

**M.P. SOCIETY REGISTRİKARAN ADHINIYAM, 1973**

(No.44 of 1973)

Received the assent of the Governor of the 29th September, 1973, assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 11th October, 1973).

**An Act to consolidate and amend the law relating to registration of literacy, scientific, education, religious, charitable or other societies, in Madhya Pradesh.**

Be it enacted by the Madhya Pradesh Legislature in the Twentyfourth Year of the Republic of India as follows :

**CHAPTER –I****Preliminary**

**1. Short title, extend and commencement :-** (1) This Act may be called the **Madhya Pradesh Society RegistrİKaran Adhiniyam, 1973.**

(2) It extent to the whole of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf. (From 1.12.1973).

**2. Societies to which Act applies :-** This Act applies to societies formed for all or any of the following purposes :-

(i) promotion of science, education, literature of fine arts;

(ii) diffusion of useful knowledge;

(iii) diffusion of political education ;

(iv) foundation or maintenance of libraries or reading rooms for general use among the members or upon to the public;

(v) establishment and maintenance of galleries of paintings and other works of art;

(vi) establishment and maintenance of public museums;

(vii) collection of natural history, mechanical and philosophical inventions, instructions or designs;

(viii) promotion of social welfare;

(ix) promotion of religious or charitable purpose including establishment of funds for welfare of military orphans welfare of political sufferers and welfare of the like;

(x) promotion of gymnastics;

<sup>1</sup> [(xi) promotion and implementation of different schemes sponsored by the State Government or the Central Government;

(xii) promotion of Commerce, Industries and Khadi.]

**3. Definitions :-** In this Act unless the context otherwise requires,-

(a) "**Government body of a society**" means the Governors, Council Directors, Committee, Trustees of other body by whatever name, called to whom by the regulations of the society management of its affairs is entrusted;

(b) "**Member of a society**" means a person who have been admitted in the society according to the regulations thereof continues for the time being to be a member of the society –

(i) having paid subscription;

(ii) having signed the roll or list of members; and

(iii) having not resigned ; in accordance with regulations of the society ;

(c) "**Registrar**" means the Registrar of societies appointed under sub-section (1) of the said section 4 and includes an Additional, Joint, Deputy and Assistant Registrars of Societies appointed under sub-section (2) of the said section when exercising or performing all or any of the powers or duties of the Registrar;

(d) "**Regulations of a society**" means registered regulations of the society for the time being in force;

(e) "**Society**" means a society registered or deemed to have been registered under this Act;

<sup>1</sup> [(f) "**State Aided Society**" means a society which receives or has received aid, grant or loan or has received land or building or both on concessional rates and other facilities from the Central Government or State Government or any Statutory Body.]

<sup>2</sup> [**3A, Saving or existing societies** – A society registered or deemed to be registered under the Act repealed under Section 44 shall be deemed to have been registered under this Act.]

## **CHAPTER –II**

### **Registrar of Societies and other Officers.**

**4. Registrar of Societies and other officers** – (1) The State Government may by notification, appoint a person to be called the Registrar of Societies who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall, subject to such general or special orders as the State Government may make, superintend the administration and carry out the provisions of this Act throughout the State.

(2) The State Government may also by like notification appoint persons to be called Additional, Joint, Deputy and Assistant Registrar of Societies for such areas as may be specified in the notification and empower them to exercise power and to perform duties under all or any of the provisions of this Act as may be specified in the notification.

## **CHAPTER –III**

### **Registration**

**5. Societies formed by memorandum of Association and Registration** ; Any seven or more persons associated, for any literary, scientific, educational, religious or charitable purpose, or for any such purpose as is described in Section 2 may be subscribing their names to a memorandum of association and filing the same with the Registrar, form themselves into a Society under this Act.

**6. Requirements with respect to memorandum of association** – (1) The memorandum of association of every society shall state –

(a) the name of the society;

- (b) the objects of the society;
- (c) the location of the head office of the society;
- (d) the names, addresses, and occupations of the Governors, Council Directors Committee or other governing body to whom by the regulations of the society the management of its affairs is entrusted.

(2) No name shall be proposed in the memorandum of association –

(a) as is identical with or too nearly resembles the name by which a society in existence has been previously registered anywhere in the State; or

(b) which has as its component –

(i) such words as may suggest or may be calculated to suggest the patronage of the Government of India or the Government or a State; or

(ii) such words as National, Inter-National or Universal importance or such other words as the State Government may, from time to time by notification, specify; or

(iii) such words as in the opinion of Registrar, likely to mislead the public.

(3) A copy of the regulation of the society, certified to a correct copy of not less than three of the members of the governing body shall be filed with the memorandum of association.

(4) The persons by whom or on whose behalf such memorandum is submitted shall furnish such further information in regard to the society as the registrar may require.

**7. Registration** – If the Registrar is satisfied that a society has complied with the provision of this Act and the rules made there under and that its proposed regulations are not contrary to the said provisions he shall register the society and its regulations on payment of such fee as may be prescribed and shall issue a certificate of registration.

**8. Evidence of registration** - A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

**9. Regulation of society** - The regulation of a society may provide for –

- (i) the conditions of admission of members;
- (ii) the liabilities of members to fines and forfeitures under certain circumstances;
- (iii) the consequences of non-payment of any subscription or fine, the resignation and expulsion of members;
- (iv) the appointment and removal of trustees and their powers;
- (v) the manner of appointing and removing the governing body and the powers of such body;
- (vi) the time and place of annual meeting and other meetings of the society;
- (vii) the manner in which notice of such meetings may be given;
- (viii) the quorum necessary for the transaction of business of meetings of the society;
- (ix) the manner of making, altering and rescinding regulations;
- (x) the investment of funds, keeping of accounts and for an annual or periodical audit of accounts;
- (xi) the manner of dissolving the society;
- (xii) the determination after dissolution that property be utilised by Government according to Section 36;
- (xiii) Matters, to be provided by byelaws and the manner in which they shall be made; and
- (xiv) such other matters as may be through expedient, having regard to the nature and objects of the society.

**10. Amendment of Memorandum or regulation or byelaws of registered society** – (1) No amendment of memorandum of association or regulations of a registered society shall be valid until the amendment has been registered under this Act.

<sup>1</sup> [(2) Every proposal for such amendment shall be forwarded to the Registrar in such form together with such fee as may be prescribed] and if the Registrar is

satisfied that the amendment is not contrary to this Act or the rules made thereunder, he may, if he thinks fit, register the amendment.

(3) Where an amendment is registered under sub-section (2), the Registrar shall issue to this society on payment of a fee specified in Section 29 a copy of the amendment certified by him which shall be conclusive evidence that the same is duly registered.

**11. Power of Registrar to amend memorandum of regulation etc. of a society** - Notwithstanding anything contained in this Act or the rules made thereunder, if the Registrar considers that an amendment of the memorandum of association or regulation or byelaws of a society is necessary or desirable in the interest of the society, he may, by an order in writing, to be served on the society in the prescribed manner, require the society to make the amendment within such time as may be specified in such order.

(2) If the society fails to make any such amendment within the time specified by the Registrar in his order under sub-section (1) the Registrar may, after giving the society an opportunity to state its objections, if any –

(a) register such amendment to the memorandum of association or regulations and send a certified copy thereof to the society; or

(b) make such amendment to the byelaws and send a certified copy thereof to the society;

and thereupon such amendment to memorandum of association or regulations or byelaws shall be binding on the society and its members.

**12. Change of name of society** - Subject to the provisions of section 14 any registered society may, with the consent of not less than two-thirds of the total number of its members by a resolution at a general meeting convened for the purpose, change its name.

**13. Notice of change of name** - (1) A copy of the resolution passed under Section 12 shall be sent to the Registrar.

(2) If the Registrar is satisfied that the provisions of this Act in respect of change of name have been complied with and that the proposed name is in conformity with the provisions of sub-section (2) of section 6, he shall enter the new name

is the register in place of the former one and issue a certificate of name shall be complete and effective only on issue of such a certificate.

(3) The Registrar shall also the necessary alteration in the memorandum of association of the society.

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

**14. Effect of change of name** - The change in the name of the society shall not affect any rights or obligations of either the members who were admitted prior to the change or of the society or render defective any legal proceeding by or against the society.

**15. Societies enable to alter, extend or abridge their purposes** - Whenever it shall appear to the governing body of any registered society 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 : Provided that no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member or the society, ten days previous to the special meeting convened by the government body for the consideration thereof, and unless such proposition shall have been agreed to by the votes of three-fifths of the members present at a second special meeting convened by the government body at an interval of one month after the former meeting.

## **CHAPTER –IV**

### **Members, their Rights and Privileges**

**16. Register of Members** – (1) The subscribers of the memorandum of association shall be the first members of the society.

(2) Every society shall maintain at its head office a register of its members and shall enter therein, the following particulars, namely :-

<sup>1</sup> [(a) name, address and signature with date of each members;]

(b) the date on which the members are admitted;

(c) the date on which the members ceased to be members.

(3) The register of members shall be prima facie evidence of the membership of the society and of all matters entered therein: Provided that no members whose subscription for the time being in arrear for a period exceeding six months shall be entitled to vote in any proceedings of the Society under this Act.

[(4) If entries are not made in the register of members within thirty days of the admission of a member or cessation of membership, <sup>2</sup> [every office bearer in default shall be punishable with fine which may extend to five hundred rupees.]

**17. Members liable to be sued as strangers -** (1) Any member of registered society who may be in arrear of subscription which according to the regulations 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 regulation or shall injure or destroy any property of the society may be sued for arrear or for the damage occurring from such detention, injury or destruction of property in accordance with the provisions of this Act.

(2) 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 accordance with the provisions of this Act.

**18. Members guilty of offences punishable as strangers -** Any member of Society, who shall steal, purloin or embezzle any money or other 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 other than a member would be subject and liable to in respect of the like offence.

**19. Recovery or penalty accruing under byelaw -** Whenever by any byelaw duly made in accordance with the regulations of the society any pecuniary penalty is imposed for the breach of any regulations of byelaws 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 situated, as the governing body thereof shall deem expedient.

## **CHAPTER –V**

### **Property and funds of societies**

**20. Property of society how vested** - The property, movable and immovable, belonging to 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 the such society and in all proceedings civil and criminal, may be described as the property of the governing body of the society by their proper title.

**21. (1) Society not to acquire or sell or transfer immovable property without prior permission of Registrar** - No immovable property shall be acquired or transferred by sale, gift or otherwise by the society without the prior permission of the Registrar in writign.

<sup>1</sup> [(2) The property acquired or transferred shall not utilised for any object other than the object of the society unless permission from the Registrar have been obtained and in case of gift written consent of the donor has also been obtained.

(3) The application for permission under sub-section (1) and (2) shall be in such form with such documents together with such fee as may be prescribed.

(4) Where the society violates the provision of subsection (1) or (2), the society shall be liable to deposit such amount as may be prescribed within three months from the date of notice issued by the Registrar and if the society fails to deposit the amount within the aforesaid time, the society shall be treated as defunct under Section 34.]

**22. Suit by and against societies** - Every society may sue or be sued in the name of the President or Chairman or Principal Secretary or the trustees as shall be determined by the regulation of the society and in default of such determination, in the name of such person as such be appointed by teh 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 trustee thereof, if on application to the governing body some other officer of person be not nominated to be the defendant.

**23. 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 proceeding 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 proceedings shall be continued in the name of or against the successor of such person.

**24. Enforcement of judgment against society** - (1) If a judgment shall be obtained against the person or officer named on behalf of the society, such judgment shall not be enforced against the property, movable or immovable, or against the body of such person or officer, but against the property of the society.

(2) The application for execution shall set forth the judgment the fact of the party against whom it shall have been obtained 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.

**25. Books of accounts to be kept by the society** - (1) Every society shall keep at its head office proper books of accounts with respect to :-

(a) all sums of money received and expended by the society and the matter in respect of which the receipt and expenditure take place; and

(b) the assets and liabilities of the society.

(2) The books of accounts shall be open to inspection by the office or members of the society or the Registrar during the office hours of the society.

(3) For the purpose of sub-section (2) proper books of accounts shall not be deemed to be kept with respect to the matters specified therein, if they do not give a true and fair view of the State of affairs of the society and explain its transactions.

**26. Registrar's power to seize record etc.** – (1) Where the Registrar is satisfied that :-

(a) the records, register or the book of accounts of a society are likely to be tempered with or destroyed and the funds and the property of a society are likely to be misappropriate or misapplied; or

(b) if the governing body of a society is reconstituted at a general meeting of the society and outgoing members of the governing body refuse to hand over charge

of the records and property of the society to those having to or entitled to receive such charge, the Registrar may issue an order directing a person duly authorised by him in writing to seize and take possession of such book and records, funds and property of the society and the officer or officers of the society responsible for custody such books, records, funds and property shall give delivery thereof to person so authorised.

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

## **CHAPTER –VI**

### **Annual Returns, Audit, Inspection and Supervision**

<sup>2</sup> [27. **Annual list of governing body to be filed** – Once in every year, or before the forty-fifth day on which according to the regulations of the society the annual general meeting of the society is held or if the regulation do not provide for an annual general meeting, then within forty five days of the 31st day of January a list of the full names, permanent addresses and chief occupations and other if any, with signature of the governing body shall be filed with the Registrar by the President or Secretary in such form with such documents together with such fee as may be prescribed :-

Provided that the Registrar may, for reasons to be recorded in writing, grant further time not exceeding fifteen days for compliance :-

Provided further that if the Society fails to file the list within the prescribed time limit or within the extended time, it may file the same within theirty days from the last day of the prescribed time or extended time, as the case may be, with such late fee as may be prescribed.]

<sup>2</sup> [28. **Audit and Inspection** - (1) Every Society shall send to the Registrar a statement of income and expenditure with full particulars duly audited by its Auditor, audit report and balance-sheet of the previous year alongwith details of all financial activities together with such fee as may be prescribed within ninety days from the date of annual general meeting of the society or from 30th day of April every year where the regulation do not provide for an annual general meeting. If the society fails to sent the aforesaid statements within the stipulated time the society shall be liable to pay late fee as may be prescribed. On receipt

of such statement, the Registrar shall verify the statements and shall ensure that the funds have been utilised for the promotion of the society and its objects and he may also issue such instructions in respect of utilisation of funds as he may think fit :

Provided that accounts of such society having annual transaction exceeding one lac rupees shall be submitted to the Registrar duly audited by Chartered Accountant .]

(2) If the Registrar thinks it necessary to undertake a special audit he may audit or cause to be audited by some person authorised by him by general or special order in writing in this behalf the account of any society.

(3) Any person authorised by general or special order in writing in this behalf by the Registrar shall at all time have access to all the books of accounts and other papers of a society and every officer of the society shall furnish such information in regard to the account and working of the society as the person making such inspection may require.

<sup>1</sup> [29. **Inspection of documents** - Any person may inspection all or any of the document filed with the Registrar under this Act or require copy of extract of any such document to be certified by the Registrar by filing an application together with such fee as may as may be prescribed and such certified copy shall be Prima facie evidence of matter therein contained in all legal proceedings whatsoever.]

**30. Power to enforce attendance etc.** - The registrar shall have power summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and compel production of documents by the same means and as far as possible in the same manner as is provided in the case of civil court by the code of civil procedure 1908 (No.5 of 1908).

**31. Power of Registrar to call for information** – (1) Where on perusing any document which a society is required to submit to him under this, the Registrar is of the opinion that any information or explanation is necessary in order that such document may afford full particulars of the matter to which it purports to relate he may be written order call on the society submitting the documents to furnish in writing such information or explanation within such time as he may specify in the order.

(2) On receipt by the society of the order under sub-section (1) it shall be the duty of the society and of all persons who are officers of the society to furnish such information to the best of their power.

## CHAPTER –VII

### Enquiry and Supersession

**32. Enquiry and settlement of disputes** – (1) The Registrar may, on his own motion or on an application made under sub-section (2) either by himself or by a person authorised by him, by order in writing, hold an enquiry into the constitution, working and financial conditions of a society.

(2) An enquiry of the nature referred to in sub-section 91) shall be held on the application 1 [together with an affidavit in support of its contents ]-

(a) a majority of the members of the governing body of the society; or

(b) not less than one-third of the total number of members f the society.

(3) The registrar or the person authorised by him under subsection (1) shall for the purpose of an enquiry under this section have the following powers, namely:-

(a) he shall at all times have free access to the books, accounts, documents, securities, cash and other properties belonging to, or in the custody of the society and may summon any person in possession, or responsible for the custody of any such books, accounts, documents , securities, cash or other properties to produce the same, if they relate to the head office of the society at any place at the head-quarter thereof and if they relate to any branch of the society, at any place in the town wherein such branch thereof is located or in his own office;

(b) he may summon any person whom he has reason to believe has knowledge of any of the affairs of the society to appear before him at any place at the head-quarters of the society or the society or any branch thereof or in his own office and may examine such person on oath; and

(c) (i) he may notwithstanding any regulation or byelaw specifying the period of notice for a generally meeting of the society, require the officers of society to call a general meeting of the society at such time at the head office of the society or at any place at the head quarter of the society and

do determine such matters as may be directed by him and where the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself .

(ii) any meeting called under sub-clause (1) shall have all the powers of a general meeting called under the regulations or byelaws of the society and its proceedings shall be regulated by such byelaws.

<sup>2</sup> [(4) When an enquiry is made under this section the Registrar shall communicate the result of the enquiry to the society and may issue appropriate directions to the society, which shall be binding on all parties concerned.]

**33. Supersession of governing body** - If, in the opinion of the State Government, governing body of any State aided society :-

(a) persistently makes default or is negligent in the performance of the duties imposed on it by or under this Act regulations or byelaws of the society or by any lawful order passed by the State Government or Registrar or is un-willing to perform such duties; or

(b) Commits acts which are prejudicial to the interest of society or its members; or

(c) is otherwise not functioning properly;

the State Government may, by order in writing remove the governing body and appoint a person or persons to manage the affairs of the society for a specified period not exceeding two year in the first instance.

Provided that where it is proposed to remove the governing body of the society exclusively on the ground that election to the governing body were not held in accordance with the provisions of this Act or the regulations or byelaws made thereunder, no action shall be taken under this sub-section unless the Registrar or an officer authorised by him in this behalf has convened a meeting of General body for conducting the election thereto in accordance with the provision of this Act, or the Regulations or byelaws made thereunder but has failed to get the new governing body elected :

Provided further that the Registrar or the officer authorised by shall, for the purpose of conducting election, have all the necessary power under the Act or the Regulations or byelaws made thereunder.

(2) No order under sub-section (1) shall be made unless the governing body has been given a reasonable opportunity of showing of showing cause against the proposed order and representation, if any, made by it, is considered.

(3) The period specified in the order under sub-section (1) may, at the discretion of the State Government, be extended from time to time :

Provided that no such order shall remain in force for more than three years in the aggregate.

(4) The person or persons so appointed shall, subject to the control of the Registrar and such instructions as he may from time to time give, have power to exercise all or any of the functions of the governing body or of any officer of the society, and to take all such actions as may be required in the interest of the society.

(5) The State Government may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and other costs, if any, incurred in the management of the society shall be payable from its funds.

(6) The person or persons so appointed shall at the expiry of the period of his or their appointment, arrange for the constitution of a new governing body in accordance with the regulations of the society.

(7) If there is a difference of opinion between the general body of the society and person or persons appointed under sub-section (1) in respect of any matter it shall be referred to the Registrar for decision and his decision thereon shall be final.

(8) During the period between the issuance of notice and the passing of an order removing the governing body may be required by the State Government to function under the supervision and with the approval of such authority as the State Government may specify in this behalf and no order made or resolution passed or any other act performed by the governing body, shall be effectual unless it is approved by such specified authority.

## **CHAPTER –VIII**

### **Dissolution of Societies**

#### **34. Provision for dissolution of societies and adjustment of their affairs –**

(1) 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 when agreed upon and all necessary steps shall be taken for the disposal and settlement of the property of the society, applicable thereto liabilities according to the regulations 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 which the Chief building of the Society is situated, and the court shall make such order in the matter as it shall deem it.

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

Provided also that whenever the Government is a member of, or a contributor to, or otherwise interested in any society, such society shall not be dissolved without the consent of the government.

(2) The Registrar may, if no information received by him or otherwise is of the opinion that a society has become defunct or has been persistently making default in the observation of the provision of this Act, or the regulations or by laws made thereunder, by a notice served on the society, call upon the governing body within the period specified in the notice which shall not be less than thirty days, to show cause as to why registration of the society should not be cancelled.

(3) The Registrar may after considering the reply received, if any, after the expiry of the notice period on being satisfied that no useful purpose is likely to be served by continuing the society by an order in writing cancel the registration thereof as from the date specified in the order and thereon society shall be deemed to have been dissolved for the purposes of the Act.

**35. Upon dissolution no member to receive profit** – If upon the dissolution of any society, 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 member



present personally or by proxy at the time of the dissolution or in default thereof, by the court specified in Section 34:

Provided that this section shall not apply to any society which shall have been founded or established by the contributions of share holders in the nature of Joint Stock Company.

**36. (1) Determination after dissolution that property be utilised by Government** – Notwithstanding anything contained in Section 35 it shall be lawful for the members of any society dissolved under Section 34 to determine by majority of votes of the members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in Section 1.

<sup>1</sup>[(2) In the event of cancellation of the Registration of Society under sub-section (3) of Section 34 the movable and immovable assets of the society or its institution or centres shall vest in the State Government to the extent of assistance, grant, aid or donation that the society may have received from Central or State Government or any of the Statutory Bodies. It shall be the duty of the Collector or the District where the property is situated to take charge of the same on intimation of cancellation by the Registrar.]

## **CHAPTER –IX**

### **Offence and Penalties**

**37. Cognizance of offence** – (1) No Court inferior to that of a Magistrate of the First class shall try an offence punishable under this Act.

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

**38. Penalty for non compliance of Section 30 or making false entry** - (1) If the President, Secretary or any other person authorised in this behalf by a resolution of the government body of the society fails to comply with the provisions of Section 27, he shall on conviction be punishable with fine which may extend to five hundred rupees and in case of continuing breach, shall also be punishable with fine not exceeding fifty rupees for each day during the period the breach continues after first conviction for such offence.

(2) If any person wilfully makes or causes to be made any false entry in or any omission from , the list required by Section 27 or in from any statement or copy of regulation or alternation s in regulation sent to the Registrar he shall on conviction be punishable with fine which may extend to two thousand rupees.

**39. Penalty for contravention of Section 28 and 31** - If any society or any person as is referred to in Section 28 and sub-section (2) of Section 31 refuses or neglects to furnish the information or explanation required thereunder the society or such person shall on conviction be punished with fine which may extend to twenty rupees in respect of each such offence.

## **CHAPTER –X**

### **Appeal**

**40. Appeal** – (1)<sup>2</sup> [ An appeal shall lie –

(a) if the order is made by the Registrar appointed under subsection (1) of Section 4 either in original case or in appeal under clause (b) to the State Government.

(b) if the order is made by the sub-ordinate officers appointed under sub-section (2) of Section 4 or any other person to the Registrar appointed under sub-section (1) of Section 4.]

(2) An appeal under sub-section (1) shall be filed within two months from the date of communication of the order :

Provided that the appellate authority may admit an appeal after the expiry of such period if the appellant satisfied the appellant authority that he had sufficient cause for not preferring the appeal within such period.

## **CHAPTER –XI**

### **Miscellaneous**

**41. Registrar and other officers to be public servants** – Every officers or person exercising or autorised to exercise powers under this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

**42. Indemnity for acts done in good faith** - No suit, prosecution or other legal proceedings shall lie against the Registrar or any person subordinate to him or

acting under his authority, in respect of anything done by or purporting to have been done by him in good faith under this Act.

**43. Power to make rules** - (1) The State Government may make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid on the Table of the Legislative Assembly.

**44. Repeal** - As from the commencement of this Act, the Madhya Pradesh Societies Registration Act, 1959 (No. 1 of 1960) shall stand repealed.

## AMENDMENT OF M.P. SOCIETY REGISTRİKARAN ADHINIYAM, 1973

### In Respect of Ashaskiya Shikshan Sanstha

by Act No. 20 of 1978

This Act will apply to Ashaskiya Shikshan Sanstha subject to Modifications specified in the Schedule –

### THE SCHEDULE

(See Section – 12)

### MODIFICATIONS IN THE MADHYA PRADESH SOCIETY REGISTRİKARAN ADHINIYAM, 1973

**1. Insertion of new Section 31** – In "Chapter VII- Inquiry and supresession" before section 32, the following section shall be deemed to be inserted, namely:-

"31-A. In this Chapter "Registrar" shall mean Education officer within the meaning of clause (C) of Section 2 of the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmcharyon ke Vetano Ka Sandaya) Adhinyam, 1978.

**2. Amendment of Section 33-** For clause (a) of sub-section (1) of section 33, the following clause shall be deemed to be substituted, namely :-

"(a) Persistently makes default or negligent in the performance of the duties imposed on it by or under this Act, regulations of byelaws of the

society or by under any other enactment for the time being in force or by any lawful order passed by the State Government or Registrar, or is unwilling to perform such duties or ".

**3. Amendment of Section 37** – To sub-section (2) of Section 37 following proviso shall be deemed to be added, namely :-

"Provided that no court shall take cognizance of an offence punishable under sub-section (1) of Section 38, as substituted by Section 12 of the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapak on Tatha Anya Karmcharyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 except upon a complaint made by such officer as the State Government may, by notification specify in this behalf".

**4. Amendment of Section 38** - For sub-section (1) of Section 38, the following section shall be deemed to be substituted, namely :-

"(1) If the Present, Secretary or any other person authorised in this behalf by a resolution of the governing body of the Society :-

(a) fails to comply with the provisions of Section 27; or

(b) fails to comply with any direction given under Section 4 or with the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmcharyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 he shall on conviction be punishable—

(i) in the case of an offence falling under clause (a), with fine which may extend to five hundred rupees and in the case of continuing breach with a further fine which may extend to fifty rupees for every day after the first during which the breach continues ;

(ii) in the case of an offence under clause (b) with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both the for the second and subsequent offence, with imprisonment for a term which may extend to five thousand rupees or with both.

**"Madhya Pradesh Society Registrikaran Niyam, 1998**

**Bhopal the 24th November, 1998**

**No. F-1(1)/42/98/a/XI-** In exercise of the powers conferred by Section 43 of the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973), the State Government hereby makes the following Rules, namely :-

**1. Short title :** (1) These rules may be called the **Madhya Pradesh Society Registrikaran Niyam, 1998.**

(2) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

**2. Definitions :-** In these rules, unless the context otherwise requires –

(a) "**Act**" means the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973);

(b) "**Form**" means a form appended to these rules:

(c) "**Defaulter Society**" mean, a Society making persistently default in compliance and performance of rules and regulations or any provisions of the Act or has been considered defunct by the Registrar under section 34 of the Act;

(d) "**Schedule**" means Schedule appended to these rules;

(e) "**Section**" means a Section of the Act;

(f) "**Society**" means a Society to which the Act, applies.

**3. Memorandum of Society** – Every memorandum of Society for the registration of Society to be filled under Section 5, shall be in form I or in a form as near to as circumstances admit.

**4. Fees.** – The fees payable under the provisions of the Act shall be as specified in Schedule and shall be deposited into the Government Treasury and a copy of Treasury Challan shall be submitted to the Registrar, such fee may also be deposited in the Office of the Registrar after obtaining the receipt thereof.

**5. Penalty** - (1) If any society violates the provisions of subsection (1) of Section 21, of the Act, the Society shall be liable to deposit the double amount of the fee payable under rule 2 and if any society violates the provision of sub-

section (2) of section 21, the Society shall be liable to deposit 20% amount of the cost of property.

(2) The late fee payable under section 27 and 28 by any society shall be double of the amount of the payable under Rule 4.

**6. Certificate of Registration** – The Certificate of registration to be issued by the Registrar under Section 7 shall be in Form- II.

**7. Maintenance of Register** – There shall be kept by the Registrar, a register containing the names of societies registered under the Act in Form III.

**8. Manner of Serving an order** – An order under sub-section (1) of Section 11 shall be served on the society by Postal Certificate at the address of the Society mentioned in the memorandum of the society or at such other address given by the Society.

**9. Amendment of Memorandum Rules and Regulations of the Society and Change of name** - Wherever any amendment in Memorandum, Rules and Regulations and change in name of the registered society is proposed under Section 10 and 13 the same shall be forwarded to the registrar in Form IV, and in case of change of name of any society shall return its certificate of registration to the Registration with Form IV, and on receipt of such certificate the Registrar shall issue a certificate in Form V with necessary alterations embodies therein.

**10. Application for obtaining permission for acquiring or transfer or immovable property** - Application for obtaining permission for acquiring or transfer of immovable property under Section 21 of the Act shall be submitted in Form VI.

**11. Annual Return** – Annual Return under Section 27 shall be submitted in Form VII.

**12. Repeal and Saving** - The Madhya Pradesh Societies Registrikaran Niyam, 1975 are hereby repealed :

Provided that any order made or any action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

**SCHEDULE**  
**(see rule 4)**  
**Fees**

(1)	Under section 7 Registration of Society	Routine Rs. 3,000/- Urgent Rs. 5,000/-
(2)	Under section 7 Registration of Mahila Mandal/Yuvak Mandal	Routine Rs. 1,000/- Urgent Rs. 1,500/-
(3)	Registration of societies constituted by residents illegal colonies notified by Urban Administration and Development Department (This provision shall be applicable for 3 years from the date of notification).	No fees
(4)	Under section 10 each amendment	Rs. 1000/-
(5)	Under sub-section (3) of section 21:-	
<b>(A) Application under sub-section (1),-</b>		
<b>(a) For permission to purchase</b>		
	upto 5 lacs	Rs. 10,000/-
	above 5 lacs upto 15 lacs	Rs. 20,000/-
	above 15 lacs upto 25 lacs	Rs. 40,000/-
	above 25 lacs upto 50 lacs	Rs. 80,000/-
	above 50 lacs	Rs. 80,000/- (+ on every 5 lacs or its fraction Rs. 10,000/-)
<b>(b) For permission of sale</b>		
	Upto 5 lacs	Rs. 10,000/-
	Above 5 lacs upto 15 lacs	Rs. 20,000/-
	Above 15 lacs upto 25 lacs	Rs. 40,000/-
	Above 25 lacs upto 50 lacs	Rs. 80,000/-
	Above 50 lacs	Rs. 80,000/- (+ on every 5 lacs or its fraction Rs. 25,000/-)
<b>(c) For each gift</b>		
<b>(B) For otherwise, utilizing of immovable property under sub-section</b>		10% of the cost of plan or Rs. 50,000/- whichever is more
<b>(2)</b>		
(6)	Under section 27 return every year	Rs. 1,000/-
(7)	Under section 28 audited statement every year	Rs. 1,000/-
(8)	Under section 29 copies, inspection	Rs. 20/- per page

		routine Rs. 40/- per page urgent Rs. 100/- inspecting per Register Rs. 100/- inspection Return/Original file.”.
--	--	--

**“FORM NO.1**

**[see rule 3]**

**Memorandum of society for registration of societies**

1. The Name of the society shall be.....
2. The Head Office of the Society shall be situated at H. No.....  
Mohalla..... in Tehsil.....of the District and  
its address shall be.....
3. The objects of the society shall be as under :-
  - (1)
  - (2)
  - (3)
  - (4)
  - (5)
4. The management of the affairs of the society is entrusted by the  
Regulations of the Society to the Governor, Council of Directors,  
Committee or Governing Body, whose names, addresses and occupation  
are specified below:-

S.No.	Name with Father's/Husband's Name	Post	Full Address	Occupation
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				



5. One copy of the regulation of the society duly certified as required by sub-section (3) of section 6 of the Madhya Pradesh Society Registrkaran Adhiniyam, 1973 (No. 44 of 1973) is filed with this memorandum of Association.

We, the several persons whose names and addresses are mentioned below are desirous of forming a society in pursuance of the aforesaid memorandum of Association and have signed the memorandum in the presence of the witnesses as shown below :-

S.No.	Name of the subscribers with Father's/Husband's Name	Full Address	Signature
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			

6. We office bearer/members as below accept model bye-laws Form-1A as bye-laws of the society.

(President)

(Secretary)

(Treasurer/Member)

Date.....

Witness

Signature.....

Name.....

Father's/Husband's

Name.....

Full

address.....

-----

**FORM 1A**  
**[see rule 3]**  
**[Bye-laws of the society]**

- 1. Name of the society shall be.....
- 2. The Head Office of the society shall be situated at House No.....  
 Mohalla..... Tehsil.....  
 District.....  
 Madhya Pradesh.

3. Area of operation: Whole of Madhya Pradesh.

4. Objectives of the Society:-

(As per memorandum)

.....

.....

.....

.....

5. **Members of the society shall be of the following categories :-**

**(a) Patron Members :** The person who donates Rs. 1,000/- or more in lump sum or pay in 12 installments within a year he shall be patron member of the society;

**(b) Life Members :** The person who pays Rs. 500/- or more shall be life time member of the society;

**(c) Ordinary Members :** The person(s) who shall pay Rs. 10/- per month or Rs. 120/- per annum shall become ordinary member. The ordinary member shall only be member for the period for which he shall pay contribution;

**(d) Honorary Members :** The managing committee of the society can make any person or persons for membership. Such members can participate in Annual General Meeting but they shall not be entitled for vote.

6. **Obtaining the membership:-** Every person who wishes to be a member shall have to submit his application in writing before the managing

committee. The managing committee shall be authorized to accept or reject such application for membership.

**7. Qualification for membership:-** The following qualifications are essential for the membership of the society –

- I.** Age should not be less than 18 years;
- II.** He should be a citizen of India;
- III.** He has faith and follows the rules of the society;
- IV.** He should have a good moral character and should be teetotaler.

**8. Termination of membership:-** The membership of the society shall cease under any of the following conditions-

- I.** On death;
- II.** On madness;
- III.** On failure to deposit the contribution of membership of the society as per rule 5;
- IV.** On resignation, if accepted; and
- V.** Any other reasons related to proven moral turpitude and expulsion by the resolution of the managing committee and such decision should be communicated in writing to the concerning member.

**9. Register of membership of members shall be maintained:-**

- (a) Name of every member, address, occupation and signature with date;
- (b) The date of entry of members with receipts number;
- (c) The date of termination.

**10. (a) General Meeting-** The member who has been shown under rule 5 shall be entitled to participate in general meeting. The meeting shall be held as and when required. At least one general meeting to be organized in a year is essential. The time, place and date of general meeting shall be decided by the managing committee and communicated in writing to all members at least 15 days before the date of general meeting. The quorum of the meeting shall be 3/5<sup>th</sup> members. The first general meeting of the society shall be held within 3 months from the date of registration, in which the managing committee shall be elected.

**(b) Managing Committee-** The meeting of the managing committee shall be organized every month and the intimation for the same should be communicated to every member of managing committee at least seven days prior to the meeting. The quorum of the meeting shall be half of the total members.

**11. Power and responsibilities of the General Body:-**

- I. to sanction the previous year annual progress report;
- II. to make proper arrangement of permanent funds and assets of the society;
- III. to appoint auditor for the coming financial year;
- IV. to consider any other subject which may be brought by the managing committee;
- V. to sanction the statement of income and expenditure account of organization running under the society;
- VI. to approve the annual budget;

**12. Constitution of the Managing Committee:-** The members who have been enrolled in the membership register specified in rule 5 shall elect the following of the office bearers and members of the managing committee by majority of vote:-

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer;
- (e) Joint Secretary; and
- (f) Two members

**13. Term of managing committee:-** The term of the managing committee shall be three years. The managing committee shall function till the new managing committee is constituted, but this period cannot be extended more than six months and such extension of period should be approved by the general body.**14. Rights and responsibilities of the managing committee:-**

- (a) to arrange the fulfillment of object for which the society has been constituted;
- (b) to submit the duly audited statement of income and expenditure account of last year well examined with the statement of annual progress report before the general body every year;
- (c) to make payment and allowance to the employees in the institutions working under the society and to make the payment of taxes charged on the assets and immovable property of the society;

- (d) to appoint the necessary staff/teachers;
- (e) to perform the necessary works as may be assigned by the general meeting from time to time;
- (f) any immovable property shall not be transferred or otherwise acquired or sold without written permission of the Registrar of the society;
- (g) the proposal for the amendment in the bye-laws of the society, the special meeting shall be summoned for considering the discussions and for sanction, it shall be put up before the general meeting for passing resolution of amendment. There should be 2/3<sup>rd</sup> majority of general meeting to pass the resolution for amendments and it shall be sent to the Registrar for approval in prescribed form.

**15. Rights of the President:-** The President shall preside over all the meeting of the managing committee and general meeting and shall arrange the general meeting as well as managing committee through Secretary. The President shall have right of casting vote.

**16. Rights of the Vice-President:-** In the absence of the President, the Vice-President shall preside all the general meeting of the managing committee and shall also exercise such powers of the President.

**17. Rights of the Secretary:-**

- (a) to call general meeting and managing committee meeting as and when required and put up all application;
- (b) to prepare statement of income and expenditure accounts after duly audited by the auditor and put up before the general meeting;
- (c) to make arrangement for preparing all the papers of the society and inspect them if any irregularity is found, then the report should be laid before managing committee for information;
- (d) the Secretary shall be authorized to accord approval for sanction of amount up to Rs. 5,000/- at a time.

**18. Rights of Joint Secretary:-** In absence of Secretary, the Joint Secretary shall exercise all the powers of the Secretary.

- 19. Rights of the Treasurer:-** To maintain the accounts of the Society and make expenditure duly sanctioned by the Secretary of the managing committee.
- 20. Bank Account:-** The funds of the Society shall be deposited in Scheduled Bank or post Office. The withdrawal of the funds shall be done by joint signature of the President/Secretary and Treasurer. For daily expenses a maximum of Rs. 5,000/- shall remain with treasurer.
- 21. The information to be submitted to the Registrar:-** Under section 27 of Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973), the list of the managing committee in the prescribed form to be submitted within 45 days from the date of annual general meeting of the Society. Under section 28 of the said Act, audited accounts be submitted in prescribed time every year.
- 22. Dissolution:-** The dissolution shall be passed by the Society by 3/5<sup>th</sup> majority of the members are present. The above process shall be executed if in conformity to the provisions of the Act.
- 23. Property:-** All movable or immovable property shall be in the name of the Society. Immovable property of the society (fixed assets) cannot be disposed of or acquired by selling, donation or otherwise without the written permission of the Registrar of the Societies.

**FORM II**

(See Rule 6)

**Government of Madhya Pradesh**

(MONO)

**Certificate of Registration of the Society**

No. ....

This is to certify that the .....Society located at.....in the..... Tehsil of the .....District has been registered under the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973) on the .....day of.....20.....

Seal

.....

Registrar of Societies

**FORM III**

(See Rule 7)

**Register of Societies Registered under the Madhya Pradesh Society  
Registrikan Adhinyam, 1973 (No. 44 of 1973)**

Serial No.	Name and address of the Society	Date of filing the Memorandum of Association	Date of Registration	
(1)	(2)	(3)	(4)	
Name and Address of person filling the memorandum of Association	No. And Date of the resolution for the change of the name of the society	No. and date of proposal for the amendment in the regulations of the Society and the date of registration of the amendments	Signature of the Registrar	Remarks
(5)	(6)	(7)	(8)	(9)

**FORM IV**

(See Rule 9)

**Application Under Section 10 and 13 of the Madhya Pradesh Societies  
Registrikan Adhinyam, 1973**

- 1 Name and full Address of Society .....
- 2 Registration No. and Date .....
- 3 Total Number of Present members .....
- 4 Under which regulation of the registered Regulation of Society amendment is proposed. ....
- 5 In which date of the executive the amendment proposal of passed to how many members notice of meeting served and what is the quoram. ....

6 What is the date of General meeting and under which rule the meeting is summoned. How many days notice was served how many members remained present and what was quoram of the meeting. ....

7 Amendment proposal and three copies of the amended rules and regulations duly signed by three executive members on each page with full details be submitted. Please also submit comparative chart of the amendment showing the rules in which clause the amendments are proposed. With existing provisions and reasons. ....

8. The prescribed fee for amendment in the memorandum and "rules and regulation has been" deposited Rs. .... vide receipt No ..... dated .....Challan No. ....dated ..... original copy of the challan is enclosed.

9. I, .....S/o..... Age..... (Resident).....Designation .....hereby declare that above all informations are true according to my knowledge and belief, and I know giving any false information shall be punishable under Section 30 (2) of the Act.

..... (Signature of President)

FORM V (See Rule 9)

Government of Madhya Pradesh Certification of Registration of the Society

No. ....

This is to certify that the registered Society .....located at.....in the .....tehsil of the .....District has changed its name and has now been registered under the name of .....under sub-section (2) of Section 13 of the Madhya Pradesh



Society    Registrakaran    Adhinyam,    1973    (No.44    of    1973)    on  
 the.....day of .....19.....  
 Seal

.....  
 (Registrar of Society)

**FORM-VI**  
**(see rule 10)**

**Application for permission to sale, gift or otherwise of acquiring  
 immovable property under section 21 of the Madhya Pradesh Society  
 Registrakaran Adhinyam, 1973 (No. 44 of 1973).**

1. Name of the Society and complete address .....
2. Registration number and date of the Society .....
3. Complete specifications of immovable property which is going to be earned/purchase/gift/ transferred/sold or otherwise .....
4. Reasons for purchase/sale or otherwise or transferred or objects of the property other than the purpose of the Society .....
5. Date of meeting of the Executive Body of the Society wherein the resolution for sale/ purchase or to transferred has been passed .....
6. The fee for permission for purchase, sale or transfer etc. of immovable property has been deposited Rs..... vide Receipt/Challan No..... dated..... original copy is enclosed .....

We, the authorized officers of the Society, hereby, declare that:-

- (1) We, the undersigned signatories are the office bearers of the Executive Body, the aforesaid information is based on the record of the Society and is true to the best of our knowledge and belief.
- (2) It is properly verified that the seller of the said property does not belong to the Scheduled Tribes.

- (3) The purchase/sale of the said property is not prohibited, if the permission for purchase/sale is necessary for any authority, then it shall be obtained by us.
- (4) The property shall be purchased/sold by the society in accordance with the guidelines of the Collector. If any false information is submitted, then we shall be liable for punishment under sub-section (2) of section 38 of the Madhya Pradesh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973).

Signature.....  
 Name.....  
 President.....

Signature.....  
 Name.....  
 Secretary.....

**FORM VII**  
 (see rule 11)

**Proforma for submitting information of the list of Governing body under section 27 of the Madhya Pradesh Society Registrikaran Adhiniyam, 1973**

**(No. 44 of 1973)**

1. Name of Society and complete address .....
2. Registration number and date .....
3. Date of Annual General Body Meeting.....
4. List of existing office bearers: Working period from .....to.....

S.No.	Name, Father's/Husband's Name	Address	Post held	Principal Occupation	Signature
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					

5. The annual fees under section 27 of the Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973) of Rs. .... has been deposited vide Challan No. ....  
 Date ..... original copy thereof is enclosed.

**DECLARATION**

I, ..... S/O, D/O, W/O ..... aged about ..... Years, in form of an authorized officer, hereby declare that the aforesaid information is true being based on the record of the Society and to the best of our knowledge. I, undersigned authorized signatory officer is in possession of the record of the Society. I know, if any false information is submitted by me the, I shall be liable for punishment under sub-section (2) of section 38 of the said Act.

Signature.....

Name.....

(President/Secretary)