

Andhra Pradesh (Telangana Area) Public Societies Registration Act 1350F

ANDHRA PRADESH

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Act 1 of 1350

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Andhra Pradesh (Telangana Area) Public Societies Registration Act 1350F(Act No. 1 of 1350F)[17 Dai, 1350 F.]Whereas it is expedient to make law for determining the legal status of Societies established or which may be established in future, in [Telangana Area of the State of Andhra Pradesh] [The words 'Hyderabad area of the State of Andhra Pradesh' substituted for the words 'Mumalik-i-Mahroosa Sarkar-i-Aali' (H.E.H. the Nizam's Dominions) by the A.P.A.O. 1957 and these words were Substituted for the words 'Hyderabad area of the State of A.P.' by A.P. Act No. 9 of 1961.] for the diffusion of knowledge and arts or for the fulfilment of public or religious purposes; It is hereby enacted as follows:

1. Short title, extent and commencement:

- This Act may be called [the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F.] [Substituted for the original short title by A.P. Act IX of 1961.] and shall come into force in [the whole of the] [The words "the whole of the Hyderabad area of the State of Andhra Pradesh" were Substituted for the words "Kul Mumalik-i-Mahroosa Sarkar-i-Aali" (the whole of) (H.E.H. the Nizam's Dominions) by the A.P.A.O. 1957.] [Telangana Area of the State of Andhra Pradesh] [Substituted for the words "Hyderabad area of the State of Andhra Pradesh", by A.P. Act IX of 1961.] from the date of its publication in the [Official Gazette] [Substituted for the word 'Jarida' by A.P.A.O. 1957.].

Chapter I General

2. Registration of Societies:

- Any five or more persons forming a Society for the diffusion of any knowledge of art or for the fulfilments of public or religious purposes, may get their Society registered under this Act.

3. Memorandum of Society:

- Such five or more persons shall file with the [Inspector-General of Registration and Stamps, Andhra Pradesh] [Substituted for the words "Registrar Company Hai Surmaya Mushtraka Sarkar-i-Aali (Registrar Joint Stock Companies, 11.E.H., the Nizam's Dominion)" by the A.P.A.O. 1957.], a memorandum under their signature which shall contain the name of the Society, its objects and the names, addresses and occupations of the persons responsible under the rules of the Society, to manage its affairs, such memorandum shall be accompanied by a copy of the rules of the Society, certified to be a correct copy by atleast three members of the Society.

4. Registration and fees:

- After such memorandum and certified copy have been filed, the' [Inspector-General of Registration and Stamps, Andhra Pradesh] [Substituted for the words "Registrar Company Hai Sumiaya Mushtraka Sarkar-I Aali (Registrar Joint Stock Companies, H.E.H., the Nizam's Dominion)" by the A.P.A.O. 1957.], shall certify under his hand that the Society is registered under this Act. There shall be paid for every such registration such fee as the Government may prescribe and which in no case shall exceed fifty rupees.

5. Annual list of members to be filed:

- Every year, within two weeks from the date on which, according to the rules of the Society, the annual general meeting of the Society is held, and if the rules do not provide for an annual general meeting, every year in the month of Azur, a list shall be filed with the [Inspector-General of Registration and Stamps, Andhra Pradesh] [Substituted for the words "Registrar Company Hai Sumiaya Mushtraka Sarkar-I Aali (Registrar Joint Stock Companies, H.E.H., the Nizam's Dominion)" by the A.P.A.O. 1957.], which shall contain the names, addresses and occupations of the members of the managing committee and officers entrusted with the management of the affairs of the Society.

6. Property of Society how vested:

- The property, movable and immovable, belonging to such registered Society, if not vested in trustees, shall vest in the managing committee of the Society, and in all judicial proceedings relating to such property, shall be deemed to be the property, of the managing committee.

7. Suits by and against Society:

- Any such registered Society may sue or be sued in the name of the Chairman or Secretary or Trustees, as shall be determined by the rules of the Society, and if there are no rules in this behalf, in the name of such person as shall be nominated by the managing committee for this purpose: Provided that when a suit is instituted against such Society, the plaintiff shall apply to the managing committee of the Society to nominate any person to be made the defendant, and if the managing committee fails to nominate any person within a month or if, in the circumstances, the matter cannot be deferred so long, the plaintiff may sue the Society's Chairman or Secretary or Trustees.

8. Recovery of penalty and arrears of subscription:

- If the rules of the Society provide, or if it is resolved by a majority of votes of two-thirds of the members present at its general meeting that a member shall have to pay a specific pecuniary penalty for the breach of any rule of the Society, a suit may be instituted in a Civil Court for the recovery of such penalty when accrued and for the arrears of subscription.

9. Amendment, alteration etc., in the purposes of Society:

(1) No alteration, amendment or extension shall be made in the purpose of the Society, nor shall it be amalgamated with any other Society unless, it is voted by two-thirds of the members present at a special meeting convened for this purpose in accordance with the rules of the Society, and confirmed by two-thirds of the members present at a second special meeting: Provided that a notice to hold such meeting shall be delivered or sent by post to every member at least ten days in advance. (2) The alteration, amendment or extension made or amalgamation affected under sub-section (1), shall be reported to the [Inspector-General of Registration and Stamps, Andhra Pradesh] [Substituted for the words "Registrar company Hai Surmaya Mushtraka Sarkar-i-Aali (Registrar Joint Stock Companies H.E.H., the Nizam's Dominin)" by the A.P.A.O. 1957.].

10. Dissolution of Society and adjustment of its affairs:

- No registered Society shall be dissolved unless two-thirds of the members present at a meeting, convened for the purposes so determine, and at the same meeting the time when it is to be dissolved, and the method to be followed for the disposal and settlement of its property and debts shall also be determined: Provided that if the Government is a member of, or contributes or has contributed to, or otherwise interested in, any Society registered under this Act, such Society shall not be dissolved without the consent of the Government.

11. Dispute regarding management:

- In the event of any dispute arising among the Managing Committee or the members of the Society, in respect of any management or dissolution of the Society, any member of the Society may file an

application in the District Court concerned, and the said Court shall after necessary inquiry pass such order as it shall deem fit. Explanation: "District Court" shall mean, in the City of Hyderabad, First Judge of the City Civil Court.

12. Appropriation of Society's property:

- If upon the dissolution of the Society there shall remain after the satisfaction of all its debts any property, the same shall not be paid to all or any of the members of the Society, but shall be given to some other Society to be determined by the majority of votes of the members present at a meeting convened to resolve the dissolution or if no such resolution is passed, by such Court as aforesaid: Provided that nothing contained in this section, shall apply to any body which has been established by the contributions of shareholders in the nature of Joint Stock Company.

13. "Member" defined:

- "Member" shall mean a person who, having been admitted in any Society according to the rules thereof, has not resigned or has not been removed therefrom; but no member shall be entitled to vote whose subscription shall have been in arrear for a period exceeding three months.

14. "Managing Committee" defined:

- "Managing Committee" means a committee to whom by the rules of the Society, the management of its affairs is entrusted.

15. Inspection of documents - Their copies:

- Any person may inspect documents, pertaining to a Society registered under this Act, filed in the Office of the [Inspector-General of Registration and Stamps, Andhra Pradesh] [Substituted for the words "Registrar Company Hai Surmaya Mushtraka Srakar-i-Aali (Registrar Joint Stock Companies H.E.H., the Nizam's Dominion)" by A.P.A.O. 1957.] on payment of a fee of one rupee or obtain certified copies thereof on payment of the fee prescribed by the said office. Such certified copy shall be prima facie evidence of the matters therein contained in all judicial proceedings.

Chapter II

[Chapter II Inserted by A.P. Act No. 12 of 1984, Section 2, w.e.f. 2.12.1983.]

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

16. Definitions:

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

17. 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.

18. Dissolution of Society:

(1)It shall be competent for the Government, by order and for reasons to be 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 Managing Committee of the Society the proposal to dissolve, fix a reasonable time for the Managing Committee 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 properties 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 where after 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.

19. Power to divide or amalgamate Societies:

(1)Where, in the opinion of the State 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 Managing Committee or Committees concerned the proposal to divide or as the case may be, to amalgamate the Society or Societies, fix a reasonable time for the Managing Committee or Committees for making a representation against the proposal and consider the representations if any received from the Committee or Committees.(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 the constitution, authorities, property, rights and interests, liabilities, duties and obligations of the Society or Societies concerned.