

The Societies Registration Act, 1860

ANDHRA PRADESH

India

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Act 21 of 1860

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The Societies Registration Act, 1860(Act No. 21 of 1860 as amended by State of Andhra Pradesh)[Dated 21.5.1860]An Act for the Registration of Literary, Scientific and Charitable Societies. 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, [the diffusion of political education,] [Inserted by A.P. Act No. 12 of 1984, w.e.f. 2.12.1983.] or for charitable purposes: It is enacted as follows:

Chapter I

[Inserted by A.P. Act No. 12 of 1984, w.e.f. 2.12.1983.]

General

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 Inspector-General of Registration (hereinafter referred to as the Inspector-General) [Sub by A.P. Act No. 10 of 1954, w.e.f. 1.10.1954.], [x x x] [Omitted by Act 16 of 1874, Section 1 and Sch.] form themselves into a Society under this Act. Explanation: 'Inspector-General of Registration' means the Inspector-General of Registration appointed by the State Government under Section 3 of the Indian Registration Act, 1908 (Act 16 of 1908), and includes any officer subordinate to the Inspector-General, not below the rank of [District Registrar or Sub-Registrar holding charge of the office of the District Registrar] [Inserted by A.P. Act No. 10 of 1954, w.e.f. 1.10.1954.] to whom the State Government may delegate the functions of the Inspector-General 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.

3. Registration and fees:

- Upon such memorandum and certified copy being filed, [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 1.10.1954.] shall certify under his hand that the Society is registered under this Act. There shall be paid to [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 1.10.1954.] for every such registration a fee of fifty rupees, or such smaller fee as [the State Government] [Substituted for 'Government' by ibid.] may, from time to time, direct; and all fees so paid shall be accounted for to [the State Government] [Substituted for 'Government' by ibid.].

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 [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 1.10.1954.] 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 suits 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 proceeding 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:

- 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 wilfully 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 considerations 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 differed 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:

- 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 [whenever any Government] [Substituted by the A.O. 1937, for "whenever the 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, [without the consent of the Government of the State of registration.][Substituted by ibid, for "without the consent of the Government".]

14. Upon a dissolution no member to receive profit:

- 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 the 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. 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 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.

17. Registration of Societies formed before Act:

- Any company or Society established for a literary, scientific or charitable purpose, and registered under [Act 43 of 1850] [Rep. by Indian Companies Act, 1866 (10 of 1866), Section 219 and Sch. III, see now the Companies Act, 1956 (1 of 1956).], or any such Society established and constituted previously to the passing of this Act but not registered under the said [Act 43 of 1850] [Rep. by Indian Companies Act, 1866 (10 of 1866), Section 219 and Sch. III, see now the Companies Act, 1956 (1 of 1956).], 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 [Act 43 of 1850] [Rep. by Indian Companies Act, 1866 (10 of 1866), Section 219 and Sch. III, see now the Companies Act, 1956 (1 of 1956).], 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 [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 10.1.1954.]:

- 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 [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 10.1.1954.] [x x x] [The words and figures 'under Act 19 of 1957' rep by Act 16 of 1874, Section 1 and Sch. Pt. 1 see now the Companies Act, 1956 (1 of 1956).] 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:

Any person may inspect all documents filed with [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 10.1.1954.] 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 [Inspector-General] [Substituted for the words "Registrar of Joint Stock Companies" by A.P. Act No. 10 of 1954, w.e.f. 10.1.1954.] 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, the military orphan funds or Societies established at the several presidencies of India, Societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, [the diffusion of political education] [Inserted by Act 22 of 1927, Section 2.], 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.

Chapter II

[Chapter II inserted by A.P. Act No. 12 of 1984, w.e.f. 2.12.1983.]

Special Provisions in respect of Societies financed wholly or substantially from the funds of the Government

21. Definitions:

- In this Chapter: (i)'Government' means the State Government of Andhra Pradesh;(ii)'Society' means a Society wholly or substantially financed from out of the funds of the Government.

22. Chapter to override other provisions of the Act:

- The provisions of this Chapter shall have effect notwithstanding anything contained in Chapter I of this Act or any other law for the time being in force.

23. Dissolution of Society:

(1)It shall be competent for the Government, by order and for reasons to be recorded in writing, to dissolve a Society with effect from such date as may be specified in the order:Provided that the Government shall before issuing an order dissolving a Society, communicate to the governing body of the Society the proposal to dissolve, fix a reasonable time for the governing body for making a representation against the proposal and consider its representation, if any:Provided further that the Government may, after settling the liabilities, if any of the dissolved society, make over its properties, whether movable or immovable to any other society having identical or similar objects and where there is no such Society, the property shall vest in such officer or authority as may be specified by the Government in this behalf until a Society having identical or similar objects is formed whereafter the properties shall stand transferred to such Society.(2)On the date fixed for the dissolution of a Society under sub-section (1), the registration of the Society shall stand cancelled and the Society shall cease to exist as a corporate body.

24. Power to divide or amalgamate Societies:

(1)Where, in the opinion of the Government it is necessary to divide a Society or amalgamate two or more Societies, they may, by order and from a date fixed therein direct the division or amalgamation, as the case may be, and issue the necessary certificates of registration:Provided that the Government shall before issuing an order either dividing a Society or amalgamating two or more Societies, communicate to the governing body or bodies concerned the proposal to divide or as the case may be to amalgamate the Society or the Societies, fix a reasonable time for the governing body or bodies for making a representation against the proposal and consider the representations, if any, received from the body or bodies.(2)Where a Society is divided or where two or more Societies are amalgamated, the registration of the Society or Societies divided or as the case may be amalgamated shall stand cancelled and the concerned society or societies shall cease to exist as corporate bodies.(3)The order referred to in sub-section (1) shall contain the particulars of constitution, authorities, property, rights and interests, liabilities, duties and obligations of the Society or Societies concerned.