

THE SOCIETIES REGISTRATION ACT, 1860

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THE SOCIETIES REGISTRATION ACT, 1860

ACT NO. 21 OF 1860¹

[21st May, 1860.]

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

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

STATE AMENDMENT

Union territory of Ladakh

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

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

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

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

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

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

West Jalpaiguri	See Gazette of India,	1881, Pt. I, p. 74.
The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p. 44), and Manbhum and ParganaDhalbhum and the Kolhan in the District of Singbhum	Ditto	1881, Pt. I, p. 504.
The Scheduled portion of the Mirzapur District	Ditto	1879, Pt. I, p. 383.
JaunsarBawar	Ditto	1879, Pt. I, p. 302.
The Scheduled Districts in Ganjam and Vizagapatam	Ditto	1898, Pt. I, p. 870.
Assam (except the North Lushai Hills).	Ditto	1897, Pt. I, p. 299.
It has been extended, by notification under s. 5 of the last-mentioned Act, to the following Scheduled Districts, namely:—		
Kumaon and Garhwal.	See Gazette of India,	1876, Pt. I, p. 606.
Ajmer and Merwara.	Ditto	1878, Pt. I, p. 380.

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

It has been amended in—

C. P. and Berar by C. P. and Berar Act 3 of 1940,
Assam by Assam Acts 14 of 1948, 15 of 1948, 1 of 1952, 7 of 1957 and 11 of 1958,
Bihar by Bihar Acts 30 of 1948, 4 of 1951 and 2 of 1960,
Punjab by East Punjab Acts 32 of 1948, 6 of 1949 and Punjab Act 21 of 1961,
West Bengal by West Bengal Act 16 of 1950,
Andhra by President's Act 10 of 1954,
Madras by Mad. Act 9 of 1960,
Orissa by Orissa Acts 21 of 1958, 8 of 1969 and 9 of 1979,
Maharashtra by Maharashtra Acts 11 of 1968 and 49 of 1971,
Himachal Pradesh by H. P. Act 23 of 1973,
Uttar Pradesh by U. P. Acts 25 of 1959, 52 of 1975, 13 of 1978 and 11 of 1984,
Bombay by Bom. Act 76 of 1958,
Haryana by Haryana Act 23 of 1974,
Pondicherry by Act 9 of 1969, and
Union territory of Delhi by Act 26 of 1983.

The Act came into force in Pondicherry *vide* Reg. 7 of 1963 and the First Schedule (w.e.f. 1-10-1963).

The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955 and in Mysore by Mysore Acts 17 of 1960 and 19 of 1973.

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

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

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

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

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

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

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

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

STATE AMENDMENT

Orissa

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

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

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

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

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

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

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

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

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

Orissa

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

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

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

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

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

the name of the society;

the objects of the society;

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

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

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

STATE AMENDMENT

Orissa

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

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

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

1. This section was amended in its application to Berar by s. 14 of the Central Provinces and Berar Vidya Mandir Act, 1939 (C. P. & B. Act 3 of 1940).

2. The words “the Governors-General of India in Council” have been successively adapted by the A.O. 1937 and the A.O. 1950 to read as above.

3. The word “Govt.” has been successively adapted by the A.O. 1937 and the A. O. 1950 to read as above.

Union territory of Ladakh

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

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

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

STATE AMENDMENT

Assam

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

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

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

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

Orissa

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

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

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

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

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

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

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

(2) If any person willfully makes or causes to be made any false entry or alternation in, or any omission from, the list filed under section 4 or any statement or copy of rules and regulations sent to the

Registrar of Societies under section 4-A, he shall, on conviction, be punishable with fine which may extend to five hundred rupees.”

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

Union territory of Ladakh

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

Insertion of new sections—After section 4, insert the following sections, namely:—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE AMENDMENT

Assam

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

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

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

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

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

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

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

Orissa

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

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

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

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

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

Orissa

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

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

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

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

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

12-C. Registration of change of name effected before commencement of the Societies Registration Amendment.—If any society registered under this Act has, before the date of the coming into force of the Societies Registration (Orissa Amendment) Act, 1969 intimated to the Registrar the change of its name and if the Registrar has recorded such change the Registrar may, notwithstanding anything contained in this Act, on an application made by the society in this behalf and on payment of fees as provided in sub-section (3) of section 12-A register the change of such name and issue a certificate to the society under sub-section (2) of the said section. On the issue of such certificate the change shall be deemed to be complete from the date on which such change was recorded by the Registrar.”

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

Orissa

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

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

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

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

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

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

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

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

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

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

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

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

(d) the society fails to comply the direction issued under sub-section (4) of section 12-A:

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

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

Union territory of Ladakh

Section 12.—

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

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

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

Insertion of new sections—

After section 12, insert—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE AMENDMENT

Assam

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

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

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

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

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

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

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

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

STATE AMENDMENT

Assam

Amendment of section 14 of Act XXI of 1860.—In section 14 of the said Act, after the words "some other society," the words "whether registered under this Act or not," shall be inserted.

[Vide Assam Act 15 of 1948, s. 3]

Tripura

Amendment of Central Act XXI of 1860 by inserting a new section 14A—In its application to the Union territory of Tripura, after section 14 insert the following new section, namely—

14A. Disposal of property of a dissolved society.—Notwithstanding anything contained in section 14 it shall be lawful for the members of any society dissolved under section 13 to determine by a majority of the votes of the members present personally or by proxy at the time of the dissolution of such society that any property whatsoever remaining after the satisfaction of all the debts and liabilities shall be given to the Government of Tripura to be utilised for any of the purposes referred to in section 1.

[Vide Tripura Act 5 of 1969, s. 2]

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

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

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

1. Rep. by the Indian Companies Act, 1866 (10 of 1866), s. 719, *see* now the Companies Act, 1956 (1 of 1956).

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

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

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

STATE AMENDMENT

Union territory of ladakh

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

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

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

STATE AMENDMENT

Union territory of ladakh

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

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

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

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

STATE AMENDMENT

Assam

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

“21. Penalties.—(1) if the President, Secretary or any other person authorized in this behalf by a resolution of the governing body of the society fails to comply with the provisions of section 4, he shall, on conviction, be punishable with fine which may extend to five hundred rupees and in case of a

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

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

continuing breach, shall also be punishable with fine not exceeding fifty rupees for each day, during the period the breach continues after first conviction for such offence.

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

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

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

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