



The Societies Registration (Amendment) Act, 1912

Act 2 of 1912

Keyword(s):

Central Act Amendment, The Societies Registration Act, 1860

Amendments appended: 53 of 1948, 11 of 1956, 76 of 1958, 11 of 1968

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BOMBAY ACT No. II OF 1912.¹

[THE SOCIETIES REGISTRATION (AMENDMENT) ACT, 1912.]

[29th May 1912]

An Act to amend the Societies Registration Act, 1860.

XXI
of
1860. WHEREAS it is expedient to amend the Societies Registration Act, 1860, in manner hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor-General required by section 5 of the ²Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

XXI
of
1860. 1. 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 such society dissolved under section 13 of the said Act to determine by a majority of the 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 utilised for any of the purposes referred to in section 1 of the said Act. Amend
of sec
14.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1912, Part VII, page 101, and for Proceedings in Council, see *ibid.*, 1912, Part VII, pages 187, 255.

The short title was given by Bom. II of 1921.

² See now the Government of India Act, 1935.

THE SOCIETIES REGISTRATION (BOMBAY AMENDMENT) ACT, 1948.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 12 of Act XXI of 1860.
3. Insertion of new sections 12-A, 12-B and 12-C and in Act XXI of 1860.

BOMBAY ACT No. LIII OF 1948.¹

[THE SOCIETIES REGISTRATION (BOMBAY AMENDMENT) ACT, 1948.]

[5th November 1948]

An Act to amend the Societies Registration Act, 1860, in its application to the Province of Bombay.

XXI of 1860. WHEREAS it is expedient to amend the Societies Registration Act, 1860; in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. The Act may be called the Societies Registration (Bombay Amendment) Act, 1948. Short title.

XXI of 1860. 2. In section 12 of the Societies Registration Act, 1860, hereinafter called the said Act, after the words "other society" the words "or whenever the governing body of any society registered under this Act decides to change the name of the society" shall be inserted. Amendment of section 12 of Act XXI of 1860.

3. After section 12 of the said Act, the following new sections shall be inserted, namely :— Insertion of new sections 12A, 12B and 12C in Act XXI of 1860.

"12-A. (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 Companies 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 such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name. Registration of 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 Provincial Government.

12-B. 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. Effect of change of name.

12-C. If any society registered under this Act has, before the date of the coming into force of the Societies Registration (Bombay Amendment) Act, 1948, Registration of change

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Pt. V, page 447.

of names
effected
before coming
into force of
Bom. LIII
of 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 12-A, register the change of such name and issue a certificate to the society under sub-section (2) of the said section 12-A. 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 sections 12 and 12-A." Bom. LIII of 1948.

THE SOCIETIES REGISTRATION (BOMBAY AMENDMENT) ACT, 1956.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Insertion of new sections after preamble.
3. Amendment of section 1 and 4 of Act No. XXI of 1860.
4. Amendment of section 12-A of Act No. XXI of 1860.
5. Pending proceedings and construction of references to Registrar of Companies in instruments issued or made before this Act.

BOMBAY ACT No. XI OF 1956.¹

[THE SOCIETIES REGISTRATION (BOMBAY AMENDMENT) ACT, 1956.]

[14th March 1956]

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

XXI
of
1860.

WHEREAS it is expedient to provide that the powers, duties and functions exercised or performed under the Societies Registration Act, 1860, by the Registrar of Companies in the State of Bombay should be exercised or performed, as the case may be, by the Registrar of Societies appointed under the said Act ;

AND WHEREAS it is expedient to amend the said Act, in its application to the State of Bombay for the said purpose ; It is hereby enacted in the Seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Societies Registration (Bombay Amendment) Act, 1956. Short title and commencement.

(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. After the preamble to the Societies Registration Act, 1860 (hereinafter called the "said Act"), the following new sections shall be inserted, namely :— Insertion of new sections after preamble.

"1-A. 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 Registrar of Societies. Interpretation.

1-B. (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 the administration and carry out the provisions of this Act throughout the State. Registrar of Societies and Assistant Registrars.

(2) The State Government may also by like notification appoint persons to be called 'Assistant Registrars of Societies' for such areas as may be specified in the notification and empower 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."

3. In sections 1 and 4 of the said Act, the words "of Joint-stock Companies" shall be deleted. Amendment of sections 1 and 4 of Act No. XXI of 1860.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1956, Part V p. 20.

Amendment
of section
12-A of Act
No. XXI of
1960.

4. In section 12-A of the said Act, in sub-section (1), the words "of Companies" shall be deleted.

Pending
proceedings
and construc-
tion of
references to
Registrar of
Companies
in instru-
ments issued
or made
before this
Act.

5. (1) All proceedings under the said Act pending before the Registrar of Companies at the date of the commencement of this Act shall stand transferred to the Registrar of Societies and any such proceeding shall be continued and disposed of by the Registrar or by such Assistant Registrar of Societies as the Registrar of Societies may direct, as if it had been originally instituted before such Registrar or Assistant Registrar, as the case may be, under the said Act.

(2) In all certificates of registration and in all rules or by-laws of societies and in all other instruments issued or made under the said Act before the 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.

**THE SOCIETIES REGISTRATION (BOMBAY EXTENSION AND
AMENDMENT) ACT, 1958.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Extension of Act XXI of 1860 as in force in pre-Reorganisation Bombay area to other areas of the State.
3. Amendment of section 3 of Act XXI of 1860.
4. Amendment of section 7 of Act XXI of 1860.
5. Amendment of section 18 of Act XXI of 1860.
6. Amendment of section 19 of Act XXI of 1860.
7. Amendment of section 20 of Act XXI of 1860.
8. Savings.

BOMBAY ACT No. LXXVI OF 1958.¹[THE SOCIETIES REGISTRATION (BOMBAY EXTENSION AND AMENDMENT)
ACT, 1958].

[7th October 1958]

An Act to extend the Societies Registration Act, 1860, to, and bring it into force in, the rest of the State of Bombay ; to provide for uniformity in the provisions of that Act in its application to the whole of the State by extending certain amendments made thereto in relation to a part of the State to the rest of the State ; and for those and certain other purposes further to amend the said Act, and to repeal corresponding laws in force in those parts of the State to which the Act is now extended.

XXI of 1860. WHEREAS it is expedient to extend the Societies Registration Act, 1860, to, and bring it into force in, the rest of the State of Bombay ; to provide for uniformity in the provisions of that Act in its application to the whole of the State by extending certain amendments made thereto in relation to a part of the State to the rest of the State ; and for those and certain other purposes further to amend the said Act, and to repeal corresponding laws in force in those parts of the State to which the Act is now extended ; It is hereby enacted in the Ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Societies Registration (Bombay Extension and Amendment) Act, 1958. Short title and extent.

(2) It extends to the whole of the State of Bombay.

XXI of 1860. 2. For the purpose of extending the Societies Registration Act, 1860, to, and bringing it into force in, the rest of the State of Bombay, and for providing for uniformity in the provisions of that Act in its application to the whole of the State, on the commencement of this Act, the Societies Registration Act, 1860 (hereinafter referred to as "the principal Act") as in force immediately before such commencement in the pre-Reorganisation State of Bombay (excluding the transferred territories), shall be extended and be so in force throughout the State of Bombay ; and accordingly on such commencement,—

Extension of Act XXI of 1860 as in force in pre-Reorganisation Bombay area to other areas of the State.

Hyd. I of 1350 Fasli. XXI of 1860. San. Ord. XXV of 1948. (a) the Public Societies Registration Act, in its application to the Hyderabad area of the State, and the Societies Registration Act, 1860, as applied by the State of Sarashtra (Application of Central and Bombay Acts) Ordinance, 1948, shall stand repealed ;

C. P. & Berar III of 1940. (b) the amendments made to section 3 of the principal Act by section 14 of the Central Provinces and Berar Vidya Mandir Act, 1939, shall cease to have effect, and shall stand repealed ;

¹ For statement of Objects and Reasons see *Bombay Government Gazette*, 1958, Part V, page 373.

(c) the amendments made to the principal Act by the Societies Registration (Amendment) Act, 1912, the Societies Registration (Bombay Amendment) Act, 1948, and by sections 2 and 4 of the Societies Registration (Bombay Amendment) Act, 1956, shall be extended, and be in force, throughout the State of Bombay, in consequence whereof the relevant provisions of the principal Act shall read uniformly throughout the State;

Bom.
II
of
1912.
Bom.
LIII.
of
1948.

(d) in the principal Act—

(i) in section 1B, for the words “ throughout the pre-Reorganisation State of Bombay, excluding the transferred territories ” the words “ throughout the State of Bombay ” shall be substituted,

Bom.
XI of
1956.

(ii) in section 1, for the portion beginning with the words “ filing the same ” and ending with the words “ form themselves ” the words “ filing the same with the Registrar form themselves ” shall be substituted,

(iii) in section 4, for the portion beginning with the words “ shall be filed ” and ending with the words “ the names ” the words “ shall be filed with the Registrar of the names ” shall be substituted;

and the adaptations and modifications made by the Societies Registration Act (Bombay Adaptation) Order, 1957, in sections 1B, 1 and 4 of the principal Act shall cease to have effect, and stand repealed.

Amendment
of section 3
of Act XXI
of 1860.

3. To section 3 of the principal Act, the following proviso shall be added, namely:—

“ 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.”

&
Berar
III of
1940.

Amendment
of section 17
of Act XXI
of 1860.

4. In section 17 of the principal Act, for the words and figures “ passing of this Act but not registered under the said Act XLIII of 1850 ” the words and figures “ commencement of this Act in the relevant part of the State but not registered under Act XLIII of 1850 or any law for registration of societies or companies in force immediately before such commencement, as the case may be, ” shall be substituted.

Amendment
of section 18
of Act XXI
of 1860.

5. In section 18 of the principal Act, including the marginal note thereto, the words “ of Joint-stock Companies ” shall be deleted.

Amendment
of section 19
of Act XXI
of 1860.

6. In section 19 of the principal Act, for the words “ 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 ” the words “ 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 authorised by it may by notification in the Official Gazette fix in that behalf ” shall be substituted.

7. Section 20 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) so renumbered, the following sub-section shall be added, namely :—

Amendment
of section 20
of Act XXI
of 1860.

Hyd. I
of
1350
Fasli.
Bom.
LXXVI
of
1958.

“(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, shall be deemed to be and continue to be registered under this Act.”

Hyd.
I of
1350
Fasli.
XXI
of
1860.
San.
Ord.
XXV
of
1948.

8. (1) The repeal, by clause (a) of section 2 of this Act, of the Public Societies Savings-Registration Act and the Societies Registration Act, 1860 as applied by the State of Saumashtra (Application of Central and Bombay Acts) Ordinance, 1948, shall not affect the previous operation of any of the Acts so repealed and anything done or action taken (including any appointments made, memoranda of association or other documents filed, certificates of registration granted, assent or consent granted or given, orders or directions issued or any proceedings instituted before any Registrar or other Officer or authority) by or under the provisions of any of the Acts so repealed shall, so far as it is not inconsistent with the provisions of the principal Act as extended and amended by this Act (hereinafter referred to as “the said Act”), be deemed to have been done or taken under the corresponding provisions of the said Act and shall continue in force unless and until superseded by anything done or any action taken under the said Act.

(2) Accordingly all the societies registered under any of the Acts repealed as aforesaid the registration of which is in force at the commencement of this Act shall on such commencement be deemed to be registered under the said Act; and all proceedings pending immediately before the commencement of this Act before any Registrar or other officer or authority under the provisions of any of the Acts so repealed shall stand transferred, where necessary, to the Registrar or other corresponding officer or authority under the said Act, and if no such officer or authority exists or if there be a doubt as to the corresponding officer or authority to such officer or authority as the State Government may designate, and shall be continued and disposed of before such officer or authority in accordance with the provisions of the said Act.

**THE SOCIETIES REGISTRATION (MAHARASHTRA AMENDMENT)
ACT, 1968**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 3 of Act XXI of 1860.
3. Insertion of new section 3A in Act XXI of 1860.
4. Insertion of new section 4A in Act XXI of 1860.
5. Insertion of new sections 11A to 11C in Act XXI of 1860.
6. Amendment of section 12A in Act XXI of 1860.
7. Insertion of new sections 12D and 12E in Act XXI of 1860.
8. Amendment of section 19 of Act XXI of 1860.
9. Addition of section 22 to Act XXI of 1860.

[THE SOCIETIES REGISTRATION (MAHARASHTRA AMENDMENT) ACT, 1968]

[19th April 1968]

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

XXI WHEREAS it is expedient further to amend the Societies Registration Act, 1860, of 1860. in its application to the State of Maharashtra, for the purposes hereinafter appearing ; It is hereby enacted in the Nineteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Societies Registration (Maharashtra Amendment) Act, 1968.

Short title and commencement

(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 section 3 of the Societies Registration Act, 1860, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), after the words "the Registrar shall" the words, figure and letter "3A" shall be inserted.

Amendment of section 3 of Act XXI of 1860.

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

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

"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."

Prohibition against registration of societies with undesirable names.

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

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

"4A. (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, 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.

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

(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.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1967, Part V, Extra page 271.

(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 under section 11A or under the Indian Penal Code, 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. XLV
of
1860.

(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."

Insertion
of new
sections 11A
to 11C in
Act XXI of
1860.

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

Penalty for
contravening
section 4A.

"11A. If the governing body entrusted with the management of the affairs of any society registered under this Act required to furnish any information or return—

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

(ii) wilfully furnishes or causes to be furnished any information or return which it 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 4A.

such governing body, shall for each such offence, on conviction, be punished with fine which may extend to fifty 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, of an offence under this Act or 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.

Cognisance
of offences.

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.

6. 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 his opinion undesirable for any of the reasons mentioned in section 3A " shall be substituted.

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

"(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."

7. 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.

“ 12D. (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) shall keep regular accounts.

Maintenance of accounts and their balancing and auditing.

Bom. XXIX of 1950.

(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 and 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 a balance sheet and income and expenditure account and to forward a copy of the same to the Registrar.

Auditor's duty to prepare balance sheet and to 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 or any other misconduct on the part of the governing body or any other person.”

8. 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 4A, any person may inspect ” shall be substituted.

Amendment of section 19 of Act XXI of 1860.

9. After section 21 of the principal Act, the following new section shall be added, namely :—

Addition of section 22 to Act XXI of 1860.

“ 22. (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Rules.

(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 sessions, 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 form 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.”