



The Societies Registration (Haryana Amendment) Act, 2001

Act 14 of 2001

Keyword(s):

Central Act Amendment, Societies Registration Act, 1860

Amendment Appended: 14 of 2007

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

54

PART-I

LEGISLATIVE DEPARTMENT

Notification

The 29th June, 2001

No. Leg. 15/2001.— The following Act of the Legislature of the State of Haryana received the assent of the President of India on the 1st June, 2001, and is hereby published for general information :—

Haryana Act No. 14 of 2001

THE SOCIETIES REGISTRATION (HARYANA AMENDMENT) ACT, 2001

AN

ACT

further to amend the Societies Registration Act, 1860, in its application to the State of Haryana.

BE it enacted by the Legislature of the State of Haryana in the Fifty-second Year of the Republic of India as follows :—

1. This Act may be called the Societies Registration (Haryana Amendment) Act, 2001. Short title.

2. In Section 3 of the Societies Registration Act, 1860 (hereinafter called the principal Act), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted. Amendment of Section 3 of Central Act 21 of 1860.

3. In Section 4 of the principal Act, the following words shall be added at the end, namely :— Amendment of Section 4 of Central Act 21 of 1860.
"There shall be paid to the Registrar for every list a fee of ten rupees."

4. In Section 19 of the principal Act,— Amendment of Section 19 of Central Act 21 of 1860.
(i) for the words "one rupee", the words "twenty rupees" shall be substituted ; and
(ii) for the words "twenty-five naye paise for every hundred words", the words "ten rupees per page or part thereof" shall be substituted.

L. N. MITTAL,

Secretary to Government, Haryana,
Legislative Department.

54

PART - I

HARYANA GOVERNMENT
LEGISLATIVE DEPARTMENT

Notification

The 12th April, 2007

No. Leg. 15/2007.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 2nd April, 2007, and is hereby published for general information :—

HARYANA ACT NO. 14 OF 2007
THE SOCIETIES REGISTRATION (HARYANA AMENDMENT)
ACT, 2007

AN

ACT

further to amend the Societies Registration Act, 1860, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Societies Registration (Haryana Amendment) Act, 2007.

Short title.

2. After section 1 of the Societies Registration Act, 1860 (hereinafter called the principal Act), the following section shall be inserted, namely:—

Insertion of section 1A in Central Act 21 of 1860.

“1A. Definitions. — In this Act, unless the context otherwise requires.—

(a) “prescribed” means prescribed by rules made under this Act;

(b) “State Government” means the Government of the State of Haryana.”.

3. After section 3 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 3A in Central Act 21 of 1860.

“3A. Refusal of registration.— (1) The Registrar may, in his discretion, issue public notice or issue notice to such persons as he thinks fit inviting objections, if any, against the proposed registration and consider all objections that may be received by him before registering the society.

(2) Notwithstanding anything contained in section 3, the Registrar shall refuse to register a society, if after giving it an opportunity of showing cause against such refusal, he is satisfied that—

(a) the name of the society is identical with that of any other society previously registered under this Act;

55

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

Insertion of
section 12C,
12D and
12E in Central
Act 21 of
1866.

4. After section 12B of the principal Act, the following sections shall be inserted, namely:—

"12C. 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 shall keep regular accounts.

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

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

(4) The accounts shall be audited annually in such manner as may be prescribed and by a person who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (Act 38 of 1949), or by such person as may be authorized in this behalf by the State Government.

12 D. 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 caused in consequence of breach of trust or misapplication or any other misconduct on the part of the governing body or any other person.

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

- (a) that the registration of the society or of its name or change of name is contrary to the provisions of this Act or of any other law for the time being in force;
- (b) that its activities or proposed activities have been or are or will be subversive of the objects of the society or opposed to public policy;
- (c) that the registration certificate has been obtained by misrepresentation or fraud;
- (d) that the society is carrying on any unlawful activity or allows unlawful activity to be carried on within any premises under the control of the society:

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 object or of showing cause against the action proposed to be taken in regard to it.

(2) An appeal against an order made under sub-section (1) may be preferred to such authority and within such time and in such manner as may be prescribed.

(3) The decision of the authority under sub-section (2), shall be final.”.

5. In section 16 of the principal Act, after the words and signs “committee, trustees,” the words “trustee mandal” shall be inserted.

Amendment of section 16 of Central Act 21 of 1860.

6. After section 16 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 16A in Central Act 21 of 1860.

“16A. Duties, functions and powers of governing body.— The duties, functions and powers of governing body of the society shall

Insertion of
section 22 to 32
in Central Act
21 of 1860.

be such as may be prescribed.”.

7. After section 21 of the principal Act, the following sections shall be added at the end, namely:—

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

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

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

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

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

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

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

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

(6) The Registrar may, after such inspection or investigation, give such directions to the society or to its governing body or any office-bearer thereof, as he may think fit, for the removal of any defects or irregularities within such time as may be specified and in the event of default in taking action according to such directions, the Registrar may proceed to take action under section 12E or section 30, as the case may be.

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

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

- (a) that any corrupt practice has been committed by such office-bearer; or
- (b) that the nomination of any candidate has been improperly rejected; or
- (c) that the result of the election insofar as it concerns to such office-bearer has been materially affected by the improper acceptance of any nomination or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with the provisions of any rules of the society.

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

- (i) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury, any elector to give or to refrain from giving a vote in favour of any candidate, or any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election;
- (ii) with a view to inducing any elector to give or to refrain from giving a vote in favour of any candidate, or to inducing any person to stand or not to stand as, or to withdraw or not

to withdraw from being a candidate at the election, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;

- (iii) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i) and (ii);
- (iv) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;
- (v) canvasses on grounds of caste, community, sect or religion;
- (vi) commits such other practice as the State Government may prescribe to be a corrupt practice.

Explanation II.— A promise of individual advantage or profit to a person includes a promise for the benefit of the person himself, or of anyone in whom he is interested.

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

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

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

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

25. Terms of gift to be observed.— Where a society accepts a gift or

60

donation of money or property of any other kind from any person for a specific purpose, it shall not use the money or other property gifted or donated or any part thereof for any other purpose except for the promotion of the activities of the society.

26. Penalties.—Any society which—

- (a) fails to furnish the list of managing body or other information required to be furnished under section 22 or wilfully makes or causes to be made a false entry in, or any omission from, the list or any statement or copy of rules or of alteration in rules or other information sent to the Registrar under the said section;
- (b) wilfully fails, neglects or refuses to maintain, balance and audit accounts as referred to in section 22C;
- (c) wilfully fails to produce any books of accounts or other records as required by sub-section (2) of section 23;
- (d) wilfully fails to appear before the Registrar or other person authorised by him or otherwise contravenes the provisions of sub-section (3) of section 23;

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

27. Compounding of offences.—(1) The Registrar may accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 26 or against whom a prosecution under that section has been instituted, a sum of money by way of composition fee for the offence which such person is suspected or accused to have committed.

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

28. Manner of payment of fees.—Fees payable under the provisions of this Act shall be paid in such manner as may be prescribed.

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

(2) The sending of such notice, order or requisition to the

Secretary of the society by registered post at its registered office shall amount to sufficient service thereof on the society.

30. Appointment of Administrator.— (1) Where on receipt of a complaint from three office-bearers of a society or three affected persons or on inspection of records, the Registrar is satisfied,—

- (i) that the society is working against the objectives and ideals as per sections 1 and 20 on the basis of which the society was granted certificate;
- (ii) that the society is not working democratically or the elections have not taken place within the specified time or the elections have taken place fraudulently or against the clauses of memorandum of association;
- (iii) that the office-bearers have been nominated against the clauses of memorandum of association;
- (iv) that the number of members in a trustee mandal has been purposely kept below seven, the Registrar may recommend to the State Government to appoint an Administrator :

Provided that no adverse order shall be passed unless an opportunity of being heard has been given to the concerned society:

Provided further that the action of the Registrar in this behalf shall be final and no appeal shall lie in any court against such action.

(2) The State Government may, by order published in the Official Gazette, shall appoint an Administrator of such society who shall not be below the rank of Deputy Secretary for such period, not exceeding six months, as may be specified in the order to manage the affairs of the society :

Provided that for reasons to be recorded in writing, the State Government may, by like order, extend the said period for a further duration of six months.

(3) On the appointment of the Administrator under sub-section (2), the governing body of the society shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations or any other law and subject to any directions which the State Government may from time to time issue, all such functions or duties shall be performed or discharged by the Administrator.

(4) The Administrator shall, before the expiry of the period of his appointment, take necessary action to convene the general body meeting of the society and hold election for the constitution of the

governing body.

(5) If the Administrator is not, for reasons beyond his control, able to convene the general body meeting or in spite of such meeting being convened the general body fails to elect the governing body, the Administrator shall forthwith send a report to the State Government who may pass such orders as are considered necessary, either extending the period of appointment of the Administrator for a further duration or if satisfied that public interest so requires, for the dissolution of the society.

(6) The State Government may, if it thinks fit, appoint a committee to advise and assist the Administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the committee shall have such qualifications as may be prescribed and shall hold office during the pleasure of the State Government.

(7) Where an order of dissolution is passed under sub-section (5), the assets of the society shall vest in and the liabilities shall devolve on the State Government.

31. Indemnity.— No suit, prosecution or other legal proceedings shall lie in any court against the State Government, the Registrar or against any person appointed for inspection or investigation under section 23, for anything in good faith done or intended to be done under this Act or the rules made thereunder.

32. Power to make rules.— (1) The State Government may, after previous publication, make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

- (a) prescribing the form of the register of societies and the mode in which entries relating to registration are to be made therein, and the mode in which such entries are to be amended or notes made therein;
- (b) regulating the filing of documents received by the Registrar;
- (c) prescribing the particulars to be contained in the form of accounts under sub-section (2) of section 12C;
- (d) prescribing the manner in which the accounts shall be audited under sub-section (4) of section 12C;
- (e) prescribing the authority before whom and the time within which an appeal shall be preferred under sub-section (2) of

section 12E and the manner in which such appeal shall be filed;

- (f) prescribing the duties, functions and powers of governing body of the society under section 16A;
- (g) prescribing conditions for the inspection of original documents and regulating the grant of copies of documents under section 19;
- (h) prescribing the procedure for hearing and decision of doubts or disputes in respect of elections under sub-section (1) of section 24;
- (i) prescribing the manner in which fees payable under this Act shall be paid under section 28;
- (j) prescribing the qualifications of members of society under sub-section (6) of section 30;
- (k) providing for any other matter for which there is no provision or insufficient provision exists in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session. If the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter 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 under that rule."

M. S. SULLAR,
Secretary to Government, Haryana,
Legislative Department.