

**THE
SOCIETIES REGISTRATION
ACT, 1860**

(Act XXI of 1860)

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

WHEREAS it is expedient that the provisions should be made in improving the legal condition of societies established for the promotion of literature, science or the fine arts or for the diffusion of useful knowledge, the diffusion of political education, or for charitable purposes. It is enacted as follows:-

1. Societies formed by memorandum of association and registration.

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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 form themselves into a society under this Act.

1A. Interpretation.—

In this act, unless there is anything repugnant to the subject or context, the expression “Registrar” means the Registrar of Societies appointed under section 1-B and includes other officers appointed under

the said section to exercise the powers and to perform the duties and functions of the said Registrar of Societies.

1B. Registrar of Societies and Assistant Registrars.—

(1) The State Government may, by notification in the *Official Gazette*, 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 and administration and carry out the provisions of this Act throughout the State of Maharashtra.

(2) The State Government may also by like notification appoint persons to be called “Assistant Registrar of Societies” for such areas as may be specified in the notification and empowers them to exercise powers and to perform duties and functions under all or such provisions of this Act as may be specified in the notification.

2. Memorandum of association:--

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

the name of the society;

the object of the society;

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

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

3. Registration Fees :-

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

Provided that no such fee shall be payable for the registration of a society formed with the object of running an educational institution in any area in which the Central Provinces and Berar Vidya Mandir Act, 1939, is in force, if the objects are similar to the objects of a Vidya Mandir established under Part I of that Act.

3A. Prohibition against registration of societies with undesirable names--

No society shall be registered by a name which in the opinion of the Registrar, is undesirable, being a name which is identical with or which in the opinion of the Registrar, so nearly resembles the name by which any other existing society has been previously registered, as to be

likely to decide the public or members of their society, or which without the previous permission of the Government concerned, suggests or is calculated to suggest the patronage of the Government or connection with anybody constituted by that Government or any local authority, or which may subject to any rules made in, this behalf, be deemed to be undesirable by the Registrar.

4. Annual list of managing body to be filled:--

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 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.

4A. Power of Registrar to call for information or return from governing body of society and provisions relating thereto:--

(1) The Registrar may serve or cause to be served on the governing body entrusted with the management of the affairs of any society registered under this Act, a notice requiring it to furnish in such manner as may be prescribed by rules, informing or returns relating to persons employed by the society, their condition of employment (including their emoluments, any contributions, concessions or other

benefits and amenities provided for employees) and matters relating thereto, as may be prescribed by such rules.

(2) The form in which such information or returns should be furnished, the particulars which they should contain and the intervals (if any) in which such information or returns should be furnished, shall be such as may be prescribed by rules.

(3) The notice referred to in sub-section (1) may be served by post.

(4) No information or return collected for the purposes of the section shall without the previous consent in writing of the society in relation to which the information or return was given or made, be published in such manner as would enable any particulars to be, identified as referring to a particular society.

(5) Except for the purposes of a prosecution under section 11-A or under the Indian Penal Code (XLV of 1860), no person other than the registrar or any person duly specified by him in this behalf, shall be permitted to see any information or return furnished as aforesaid.

(6) No suit or other legal proceeding shall lie against the Registrar or any person acting under the authority of the Registrar in respect of anything in good faith done or intended to be done in pursuance of this section.

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 which 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, 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 deemed 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 be 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 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 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 later 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 members of the society who shall, purloin, or embezzle any money or other property, or willfully and maliciously destroy or injure any property of such society, or shall forge and deed, 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.

11A. Penalty for contravening Section 4A.—

If the governing body entrusted with the management of the affairs of society registered under this Act required to furnish any information or return :-

- (i) willfully refuses or without lawful excuse neglects to furnish such information or return as may be required under Section 4A; or
- (ii) willfully furnishes or causes to be furnished any information or return which it knows, to be false; or
- (iii) refuses to answer or willfully gives a false answer to any question necessary for obtaining any information required to be furnished under Section 4A.

Such governing body, shall for each officer, on conviction, be punished with fine which may extend to fifty rupees.

11B. Penalty for improper disclosure of information or return.—

If the Registrar or any person duly authorized by him in connection with the collection of any information or returns under this Act willfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code he shall, on conviction, be punished for such offence with fine which may extend to two hundred rupees.

11C. Sanction for Prosecution.—

No prosecution for an offence under Section 11A shall be instituted except by or with the sanction of Registrar, and no prosecution for an

offence under Section 11B shall be instituted except by or with the consent of the State Government.

12. Societies enable 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 purposes, that it is advisable to alter, extend, or abridge such purposes to or for other purposes within the meaning of this act, or to amalgamate such society either wholly or partially with any other society, or whenever the governing body of any society registered under this Act decides to change the name of the 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.

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. 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. 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 one and all fees so paid shall be accounted for to the State Government.

(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 3-A the Registrar may, after hearing the party concerned, direct the society to change the name; and society shall change its name within a period of three months from the date of the direction in accordance with the provision 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 a society shall not affect any rights or obligations of the society to render defective any legal proceedings by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

12C. Registration of change of names effected before coming into force of Bombay Act LII of 1948.—

If any society registered under this Act has, before the date of the coming into force of the Societies Registration Bombay Amendment Act, 1948, intimated to the Registrar of Companies 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 a fee as provided for in sub-section (3) of section 12A, register the change of such name and issue a certificate to the society under sub-section (2) of the said section 12A. 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, notwithstanding the fact, that the society had not followed the procedure prescribed in section 12 and 12A. (Inserted by Bom. Act LIII of 1948 read with LXXVI of 1958).

12D. Maintenance of accounts and their balancing and auditing.--

(1) Every governing body entrusted with the management of the affairs of a society registered under this Act not being a public trust within the meaning of the Bombay Public Trusts Act, 1950, Bom. XXIX of 1950, shall keep regular accounts.

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

(3) 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 Accountant Act, 1949, 33 of 1949, or by such other persons as may be authorised in this behalf by the State Government.

12E. Auditors duty to prepared balance-sheet and to report irregularities etc.--

(1) It shall be duty of every auditor auditing the accounts of a society under section 12-D to prepare a 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 moneys 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 breach of trust, or misapplication of money or other property belonging to the society or any other misconduct on the part of the governing body or any other person.

13. Provision for dissolution of societies and adjustment of their affairs.--

Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of 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 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, whenever any Government is a member of, or a contribution to, or otherwise interested in any society registered under this Act, such society, shall not be dissolved without the consent of the Government of the State of registration.

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 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 dissolution, or in default thereof by such Court as aforesaid:

Provided, however, that this clause 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.

Notwithstanding anything contained in section 14 of the Societies Registration Act, 1860, hereinafter called "the said Act", it shall be lawful for the members of any society dissolved under Section 13 of the said Act to determine by a 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 the satisfaction of all its debts and liabilities shall be given to Government to be utilized for any of the purposes referred to in section I of the said Act. (Inserted by Bom. II of 1912.)

15. Member defined: Disqualified members.--

For the purposes of this Act a member of 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; Disqualified members, 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. Government 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 Act 43 of 1850 or any such society established and constituted previously to the commencement of this Act in the relevant part of the State but not registered under Act 43 of 1850 or any law for registration of societies or companies in force immediately before such commencement, as the case may be, 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 member present personally, or by proxy, at some general meeting convened for that purpose by the governing body.

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

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

18. Such societies to file memorandum, etc., with Registrar.--

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 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.

19. Inspection of documents, certified copies.--

Except as otherwise provided in section 4A, any person may inspect all document filed with the Registrar under this Act on payment of a fee of one rupee for each inspection; or may require the Registrar to give him a certified copy or extract of any document or any part thereof on payment of such fee as the State Government or any officer authorized by it may, by notification in the Official Gazette, fix in that behalf; and such certified copy shall be prima-facie evidence of the matters therein contained in all legal proceedings whatever.

20. To what societies Act applies.-

(1) The following societies may be registered under this Act :-

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

(2) Notwithstanding anything contained in sub-section (1), any society, registered under the Public Societies Registration Act for any public or religious purpose and operating in the Hyderabad area of the

State of Bombay at the commencement of the Societies Registration Bombay Extension and Amendment Act, 1958 (Bom. Act LXXVI of 1958 shall be deemed to be and continue to be registered under this Act.

20A. Definition of Special society.--

For the purposes of this Act, 'a special society' means a society formed, for the purposes of the Maharashtra Educational Institutions Transfer of Management Act, 1971.

20B, Power to modify Act in relation to special societies.—

(1) The State Government may, by notification in the Official Gazette direct that any of the provisions of this Act specified in the notification :-

(a) shall not apply to a Special Society; or

(b) shall apply to the Special Society, with such exception, modifications and adaptations as may be specified in the notification.

(2) A copy of every notification proposed to be issued under subsection (1) shall be laid in draft before both the Houses of the Legislature of the State for a period of not less than thirty days while they are in session, and if within that period either House disapprove of the issue of the notification, or approves of such issue only with modifications, the notification shall not be issued or, as the case may require, shall be issued only with such modification as may be agreed on by both the Houses.

21. Pending proceedings and Construction of references to Registrar of Companies in instruments issued or made before 1st May, 1957 in Kutch Madhye Pradesh, or Saurashtra area of Bombay State.—

(1) All proceedings under this Act, in its application to the Kutch, Madhya Pradesh and Saurashtra areas of the State Bombay, pending before the Registrar of Companies, immediately before the 1st day of May, 1957, shall stand transferred to the Registrar of Societies and any such proceeding shall be continued and disposed off by such Registrar, as if it had been originally instituted before him under this Act.

(2) In all certificates of registration and in all rules or bye-laws of societies and in other instruments issued or made under this Act before the 1st day of May, 1957, references to the Registrar of Joint Stock Companies shall be deemed to be and be construed as references to the Registrar of Societies.

22. Rules.—

(1) The State Government may, subject to the conditions of previous publication, make rules for carrying out the purpose of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive session, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree, in making any modification in the rule or both houses agree, that the rule should not be made, the rule shall from the date of

publication of a notification in the *Official Gazette*, of such decision have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.
