



The Societies Registration (Gujarat Amendment) Act, 1965

14 of 1965

Keyword(s):

Societies, Registration, Registrar

Amendment appended: 17 of 1978

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Separate paging is given to this part in order that it may be
 filed as a separate compilation

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th May 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,
 Secretary to the Government of Gujārat,
 Legal Department.

GUJARAT ACT NO. 14 OF 1965.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 17th May 1965.)

An Act further to amend the Societies Registration Act, 1860 in its application to the State of Gujarat for certain purposes.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Societies Registration (Gujarat Amendment) Act, 1965. Short title and comment.

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

2. After section 4 of the Societies Registration Act, 1860 in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), the following new section shall be inserted, namely :— Insertion of new section 4A in Act XXI of 1860.

Changes in managing body and rules to be filed.

"4A. (1) Together with the list mentioned in section 4, there shall be sent to the Registrar a statement showing changes during the year to which the list relates in the personnel of 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 upto date and certified to be 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 within thirty days of the making of such alteration."

Insertion of new sections 22 and 23 in Act XXI of 1960.

3. After section 21 of the principal Act, the following new sections shall be inserted, namely :—

Penalties.

"22. (1) If the president, secretary or any other person authorised 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 punished with fine which may extend to five hundred rupees and in the case of a continuing breach, shall also be punished with fine not exceeding fifty rupees for each day, during the period the breach continues after first conviction for such offence.

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

Trial of offences.

23. (1) No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

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



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
Governor on the 3rd March, 1978 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 17 OF 1978.

(First published after having received the assent of the Governor in the
"Gujarat Government Gazette" on the 9th March, 1978).

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

It is hereby enacted in the Twenty-ninth Year of the Republic of India
as follows:—

1. (1) This Act may be called the Societies Registration (Gujarat Am-
endment) Act, 1978.

Short
title and
commence-
ment.

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

XXI
of
1860.

2. In the long title of the Societies Registration Act, 1860, in its appli-
cation to the State of Gujarat (hereinafter referred to as "the principal Act"),
after the words "Literary, Scientific and Charitable Societies" the words
"and Societies established for such other purposes" shall be inserted.

Amendment
of long title
of Act XXI
of 1860.

Amendment
of preamble
of Act XXI
of 1860.

3. In the preamble of the principal Act, for the words "literature, science" the words, "literature, science, sports" shall be substituted.

Amendment
of section 2
of Act XXI
of 1860.

4. (1) Section 2 of the principal Act shall be re-numbered as sub-section (1) of that section, and

(1) in sub-section (1) as so renumbered, after and below the words "the name of the society;" the following shall be inserted, namely:—

"the place of situation of the registered office of the society;

the addresses and occupations of the persons who have subscribed their names to the memorandum of association under section 1;"

(2) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

"(2) A society may, by a special resolution passed by a majority of not less than three-fifths of the total membership of the society, alter its memorandum of association.

(3) The alteration of the memorandum of association shall not take effect until, and except in so far as, it is sanctioned by the Registrar who shall, before granting such sanction, satisfy himself that the alteration is not such as would have the effect of making the society ineligible for registration under this Act."

Amendment
of section
3 of Act XXI
of 1860.

5. In section 3 of the principal Act, for the words "the Registrar shall certify" the words, figure and letter "the Registrar shall, subject to the provisions of section 3A, certify" shall be substituted.

Insertion of
new section
3A in Act
XXI of 1860.

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

Prohibition
against registra-
tion of
societies with
undesirable
names.

"3A. 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 deceive the public or members of either society or which, without the previous permission of the Government concerned, suggests or is calculated to suggest the patronage of that Government or connection with any body 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."

Insertion of
new section
4B in Act
XXI of 1860.

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

"4B. (1) The Registrar may serve, or cause to be served, on the authorised officer or any society registered under this Act, a notice requiring him to furnish in such manner as may be prescribed by rules, information or returns relating to persons employed by the society, their conditions 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 and the authorised officer of the society on whom such notice is served, shall be bound to comply with the requirement stated therein.

Power of Registrar to call for information or returns from governing body of society and provisions relating thereto.

(2) The form in which such information or returns shall be furnished, the particulars which they shall contain and the intervals (if any) at which such information or returns shall 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 this 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 for an offence under section 11A or under the Indian Penal Code, no person other than the Registrar or any person duly authorised by him in this behalf, shall be permitted to see or to have access to 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.

Explanation.—In this section "authorised officer", in relation to any society, means such officer or employee of the society as may be authorised for the purposes of this section, by the rules and regulations of the society and in default of such authorisation by rules and regulations, by a resolution in writing by the society, and shall include,—

(i) where any officer or employee so authorised is unable to perform his duties by reason of absence due to leave or any other cause, any other officer or employee of the society who is in charge of the duties of the officer or employee so authorised during his absence, and

(ii) where no such officer or employee has been so authorised, any member of the governing body of the society."

8. After section 11 of the principal Act, the following new sections shall be inserted, namely :—

Insertion of new sections 11A, 11B and 11C in Act XXI of 1860.

Penalty for
contravening
section 4B.

"11A. If any authorised officer of a society who is required to furnish any information or return under sub-section (1) of section 4B,

(i) wilfully refuses or without lawful excuse neglects to furnish such information or return as may be required under section 4B; or

(ii) wilfully furnishes or causes to be furnished any information or return which he knows to be false; or

(iii) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under section 4B,

such authorised officer shall, on conviction, be punished for each such offence with fine which may extend to two hundred rupees.

Penalty for
improper
disclosure of
information
or return.

11B. If the Registrar or any person duly authorised by him in connection with the collection of any information or returns under this Act wilfully 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 for 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.

XLV
of
1860.

Sanction for
prosecution.

11C. No prosecution for an offence under section 11A shall be instituted, except by, or with the sanction of, the Registrar, and no prosecution for an offence under section 11B shall be instituted except by, or with the consent of, the State Government."

Amendment
of section
12A of Act
XXI of 1860.

9. In section 12A of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words "If the proposed name" and ending with the words "or the members of either society", the words, figure and letter "If the proposed change in name is in the opinion of the Registrar undesirable for any of the reasons mentioned in section 3A" shall be substituted;

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

"(4) If, through inadvertence or otherwise, a society is registered by a name, by which it should not have been registered having regard to the provisions of section 3A, the Registrar may, after hearing the society 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 or within such longer period as the Registrar may think fit to allow, in accordance with the provisions of this Act."

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

Insertion of new sections 12D and 12E in Act XXI of 1860.

Bom.
XXIX
of
1950.

"12D. (1) Every governing body entrusted with the management or the affairs of a society registered under this Act (not being a public trust within the meaning of the Bombay Public Trusts Act, 1950) shall keep regular accounts.

Maintenance of accounts and their balancing and auditing.

(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 thirty-first day of March or such other day as may be fixed by the Registrar.

38 of
1949.

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

12E. (1) It shall be the duty of every auditor auditing the accounts of a society under section 12D to prepare an income and expenditure account and a balance sheet and to forward a copy of the same to the Registrar.

Auditor's duty to prepare balance sheet and report irregularities etc.

(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."

11. In section 19 of the principal Act, for the words "Any person may inspect" the words, figure and letter "Except as otherwise provided by section 4B, any person may inspect" shall be substituted.

Amendment of section 19 of Act XXI of 1860.

12. In section 20 of the principal Act,—

Amendment of section 20 of Act XXI of 1860.

(1) in sub-section (1) for the words "science, literature" the words "science, literature, sports" shall be substituted;

(2) sub-section (2) shall be deleted.

13. In section 23 of the principal Act, in sub-section (2) after the words "punishable under this Act" the words, figures and letter "other than an offence punishable under section 11B," shall be inserted.

Amendment of section 23 of Act XXI of 1860.

14. After section 23 of the principal Act, the following new section shall be inserted, namely:—

Insertion of new section 24 in Act XXI of 1860.

Power to
make rules.

"24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section is subject to the conditions of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modifications so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect."