

The Jammu and Kashmir Societies Registration Act, 1998 (1941 A.D.)

JAMMU & KASHMIR

India

The Jammu and Kashmir Societies Registration Act, 1998 (1941 A.D.)

Rule

THE-JAMMU-AND-KASHMIR-SOCIETIES-REGISTRATION-ACT-1998-1941 of 1941

- Published on 10 May 1941
- Commenced on 10 May 1941
- [This is the version of this document from 10 May 1941.]
- [Note: The original publication document is not available and this content could not be verified.]

The Jammu and Kashmir Societies Registration Act, 1998 (1941 A.D.) Act No. 6 of Svt. 1998 [Received the assent of His Highness the Maharaja Bahadur on 10th May, 1941/28th Baisakh, 1998, and published in Government Gazette dated 2nd Sawan, 1998.] An Act to provide for the Registration of Literary, Scientific [Charitable and other Societies.] [Substituted by Act VIII of 1988, Section 2.] Preamble. - Whereas it is expedient that a 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, or for [Charitable purposes, or for ["Preserving the natural and environment heritage, water bodies, forests"] [Substituted by Act VIII of 1988, Section 2.] ecological balance or for prevention of pollution and degradation of lakes, tourist resort or for preservation of sanctuaries or for public health, sports, athletics, recreation or for alleviating the sufferings of the animals, or for any other purpose as may be notified by the Government as being beneficial to the public or a section of the public;] It is hereby enacted as follows :-

1. Short title and extent.

- (i) This Act may be called the Jammu and Kashmir Societies Registration Act, 1998. (ii) It shall extend to the whole of the State.

2. [Registrar of Societies. [Substituted by Act V of 2009, (Section 2).]

(1)The Government may appoint any officer as Registrar of Societies for purposes of this Act and different officer may be appointed for different areas.(2)Notwithstanding anything contained in any provision of this Act, all orders made and acts done by the Director Industries, J&K in his capacity as Registrar under the Act during the period commencing from 15th November, 2000 till the commencement of this Act shall be and shall always be deemed to have been validly made or done."]

2A. [Societies formed by memorandum of association and registration. [Renumbered in Section by Act V of 2009.]

- Any five or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 18 of this Act, may, by subscribing their names to a memorandum of association and filing the same with the Registrar of Joint Stock Companies, form themselves into a society under this Act.]["Provided that for purposes of registration of Forest Development Agencies and Village Forest Committees, the memorandum of association shall be filed with the Principal Chief Conservator of Forests or such other officer as the Government may appoint in this behalf who shall have the same powers in respect of such societies as are conferred on the [Registrar of Societies] [Inserted by Act XVII of 2000.] under this Act."].

3. 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 members of the governing body of the society.A copy of the rules 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.

4. Registration 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 a registration fee and such annual fee] [Substituted 'for every such registration a fee of fifty rupees, or such smaller fee' by Governor Act No. 30 of 2018, dated 4.12.2018.] as the Government may, from time to time, direct; and all fees so paid shall be accounted for to the Government.

5. 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 Katik, a list shall be filed with the [Registrar of the Societies] [Substituted by Act V of 2009.] of the names, addresses and occupations of the members of the governing body of the society.

6. Property of society how vested.

- The property, movable and immovable, belonging to a society registered under this Act, if not vested in trustees, registered 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 property title.

6A. Suits by and against society.

- 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 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 an application to the governing body some other officer or person be not nominated to be the defendant.

6B. 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.

6C. 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.

7. Recovery of penalty accruing under bye-law.

- Whenever, by any bye-law duly made in accordance with the rules of the society, or if the rules do not provide for the making of the 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.

8. Members liable to be sued as strangers.

- Any member whom 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 or detain any property of the society in a manner 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 or property in the manner hereinbefore provided. Recovery by successful defendant of costs adjudged. - 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 later case shall have process against the property of the said society in the manner above described.

9. Members guilty of offences punishable as strangers.

- Any member of the society who steals or embezzles any money or other property, or wilfully and maliciously destroys or injures and property of such society, or forges any deed, bond, security for money, 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.

10. Societies enabled to alter, extend or abridge their purposes.

- Whenever it appears 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 rules 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.

11. 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: Assent required. - 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; Government consent. - Provided also that whenever the Government is a member of, or a contributor to, or otherwise having pecuniary interest in, any society registered under this Act such society shall not be dissolved without the consent of the Government.

12. Upon a dissolution, no member to receive profit.

- If upon the dissolution of any society registered under this Act, there remains 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 aforesaid: Clause not be apply to joint-stock companies. - Provided however, that this clause 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 it shall be lawful for the members of any society dissolved under this Act to determine by majority of votes of the members present personally or by proxy at the time of the dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to the Government to be utilised for any of the purposes referred to in section 2.

13. Member defined.

- For the purposes of this Act a member of a society shall be a person who, having been admitted therein according to the rules thereof, shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules; but in all proceedings under this Act no person shall be entitled to vote or to be counted as member whose subscription at the time shall have been in arrear for a period exceeding three months.

14. 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 of the society the management of its affairs is entrusted.

15. Registration of societies formed before Act.

- Any company or society established for a literary, scientific or charitable purpose, and established and constructed previously to the passing of this Act, 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 the proxy at a general meeting convened for that purpose by the governing body. In the case of company or society already registered under the Jammu and Kashmir Companies Act, 1977 the directors shall be deemed to be such governing body. In the case of 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.

16. Such societies to file memorandum, etc., with [Registrar of Societies] [Substituted by Act V of 2009].

- For the purpose of getting and such society as is mentioned in the last preceding section registered under this Act, it shall be sufficient that the governing body file with the [Registrar of the Societies] [Substituted by Act V of 2009.] a memorandum showing the name of the society, the objects of the society and the names, addresses and occupations of the members of the governing body, together with a copy of the rules 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.

17. Inspection of documents.

- Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of fifty paise per hour of such inspection subject to the maximum 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 twenty-five paise 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.

17A. [De-registration of societies registered under the Act. [Inserted by Governor Act No. 30 of 2018, dated 4.12.2018.]

(1) Notwithstanding anything contained in this Act, the Registrar may, by an order in writing, cancel the registration of any society on any or all of the following grounds : -(i) that the activities or proposed activities have been or will be subversive to the objects of the society; (ii) that the activities or proposed activities have been or will be subversive to the security of the State or maintenance of law and order in the State; (iii) that the accounts of the society are not audited by a certified Chartered Accountant annually ; (iv) that the registration of the society or of its name or change of name is contrary to the provisions of the Act or of any other law for the time being in force. (v) that the registration or the certificate of renewal has been obtained by misrepresentation or fraud : Provided that no order of de-registration of any society shall be passed unless the society has been given an opportunity of showing cause against the action proposed to be taken in regard to it and the cause, if any shown, has been considered by the Registrar. (2) An appeal against an order made under sub-section (1) may be preferred to the Government within one month from the date of communication of such order.]

18. To what societies Act applies.

- The following societies may be registered under this Act :-charitable societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, 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 museums and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, [instruments and designs or for preserving the natural and environmental heritage, water Bodies Forests ecological balance or for prevention of pollution and degradation of lakes or for public health, sports, athletics, recreation or for alleviating the sufferings of the animals or for any other object, as may be notified by the Government as being beneficial to the public or to a section of the public.] [Substituted by Act VIII of 1988, Section 4.]

19. [Power to make rules. [Substituted by Act V of 2009.]

- The Government may, by notification in the Government Gazette, make rules for the purpose of carrying into effect the provision of this Act.]