



The Societies Registration (Pondicherry Amendment) Act, 1969

Act 9 of 1969

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THE SOCIETIES REGISTRATION (PONDICHERRY AMENDMENT) ACT, 1969

(No. 9 of 1969)

ARRANGEMENT OF SECTIONS

SECTION

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**THE SOCIETIES REGISTRATION (PONDICHERRY
AMENDMENT) ACT, 1969.**

(Act No. 9 of 1969)

13th September, 1969.

AN ACT

further to amend the Societies Registration Act, 1860 in its application to the Union territory of Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Societies Registration (Pondicherry Amendment) Act, 1969.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Act" means the Societies Registration Act, 1860;

(b) "Government" means the Administrator appointed under article 239 of the Constitution;

(c) "Union territory" means the Union territory of Pondicherry.

Amendment of sections 1 and 4.

3. In sections 1 and 4 of the Societies Registration Act, 1860 (No. 21 of 1860) (hereinafter referred to as the principal Act) for the words "Registrar of Joint Stock Companies", the words "Registrar of Companies" shall be substituted.

1. The Act came into force from 1st January 1970, vide Extraordinary Gazette No. 118 dated 15th December 1969.

Insertion of new section 4-A.

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

Filing of Annual Accounts.

"4-A. (1) A copy of the balance sheet together with a statement of receipts and expenditure duly certified by at least two members of governing body and audited by a person who has been granted a certificate by the Government under Chartered Accountants Act, 1949 (No. 28 of 1949) or by a special auditor approved by Government shall also be filed with the Registrar of Companies, at the same time as required by section 4.

(2) A filing fee of rupees three each shall be paid along with the list and the balance sheet and copy of alteration to rules respectively referred to in section 4 and sub-sections (1) and (6) of section 4-A. The said fee may be paid either by cash or by crediting the amount to Government Treasury and by attaching the duplicate chalan to the documents.

(3) All societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(4) A special meeting may be convened at any time on the requisition of the President or Chairman of the Executive Committee, if any, or on the requisition of not less than three members of the Executive Committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society ~~before the lapse of ten days from the date of the receipt of the requisition.~~

(5) If a member has no registered address in the Union territory and has not furnished to the society an address within the Union territory for serving notice to him, a notice advertised in two newspapers (one in English and the other in any one of the vernacular languages) circulating in the neighbourhood of the registered office of the society shall be deemed to be duly given to him on the day on which the advertisement appears.

(6) A copy of every alteration made in the rules and regulations of the society, certified to be a correct copy in the manner prescribed as aforesaid shall be sent to the Registrar within fifteen days of making of such alterations.

(7) If a society makes default in complying with the requirements of sections 4 and 4-A, it shall be liable to a fine not exceeding fifty rupees."

Insertion of new sections 12-A, 12-B and 12-C.

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

Change of name.

"12-A. Any number not less than three-fifths of the members of any society registered under section 3 may, subject to the provisions of section 12-B, by a resolution or otherwise change its name.

Registration of change of name

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

(2) Save as provided in section 18-A, 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 Government.

Effect of change of name.

12-C. 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 its new name."

Amendment of section 18.

6. In section 18 of the principal Act including the marginal note thereto, for the words "Registrar of Joint Stock Companies", the words "Registrar of Companies" shall be substituted.

Insertion of new section 18-A.

7. After section 18 of the principal Act, the following section shall be inserted, namely:—

Power of Registrar to refuse registration in certain cases.

"18-A. (1) The registrar shall refuse to register—

- (a) a society under section 3,
- (b) the change of names made under section 12-A, or
- (c) a society under section 17,

if the proposed name of such society is undesirable or identical with that by which any other existing society has been registered or in the opinion of Registrar so nearly resembles such other name as to be likely to deceive the public or the members of either society.

(2) If any two or more societies which have been registered with identical names or with names which, in the opinion of the Registrar, so nearly resemble each other as to be likely to deceive the public or the members of such societies, the society which was so registered first of all shall continue to function under its original name and other such societies shall change and may be required by the Registrar to change their names suitably within a period of six months from the commencement of this Act."

Amendment of section 19.

8. In section 19 of the principal Act, for the words "two annas", the words "fifteen paise" shall be substituted.

Amendment of section 20.

9. In section 20 of the principal Act, after the words "instruments or designs", the words "the dissemination of social, economic education ; promotion of the interest or welfare of the public or a section of the public or of non-trading associations with objects confined to the Union territory and any other object as may be notified by the Government as being beneficial to the public or to a section of the public" shall be inserted.

Insertion of new sections 21, 22, 23, 24 and 25.

10. After section 20 of the principal Act, the following sections shall be inserted, namely :—

Inspection and investigation.

"21. (1) Every society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any society and shall also be entitled to call for such information or explanation within such time as may be specified.

(2) Where it appears to the Registrar that the affairs of a society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such society and may fix his remuneration which shall be borne by the society.

Defunct action.

22. Where default is made by a society in filing with the Registrar any change in the Memorandum of Association (or in filing with him the returns required by sections 4 and 4-A), a Registrar may, after calling upon such society to furnish details of such change (or to submit such returns) within a specified time and on the failure of the society to do so, treat the society as having become defunct (and cause a notification of such decision to be published in the Official Gazette), whereupon the incorporation of the society under this Act shall cease :

Provided that the liability, if any, of the members of the governing body or the members of the society, as the case may be, shall continue and may be enforced as if the society had not become defunct.

Penalties.

23. If any person wilfully 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 Companies under section 4-A, he shall, on conviction, be punishable with fine which may extend to two thousand rupees.

Cognizance of offences.

24. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act, nor shall cognizance of any such offence be taken except on a complaint in writing by the Registrar or any person authorised by him in writing in this behalf.

Power to make rules.

25. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the maintenance of the register of societies and other books, if any, by the Registrar ;

(b) the forms under which the Registrar shall issue certificates of registration of a society, change of name, etc. ;

(c) the forms and notices under which every society shall intimate the Registrar regarding the amendments to its memorandum or rules and regulations ; and

(d) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides 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.”