-8-1958, but later the present Section 21 was substituted w.e.f. 16-7-1979.

“21. In this Act, the word ‘Register’ 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 power of the Registrar under this Act are conferred by general or special order of the State Government.

(B) Later Sections 22 to 23 added² w.e.f 10-10-1975 as under-

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“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 authorized in this behalf to furnish such information or documents.”

“23. *Audit*- Without prejudice to the provisions of sub-section (2) of the Section 4 or of Section 22, where the Registrar is of opinion that

1. Section 12 of U.P. Act 52 of 1975.

(a) Amended by Section 8 of U.P. Act no.11 of 1984 w.e.f. 30-4-1984

(b) Amended by Section 4 of U.P. Act No. 13 of 1978 w.e.f. 27-2-1978.

2. Section 3 of U.P. Act No. 25 of 1958 but later that added Section 21 was substituted by the present Section 21 vide Section 7 of U.P. Act No. 26 of 1979.

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 the 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 it have the audit made with due expedition, Registrar may proceed to take action under Section 2.4.”

24. *Investigation of affairs of a society.*- (1) Where on information received under Section 22 or other wise, or in circumstances referred to sub-section (3) of Section 23, the registrar is of opinion that there is apprehension that the affairs of a society registered under this Act are being so conducted as to defeat the objects of the society or that the society or its governing body by whatever name called, or any 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

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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 duty of every officer, member or employee, when called upon, to appear before him of such examination.

¹[(3-A) 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 :

1. Amended by Section 8 of U.P. Act No. 11 of 1984 w.e.f 30-4-1984.

Provided that any person from whose custody such records are seized shall be entitled to make copies there of 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 she may think fit for the removal of any defects or irregularities within such time as may be specified and in the event of default in taking action according to such directions, the Registrar may proceed to take action under Section 12-D or Section 13-B, as the case may be.”

2.5. *Disputes regarding election of office-bearers.*- 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 :

¹[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 in so far it concerns such office-bearer has been materially affected by the improper acceptance of any nomination by the improper rejection, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with the provisions of any rules of the society.

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

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- (i) includes, 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, officers or

1. Amended by Section 4 of U.P. Act No. 13 of 1978 w.e.f 27-2-1978.

Is satisfied that the purpose for which the gift was made is incapable of execution by society.

27.- 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 register 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 furnish in compliance with the said sub-section particular which are false and which he either knows or believes to be false or does not believe to be true;

{c} neglects or refuse to make its accounts or other documents available for audit as required by sub-section {2} of section;

{d} wilfully fails to produce any books of accounts or other records as required by sub-section {3} of section 24;

{e} wilfully fails to appear before the register 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 thousands 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 register or any other person authorised in writing by him by general or special order in that behalf.

29- Compounding of offence- {1} the register may accept from any person against whom a reasonable suspicion exists that he was 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.

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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.

1. Amended by section 8 of U.P. Act No 11 of 1984 w.e.f. 30-4-1984.

31- Indemnity- No suit, prosecution or other legal proceeding shall 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 rule made thereunder.

{2} The sending of such notice, order or requisition to the Secretary of the society be 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 purpose 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 amendments as the two Houses of the Legislature may, during the said period agree to make, so however, that any such modification or amendment shall be without prejudice to validity of anything previously done thereunder.

Additional Section Added in Societies Registration Act by various States

[21]. In this Act, the word "REGISTRAR" means a person appointed as such by the State Government, and includes as Additional Register, a joint Register, Deputy Register, or Assistant Register, on whom all or any of the powers of the Register under this Act are conferred by general or special order of the State Government.

1 Subs by U.P. Act 26 of 1979.

{UTTAR PRADESH.-} 21. In this Act, the word 'Register' means a person appointed as such by the State Government, and includes - an Additional Register, a joint Register, Deputy Register, or Assistant Register, on whom all or any of the powers of the Register under this Act are conferred by general or special order of the State Government.

COMMENTS

The Assistant Register has an authority to exercise all the delegated powers of the Register but when there is a court's DIRECTION IN FAVOUR OF REGISTER to finalise the other's list it cannot be delegated to Assistant Register'

NOTIFICATION

in exercise of the powers under Section 21 of the Societies Registration Act, 1860 {Act No. XXI of 1890}, the Government is pleased to confer on all the Deputy

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Registration of Firms and Societies, Uttar Pradesh, all the powers of Register under the aforesaid Act to be exercised within the area to their respective jurisdiction. Noti.No. Audit 4902/X-605 {46}-79, DATED JANUARY, 7, 1982, published in U.P.Gazette Extra, dated 7 January, 1982, p.2.

[22. Power of Register to call for information - {1}] The Register may, by written order, require society to furnish in writing such information or documents 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.

1. Subs. by U.P. ALLD 26 of 1979.

2. Section 22 {U.P.} to 33{U.P.}.

U.P Amendments-

this section confers another power on the register which was not so far expressly conferred on him under the Central Act. In absence of this power, register could not collect substantial and reliable informations in respect of a society or a documents which the Register required in connection with the affairs of the society, however, the Register can ask a society to furnish only such documents which the REGISTER may require in connection with any documents filed by the society or its affairs.

At least 2 weeks time, from the date of service of the requisition by the Register, shall be allowed. On the service of such requisition, the President, Secretary or other authorised person shall become duty bound to furnish the required information or documents.

[23. Audit--{1}] without prejudice to the provisions of sub-section {2} of Section 22 where prejudice to the Register 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 Register may, at the request of society permit 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 time to time allowed, the Register 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 refuse to make its accounts or other documents available for audit under sub-section {2} or, in the opinion of the Register, otherwise fails to provide requisite facilities to have the audit made with due expedition, the Register may proceed to take action under section 24.

Inserted by U.P. Act 52 of 1975.

U.P. Amendment - This section confers additional powers on the Register of requiring a society to furnish its accounts or a copy of a statement of receipts and

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expenses duly audited by a chartered accounts in certain circumstances. In case the society fails in furnishing duly audited account to the Register within the time allowed by him, the register can himself get the account audited, an action under Section 24 of this Act {U.P.Amendment}, that is investigation into the affairs of the society, culminating action under Section 12-D {U.P.Amendment}, that is, cancellation of registration of the society or getting dissolution of the Society by a competent court of law under Section 13-B {U.P.Amendment}.

24. Investigation of affairs of a society-- {1} Where on information received under Section or otherwise, or circumstances referred to in sub-section {3} of Section 23, Register 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 government body by whatever name called of any officer therefore 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 register or the other person appointed under sub-section {1} to produce any books of account and other records of relation to the society which are in his custody and to give him all assistance in connection with such inspection or investigation.

{3} The Register 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 liable to appear before him for such examination.

{3-A} The Register 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 of such records are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of the person having the custody of such records.

{4} On the conclusion of the inspection or investigation, as the cases may be, the persons, if any, appointed by the Register to inspect or the investigator shall make a report to the Register on the result of his inspection or investigation.

{5} The Register may, after such inspection or investigation give such direction 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 such time as he may be specified and in the event of default in taking action according to such directions, the Register may proceed to take action under Section 12-D, or Section 13-B, as the case may be.

U.P.Amendment

24. Investigation of affairs of a society-- {1} Where on information received under Section or otherwise, or circumstances referred to in sub-section {3} of Section 23, Register 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 government body by whatever name called of any officer therefore in actual effective control of the society is guilty of mismanaging its affairs or of any breach of

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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 register or the other person appointed under sub-section {1} to produce any books of account and other records of relation to the society which are in his custody and to give him all assistance in connection with such inspection or investigation.

{3} The Register 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 appear before him for such examination.

{3-A} The Register 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 of such records are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of the person having the custody of such records.

{4} On the conclusion of the inspection or investigation, as the cases may be, the persons, if any, appointed by the Register to inspect or the investigate shall make a report to the Register on the result of his inspection or investigation.

{5} The Register may, after such inspection or investigation give such direction 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 such time as he may be specified and in the event of default in taking action according to such directions, the Register may proceed to take action under Section 12-D, or Section 13-B, as the case may be.

U.P. Amendment-- Where society is--

- so conducted as to defeat the objects of the Society, or
- Mismanaged, or
- Caused loss by-
 - {1} fiduciary breach, or
 - {2} Like obligation by any officer of the Society the Registrar has been empowered to-
- Investigate,
- into the affairs of the society, or
- Inspect-
- any institution of the Society,
- Call upon,
- examine on oath
- any officer, member or employee of the Society.
- Seiz
- any or all the records including account books of the Society.
- give any direction for removal of any defect or irregularity failing which the Registrar may take action under Section 12-D or 13-B

[25. Disputes regarding election of office-bearers- {1}]

The prescribed authority may, on a reference made to it by the Register or by least one-fourth of the members of a society registered in Uttar Pradesh, hear and decide in the summary manner any doubt or dispute in respect of the election or continuance in

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office of an office bearer of such, society, and may pass such orders in respect therefore as it deems fit -

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

{1} that any corrupt practice has been committed by such officer bearer ; or
{2} that the nomination of any candidate has been improperly rejected ; or
{3} that the result of the election in so far 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 provision of any rules of the society.

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

{1} includes or attempts to include, by fraudulent intentional misrepresentation, coercion or threat of injury, any elector to give or to refrain from giving any vote in favour of any candidate or reception any person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at the election;

{2} with a view to inducing any electors 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; or gives any money, or valuable consideration, or any place of employment, or holds out any promise of individual advantage or profit to any person ;

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 register 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 furnish in compliance with the said sub-section particular which are false and which he either knows or believes to be false or does not believe to be true;

{c} neglects or refuse to make its accounts or other documents available for audit as required by sub-section {2} of section;

{d} wilfully fails to produce any books of accounts or other records as required by sub-section {3} of section 24;

{e} wilfully fails to appear before the register 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 thousands rupees

28. **Proceder-** 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 register or any other person authorised in writing by him by general or special order in that behalf.

29- **Compounding of offence-** {1} the register 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

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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 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 rule made thereunder.