

# **Bihar Societies Registration Rules, 2018**

BIHAR

India

## **Bihar Societies Registration Rules, 2018**

### **Rule BIHAR-SOCIETIES-REGISTRATION-RULES-2018 of 2018**

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Bihar Societies Registration Rules, 2018 Published vide Notification No. BS3-100104/2013-874, dated 1.6.2018 No. BS3-100104/2013-874. - In exercise of the powers conferred upon by section 24 of the Societies Registration Act, 1860 (Act 21 of 1860), the Government of Bihar, hereby makes the following rules, namely: -

## **Part I – General**

### **1. Short title (extent and commencement).**

- (i) These Rules may be called for Bihar Societies Registration Rules, 2018. (ii) It shall extend to whole state of Bihar. (iii) It shall come in to force at once.

### **2. Definition.**

- In these Rules unless the context otherwise requires.-(i)"Act" means Societies Registration Act, 1860;(ii)"Section" means Section of the Act;(iii)"IG Registration" means Inspector General of Registration as appointed under Indian Registration Act, 1908;(iv)"Form" means - Forms appended to this Rules;(v)BISCORE means Bihar Society for Computerization of Registration Offices;(vi)DISCORE means District Society for Computerization of Registration Offices;(vii)"Online Proforma" means "Online Proforma" as indicated at Form A.

## **Part II – Application for Registration**

### **3. Application for registration of the Society.**

- (i) An Application for registration of a Society under Section 3 shall necessarily be filed Online in the software system so maintained by the IG of Registration. The IG Registration shall be competent

to decide the proforma for Online Application.(ii)No application sent by post or handed over personally or through e-mail shall be entertained.(iii)It shall be compulsory to fill all the entries as given in the online proforma for all applications to be filed online.

#### 4.

Any application to be filed Online must include a copy of the Memorandum of Association referred to in section 2 of the act, copy of Rules and Regulations of the Society, copy of the proceeding of the General Body Meeting passing the resolution for registration of the society and such other documents as may be stipulated by the IG, Registration in the Online Proforma.

#### 5.

The memorandum of association of the society shall contains the following:-(a)The name of the society;(b)Place of its principal office;(c)Area of operation of the society;(d)Objects for which the society is established;(e)Names, addresses occupations and self attested photo of such members in which atleast one female member included in governing, council and / or executive committee to whom by the Rules of the society, management and controlling works are entrusted; and;(f)Names, addresses, self attested photo and full signature of seven or more persons in which atleast one female member must be included subscribing their names to memorandum of association and signature of the subscribers shall be duly witnessed and attested by any gazette officer of the State Government.

#### 6.

For the purpose of the online registration of the society, the following fees shall be applicable:-

- |  |                         |
|--|-------------------------|
| (a) For Society operating in Bihar & outside                                 | - Rs. 25,000/-          |
| (b) For Society operating within Bihar                                       | - Rs. 15,000/-          |
| (c) For any amendment in the Memorandum of Association or Rules & Regulation | - Rs. 15,000/-          |
| (d) For any certified copy of any documents                                  | - Rs. 500/-per Document |

Provided that the State Government may, by notification published in the official gazette, may alter or exempt the above mentioned fees.

#### 7.

The online application shall be deemed to have been filed on the date on which the payment is made by the applicant subject to the generation of the confirmation receipt of the payment by the online software.

## **Part III – Verification of Documents & Registration**

### **8.**

On receipt of confirmation of the application having been successfully filled to the IG, Registration, the IG, Registration shall examine or caused to be examined such documents submitted in online proforma, and if they are found to be defective or incomplete in any of the particulars required to be given therein or in any way not in accordance with the provisions of the Act or the Rules, the same shall be returned to the applicant for removal of defects and until the defects are removed the documents shall not be registered.

### **9.**

The IG, Registration, if satisfied shall certify under his hand that the Society is duly registered under the Act. Such certificate shall be issued in Form-B.

## **Part IV – Responsibility of the Society**

### **10.**

(i)The Society so registered shall at the end of each financial year, submit the Annual Report under the Online mechanism so developed by the IG, Registration. The Annual Report shall consist of details of the activities of the Society. It shall also include an Audit Report duly certified by a Chartered Accountant.(ii)The society shall also send an intimation to the IG Registration regarding receipt and utilization of foreign contribution, if any, for each financial year.

### **11.**

Every Society shall also furnish, at the end of each financial year details of the employees working in the Society as per Form-C.

### **12.**

The Annual Report and the Form-C for the financial year ending on 31st March must be uploaded by the Society in the Online System before 31st May of that year.

### **13.**

If the Society fails to upload the details to the satisfaction of the IG, the IG shall be competent to levy a fine for non-submission or incomplete submission, which shall not be less than Rs. 5,000/- and which may extend upto Rs. 10,000/-.

## **Part V – Cancellation of Registration of any society**

### **14.**

The IG Registration may cancel registration of any Society at any time for the following reasons: -(a)Non-submission of Annual Report;(b)Non payment of penalty as proposed under Rule 15;(c)For any misconduct on the part of the Society, for which an enquiry has been conducted or caused to be conducted by the IG, Registration;(d)Proven record for inactivity or non-existence;(e)For any other reason to the satisfaction of the IG, Registration.

### **15.**

The Inspector General of Registration may, in his discretion, institute such inquiries or investigations in respect of any matter as may, in his opinion, be necessary for the proper working of the society including when there is a suspicion that the society is engaging itself in activities which are subversive to the objects of the society or the office of any registered society has ceased to be in the State of Bihar. Any original documents or other papers called for from the registered society shall be produced before the Inspector-General of Registration or any officer authorised by the Inspector General of Registration to enable him to examine the affairs of the society or to enquire into any complaint received against any society. Provided that before cancellation of the registration, the IG shall give adequate opportunity to the Society to be heard on the matter.

### **16.**

In case the Inspector-General of Registration is satisfied that there is a prima facie case against a society for its cancellation, he shall issue a show-cause notice asking the society to show cause within thirty days from the date of issue of the notice why the registration of the society should not be cancelled. After consideration of the show-cause and on being satisfied that the charge is proved the Inspector General of Registration shall, by order in writing, cancel the registration of the society under Section 23.

## **Part VI – Certified Copies of Documents**

### **17.**

(i)Any person can obtain a certified copy of any document relating to any registered Society upon payment of fee as mentioned in the Rule 6.(ii)If a person is unable to obtain a certified copy, he can download the web copy of the concerned document from the Department's authorized website and present the same by attaching a Non-Judicial Stamp of Rs. 500/- per document.

## **Part VII – Disputes relating to Societies**

### **18.**

If a dispute arises out of the existence of two rival Governing and / or executive bodies for being a rightful Managing body of the Society, then, the IG may :-(i)Ask the District Magistrate to enquire himself or through one of his subordinate officers and submit a report, and / or(ii)Invite all the rival bodies and hear the matter in person, and / or(iii)Cause re-election of the Governing and / or Executive Body to be done in the presence of an Observer appointed by the IG, Registration. Based on the findings from aforementioned steps, the IG shall pass suitable Order adjudicating the matter.

### **19.**

Where a complaint regarding acts of commission and omission against the Society or any of its Member is received, the IG, Registration may enquire the matter himself or through such authority as he may deem fit and cause report to be submitted. Consequent upon such a report is being filed before IG, Registration, he may pass a suitable order after giving due opportunity of hearing to all the parties concerned.

## **Part VIII – Miscellaneous**

### **20. Amendment in Memorandum of Association and bye-laws.**

- (i) Any Society desirous of making amendments or changes in its Memorandum of Association or bye-laws / Regulations including the change in the members of the Governing Body and / or Executive Body submit it to the IG, Registration with the request to register the said amendments and issue a certificate to this effect.(ii)The IG Registration shall, upon receiving the request, conduct hearing and invite objections from public at large by issuing general notice in newspapers at the expense of the society.(iii)After 30 days of publication of the notice in the newspapers, if no objection is received, the IG shall proceed to register the changes / amendments as requested at the expense of the Society.(iv)In case any objections are received or if the IG has reasons to believe that the matter needs further enquiry, he may seek a report from the concerned District Magistrate and/or proceed to hear the matter and pass such orders as he may deem fit.

### **21. Audit.**

- The IG, Registration may cause an Audit be done of any Society through such Chartered Accountants or the Government Auditors as he may decide. The cost of such audit shall be borne by the Society concerned or the BISCORE or DISCORE as the IG, while passing an order, may direct.

## **22. Review and Appeal.**

- (i) The IG Registration shall be competent to review any of his orders passed under these Rules provided new facts and information is brought to his notice.(ii)All orders passed by the IG Registration under these rules shall be appealable before the Member, Board of Revenue, whose decision shall be final.

## **23. Repeal and Savings.**

- (i) The Bihar Society Registration Rules, 1965 & 2015, are hereby repealed;(ii)Notwithstanding such repeal, any thing done or any action taken under the said Rules shall be deemed to have been done or taken under these rules as if it in forced on such day on which such thing was done or such action was taken.