

Rajasthan Societies Registration Act, 1958

RAJASTHAN

India

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Act 28 of 1958

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Rajasthan Societies Registration Act, 1958 Act No. 28 of 1958

036.

Received the assent of the Governor on the 23rd day of June, 1958 An Act to provide for the registration of literary, scientific, charitable and certain other societies in the State of Rajasthan. Whereas it is expedient to consolidate and amend the law 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 or for the diffusion of political education or for charitable purposes. Be it enacted by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows :-

1. Short title, extend and commencement.

(1) This Act may be called the Rajasthan Societies Registration Act, 1958. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

1A. Interpretation.

(1) In this Act, unless the subject or context otherwise requires, (i) "Registrar" means the Registrar of Co-operative Societies for the State : Provided that the State Government may, by notification in the Official Gazette, appoint any other person or officer, by name or by virtue of his office, to be the Registrar for the purposes of this Act, and in such case the person or officer so appointed shall be the Registrar for such purpose; and (ii) "State" or "State of Rajasthan" means the State of Rajasthan as formed by Section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956). (2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) shall, as far as may be, apply mutatis mutandis to this Act.

1B. 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 may, by subscribing their names to a memorandum of association and filing the same with the Registrar, from themselves into a society under this Act.

2. Contents of memorandum of association.

(1) The memorandum of association shall contain the following things, that is to say (a)the name of the society;(b)the objects of the society;(c)the names, addresses and occupations of the governors, directors, trustees or members (by whatever name they are designated) of the council, committee or other governing body to which, by the rules and regulations of the society, the management of its affairs is entrusted.(2)A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the governors, directors, trustees or members of the governing body, shall be filed with the memorandum of a association.

3. Registration and fees.

(1) Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Act.(2)[There shall be paid to the Registrar for every such registration, such fee as the State Government may, from time to time, direct and all fees so paid shall be accounted for to the State Government.] [Substituted by Rajasthan Act No. 28 of 1992.]

4. Annual list to be filed.

Once in every year, on or before the fourteenth day succeeding the day on which according to the rules and regulations of the society, the annual general meeting of the society is held or if the rules and regulations do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of the names, addresses and occupations of the governors, directors, trustees or members of the council, committee or other governing body than entrusted with the management of the affairs of the society.

4A. Changes in governing body and rules to be filed.

(1) Together with the list mentioned in Section 4 there shall be sent to the Registrar a statement showing all changes during the year to which the list relates in the personnel of the governors, governors, directors, trustees or members of the council, committee or other governing body to which the management of the affairs of the society is entrusted and also a copy of the rules and regulations of the society corrected upto date and certified to be a correct copy by not less than three of the governors, directors, trustees or members of the governing body.(2)A copy of every alteration made in the rules and regulations of the society, certified to be a correct copy in the manner aforesaid, shall be sent to the Registrar within fifteen days of the making of such alteration.

4B. Penalty for non-compliance of section 4 or 4-A or for making a false entry.

(1) If the Chairman, Secretary or any other person authorised in this behalf by the rules and regulations of the society or by a resolution of the governing body of the society fails to comply with the provisions of Section 4 or Section 4-A, he shall, on conviction, be punishable with fine which may extend to five hundred rupees and in case of a continuing breach, with a further fine not exceeding fifty rupees for each day during which the defaults is continued after the 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 filed under Section 4 or any statement or copy of rules and regulations or of alterations therein sent to the Registrar under Section 4-A, he shall, on conviction, be punishable with fine which may extend to two thousand rupees.

4C. Cognizance of offences under Section 4-B.

No Court inferior to that of a Magistrate of the first class shall try any offence under Section 4-B nor shall cognizance of any such offence be taken except on a complaint made in writing by the Registrar or any person authorised by him in this behalf.

5. Property of society in whom vested

. (1) The property, movable and immovable, belonging to or held or acquired by a society registered under this Act, if not vested in trustees in trust for such society, shall be deemed to be so 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.(2)Where any such property is vested or is to become vested in trustees in trust for any society registered under this Act and any new trustees have been appointed under and in accordance with Section 5-A, the property shall, notwithstanding anything contained in any instrument or in the rules and regulations of the society, become vested, without any conveyance or other assurance, in such new trustees and the continuing old trustees jointly or if, there are no old continuing trustees, in such new trustees wholly upon the same trusts, and with the subject to the same powers and provisions, as it was vested in the old trustees.

5A. Appointment of new trustees.

(1) When it becomes necessary to appoint a new trustee or trustees in the place of or in addition to any trustee or trustees in whom any property belonging to or held or acquired by a society registered under this Act is vested in trust for such society, such new trustee or trustees may be appointed

(a)in the manner prescribed by any instrument by which such property is so vested or by which the trust on which it is held has been declared, or(b)in case such manner has not been so prescribed or such new trustee cannot for any reason be appointed in such manner, (i)in such manner as may be agreed upon by the members of such society, or(ii)by a majority of not less than two-thirds of such members actually present at the meeting at which the appointment is made.(2)Every appointment

of a new trustee made sub-section (1) shall be made to appear by a memorandum under the hand of the chairman for the time being of the meeting at which such appointment is made, attested by two or more credible witnesses in the presence of such meeting, and such memorandum shall be deemed to be a document compulsorily registrable under the Indian Registration Act, 1908 (Central Act XVI of 1908).

6. Suits by and against societies

. Every society registered under this Act may sue or be sued in such name as shall be determined by the rules and regulations of the society and in default of such determination, in the name of the chairman or the secretary or trustees thereof.

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 proceeding 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

. (1) If a judgment shall be recovered against a person or officer 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.(2)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 or regulations 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 by a majority of not less than three-fifty of the members of the society actually present at such meeting, any pecuniary penalty is imposed for the breach of any rule, regulation or bye-law of the society, such penalty, when accrued, may be recovered in any court having jurisdiction in the place where the defendant shall reside or the society shall be situate, as the governing body of the society shall deem expedient.

10. Members liable to be sued as strangers

. (1) Any member of a society registered under this Act, who may be in arrear of a subscription which, according to the rules and regulations 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 and

regulations or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such possession, detention, injury or destruction of the property in the manner here in before provided.(2)If in any suit or proceeding brought under sub-section (1) at the instance of the society the defendant shall be successful 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 or other proceeding 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 a society registered under this Act, 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 and 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 of the society would be subject and liable to in respect of the like offence.

12. Societies enable to alter, extend or abridge purposes or to amalgamate

. (1) Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purposes, that it is advisable to alter, extend or abridge such purpose or purposes to or for other purpose or 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 general meeting for the consideration thereof according to the rules and regulations of the society.(2)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 general meeting convened by the governing body for the consideration thereof nor unless such proposition shall have been agreed to by the votes of two-thirds of the members a delivered in person or by proxy and confirmed by the votes of two-thirds of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

12A. Change of name of societies.

Any society registered under this Act may, with the consent of not less than two-thirds of its members by a resolution passed at a special general meeting convened for the purpose in accordance with the rules and regulations of the society and subject to the provisions of Section 12-B change its name.

12B. Notice of change of name.

(1) Notice in writing of every change in name signed by the secretary and by seven members of the society changing its name shall be sent to the Registrar, within fifteen days of the passing of the

resolution under Section 12-A.(2)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.(3)The change of name shall be complete to the issue of certificate under sub-section (2) and shall have effect from the date of the issue thereof,(4)The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of one rupee and all fees so paid shall be accounted for to the State Government.

12C. Effect of change of name.

The change in the name of a society registered under this Act 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.

13. Provision for dissolution of societies and adjustment of their affairs

. Any number not less than two-thirds of the members of a society registered under this Act may determine that it shall be dissolved; and thereupon it shall stand 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 and its claims and liabilities according to the rules and regulations of the said society, applicable thereto, if any, and, if not, then as the governing body, or a special committee formed to replace the governing body in respect of all matters affecting the winding up of the affairs of the society shall find expedient :Provided that (i)in the event of any dispute arising among the governors, directors, trustees or members of the said governing body or if it has been replaced by a special committee as aforesaid, among the members thereof or among 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 principal office of the society is situated and the court shall make such order in the matter as it shall deem requisite;(ii)any matter decided by two-thirds of the members of the society or of the governing body thereof or of any special committee formed to replace the governing body for the purpose of winding up the affairs of the society present either in person or by proxy at any meeting of such society or governing body or special committee shall not be deemed to be a matter of dispute within the meaning of clause (i);(iii)no society shall be dissolved unless two-thirds of its members shall have expressed a wish for such dissolution by their votes delivered in person or by proxy at a special general meeting convened for the purpose;(iv)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 without the consent of such Government; and(v)nothing in this section shall be deemed to affect any provision contained in any instrument for the dissolution of such society.

14. Upon dissolution no member to receive surplus property

. 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, whether registered under this Act or not, to be determined by the votes of not less than two-thirds of the members present personally or by proxy at the time of the dissolution or, in default thereof, by such court as aforesaid :Provided that the section shall not apply to any society which shall have been founded or established by the contributions of share-holders in the nature of a joint-stock company :Provided further that nothing in this section shall be deemed to affect any provision contained in any instrument for the payment or distribution of the property of a society dissolved under Section 13.

14A. Surplus property may be given to Government.

Notwithstanding anything contained in the Section 14, it shall be lawful for the members of any society dissolved under Section 13 to determine by the votes of not less than two-third of their total number that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to the State Government to be utilised for any of the purposes specified in Section 1-B.

15. Member of society defined

. For the purposes of this Act, a member of a society shall be 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 or a person who shall have been appointed or selected to be a governors, directors, trustees or members of the governing body of such society in accordance with such rules and regulations; but in 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 a society shall be the council, committee or other body (consisting of governors, directors, trustees or members) to which by the rules and regulations of the society the management of its affairs is entrusted for the time being.

17. Registration of societies formed before Act and not registered

. (1) Any society established and constituted for any of the purposes specified in section 1-B, and any society of the nature mentioned in Section 20 so established and constituted, previously to the passing of this Act and not registered under any law repealed by Section 21 may at any time hereafter be registered as a society under and in accordance with the provisions of this Act.(2)In the case of any such society, if no governing body thereof shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice, to create a governing body to act for the society thenceforth.

18. Power of Registrar to refuse registration in certain cases

. (1) The Registrar shall refuse to register (a) a society under Section 3, or (b) the change of name made under Section 12-A, or (c) a society under Section 17, if the proposed name of such society is identical with that by which any other existing society has been registered or in the opinion of the Registrar so nearly resembles such other name as to be likely to deceive the public or the members of either society. (2) The provisions of sub-section (1) shall also apply to societies referred to in sub-section (2) of Section 21 and to changes of name referred to in sub-section (3) of that section and if, under the laws repealed by sub-section (1) of Section 21, any two or more societies 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. [18A. Power of Registrar to refuse or to cancel the registration of certain Societies. (1) The Registrar shall refuse to register (a) a Society under Section 3, or (b) the change of name made under section 12-A, if the main activities of the Society include sports and the expression Rajasthan or the name of any district as a part of the proposed name of the Society. (2) If the name of a society registered before the commencement of the Rajasthan Sports Associations (Registration, Recognition and Regulation) Ordinance, 2004 contains as part of its name the expression "Rajasthan" or the name of any District of the State or its part, such Society shall amend its name to remove Rajasthan or as the case may be, the name of the district from the registered name of the society within thirty days from such commencement. (3) If any society fails to comply with the provisions of sub-section (2), the Registrar shall, after giving an opportunity of hearing to such society, cancel the registration of such society. (4) Cancellation of registration under sub-section (3) shall operate as if the members of such society have resolved to dissolve the society and the provisions of this Act shall apply accordingly.] [Inserted by Rajasthan Act No. 04 of 2005.]

19. Inspection of documents and certified copies thereof

. 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 part of any document to be certified by the Registrar, on payment of [twenty five paise] [Substituted by Rajasthan Act No. 03 of 1967.] for every hundred words of such copy of extract; and such certified copy shall be prima facie evidence of the matters therein contained in all proceedings whatever.

20. Societies that may be registered under the Act

. The following societies may be registered under this Act, namely :- Societies established for charitable purposes; military orphan funds; societies established for the promotion of [Khadi and Village Industry] [Inserted by Rajasthan. Act No. 17 of 1995.], literature, science or the fine arts; societies established for instruction or the diffusion of useful knowledge or political education; societies established for the foundation or maintenance of libraries or reading rooms for general

case among the members or open to the public or public museums and galleries of painting and other works of art; societies established for collection of natural history and for mechanical and philosophical inventions, instruments or designs.

21. Repeal and savings

. (1) The Societies Registration Act, 1860 (Central Act XXI of 1860) as adapted to the pre-reorganisation State of Rajasthan by means of Rajasthan Ordinance IV of 1950 and all laws relating to the registration of societies which may be in force in any part of the State shall stand repealed upon the commencement of this Act.(2)All societies registered under any of the laws mentioned in sub-section (1) shall, if they may be registered under this Act, be deemed to have been registered hereunder.(3)All changes made in the names of such societies as are referred to in sub-section (2), previously to the commencement of this Act, shall be deemed to have been made under this Act :Provided that, if such change shall not have been registered or a certificate in receipt thereof shall not have been issued in accordance with Section 12-B, such registration shall be made and certificate shall be issued under that section on application being made to the Registrar in that behalf within three months from the commencement of this Act.(4)All other action taken or orders given under the laws mentioned in sub-section (1) shall, unless repugnant to, or inconsistent with, the provisions of this Act, be deemed to have been taken or given, as the case may be, under this Act.(5)If, in the case of any society deemed to have been registered under this Act, no action of the nature specified in section 4-A, shall have been taken previously to the commencement of this Act, such action shall first be taken within three months after such commencement and thereafter in accordance with that section and for any failure to do so the person responsible shall be liable under section 4-B.