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Societies Registration Act (XXI of 1860)

[1]THE SOCIETIES REGISTRATION ACT, 1860[2]
(Act XXI of 1860)

[21 May 1860]

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

Preamble.– WHEREAS it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, [3][the diffusion of political education] or for charitable purposes; it is enacted as follows:-

1. Societies formed by memorandum of association and registration.– 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 of Joint-stock Companies [4][* * *] form themselves into a society under this Act.

2. Memorandum of association.– The memorandum of association shall contain the following things (that is to say)–

the name of the society:

the objects of the society:

the names, addresses, and occupations of the governors, council, 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.

[5][**3. Registration fee.–** Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the Society is registered under this Act. There shall be paid to the Registrar for every such registration such fee as the Provincial Government may direct, and all fees so paid shall be accounted for to the Provincial Government.]

4. Annual list of managing body to be filed.– 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 Joint-stock Companies 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.

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 such 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, or trustees, as shall be determined by the rules and regulations of the society, 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 demand 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 to 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 proceedings 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 be 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 shall 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 – Recovery by successful defendant of costs adjudged.– 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.

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 latter 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 member of the society who shall steal, purloin or embezzle any money or other property, or willfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, 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.

12. Societies enabled 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 purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other 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.

13. Provision for dissolution of societies and adjustment of their affairs – Assent required – Government consent.– 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 the 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 civil 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 [6][whenever any Government] is a member of or a contributor to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved [7][without the consent of the Government of the Province of registration].

14. Upon a dissolution no member to receive profit – Clause not to apply to joint-stock companies.– 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 said 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 shareholders in the nature of a Joint-stock Company.

15. Member defined – Disqualified members.– For the purposes of this Act a member of a 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; but in all proceedings under this Act no person shall be entitled to vote or to be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months.

16. Governing 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.

[8]**[16-A. Supersession of governing body of a society.–** (1) Notwithstanding anything contained in the memorandum of association, rules or regulations of a society registered under this Act, if, after such inquiry as may be necessary, the Provincial Government is of the opinion that the governing body of the society–

(a) is unable to discharge or persistently fails in discharging its duties, or

(b) is unable to administer its affairs or meet its financial obligations, or

(c) generally acts in a manner contrary to public interest or the interests of the members of the society, the Provincial Government may, by notification in the Official Gazette, declare the governing body to be superseded for such period, not exceeding one year, as may be specified in the notification.

[9][Provided that the declaration shall not be made without giving to the society to be affected thereby an opportunity of being heard.]

(2) On the publication of a notification under sub-section (1),–

(a) the office-bearers and other members of the governing body shall cease to hold office; and
(b) all functions of the governing body shall, during the period of supersession, be performed by a governing body constituted by the Provincial Government from among the members of the society.

(3) On the expiry of the period of supersession, the governing body of the society shall be reconstituted in accordance with its memorandum of association, rules and regulations.]

17. Registration of societies formed before Act – Assent required.– Any company or society established for a literary, scientific or charitable purpose, and registered under [10]Act XLIII of 1850, or any such society established and constituted previously to the passing of this Act but not registered under the said [11]Act XLIII of 1850, 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 members 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 [12]Act XLIII 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 a governing body to act for the society thenceforth.

18. Such societies to file memorandum, etc., with Registrar of Joint-Stock Companies.– 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 of Joint-stock Companies [13][* * *] 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.– Any person may inspect all documents filed with the registrar under this Act on payment of a fee of one rupee for each inspection, 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; 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.– The following societies may be registered under this Act:-

Charitable societies, [14][* * *] societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, [15][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 painting and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs.

[16] **[21. Registration of Deeni Madaris.**– (1) All Deeni Madaris, by whatsoever name called, shall not operate without getting themselves registered:

Provided that the Deeni Madaris, which are established after the commencement of this Act, shall get themselves registered within one year of their establishment.

Explanation. One Deeni Madrassah, having more than one campus, shall need only one registration.

(2) Every Deeni Madrassah shall submit annual report of its educational activities to the Registrar.

(3) Every Deeni Madrassah shall cause to be carried out audit of its accounts by an auditor and submit a copy of its audit report to the Registrar.

(4) No Deeni Madrassah shall teach or publish any literature which promotes militancy or spreads sectarianism or religious hatred:

Provided that nothing contained herein shall bar the comparative study of various religions or schools of thought or the study of any other subject covered by the Holy Quran, Sunnah or the Islamic jurisprudence.

Explanation. In this section "Deeni Madrassah" means a religious institution and includes a Jamia, Dar-ul-Uloom, School, College, University or called by any other name, established or operated primarily for the purposes of imparting religious education, which provides boarding and lodging facilities.]

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[1] Short title given by the Short Titles Act, 1897 (14 of 1897).

[2] Short title given by the Short Titles Act, 1897 (14 of 1897).

The Act (with the exception of the first four sections) is based on Literary and Scientific Institutions Act, 1854.

It had been declared to be in force in all the Provinces and the Capital of the Federation, except the Scheduled Districts, by s. 3 of the Laws Local Extent Act, 1874 (15 of 1874).

It had been declared by Notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Scheduled Districts; namely – Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan. [*Portions of the Districts of Hazara, Bannu, Dera Ismail Khan and Dera Ghazi Khan and the Districts of Peshawar and Kohat now form the N.W.F.P., see* Gazette of India, 1901, *Pt. I, p. 867, and ibid., 1902, Pt. I, p.575*].

[3] Added by the Societies Registration (Amendment) Act, 1927 (XXII of 1927).

[4] The words and figures "under Act 19 of 1857" repealed by the Repealing Act, 1874 (16 of 1874).

[5] Substituted by the Punjab Finance Act, 1990 (I of 1990).

[6] Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for "whenever the Government."

[7] *Ibid.,* for "without the consent of Government."

[8] Added by the Societies Registration (West Pakistan Amendment) Ordinance, 1962 (IX of 1962), and substituted by the Conformity with Fundamental Rights (Punjab Amendment of Laws) Act, 1976 (IX of 1976).

[9] Added by the Societies Registration (Amendment) Ordinance, 1984 (XV of 1984).

[10] Subsequently replaced by the Indian Companies Act, 1866 (10 of 1866), section 219.

[11] *Ibid.*

[12] *Ibid.*

[13] The words and figures "under Act 19 of 1857," repealed by the Repealing Act, 1874 (16 of 1874).

[14] The words "the military orphan funds or societies established at the several presidencies of India" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949).

[15] Inserted by the Societies Registration (Amendment) Act, 1927 (22 of 1927).

[16] Inserted by the Societies Registration (Amendment) Act 2005 (XIII of 2005) and substituted by the Societies Registration (Amendment) Act 2006 (VII of 2006).