

The Societies Registration (Dadra and Nagar Haveli First Amendment) Act, 1979

DADRA AND NAGAR HAVELI

India

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Act 6 of 1979

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The Societies Registration (Dadra and Nagar Haveli First Amendment) Act, 1979(Act No. 6 of 1979)Last Updated 22nd October, 2018[Dated 20-9-1979]An act to amend the Societies Registration Act, 1860 in its application to the Union territory of [Dadra and Nagar Haveli] [Substituted 'Goa, Daman and Diu' by Notification No. G.S.R. 1039(E), dated 17.10.2018.].Be it enacted by the Legislative Assembly of [Dadra and Nagar Haveli] [Substituted 'Goa, Daman and Diu' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] in the Thirtieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Societies Registration ([Dadra and Nagar Haveli] [Substituted 'Goa, Daman and Diu' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] First Amendment) Act, 1979. [as extended to the Union territory of Dadra and Nagar Haveli] [Inserted by Notification No. G.S.R. 1039(E), dated 17.10.2018.](2)It extends to the whole of the Union territory of [Dadra and Nagar Haveli] [Substituted 'Goa, Daman and Diu' by Notification No. G.S.R. 1039(E), dated 17.10.2018.].(3)It shall come into force at once.

2. Amendment of section 1.

- In the Societies Registration Act, 1860 (Central Act 21 of 1860) (hereinafter referred to as the principal Act), the existing section 1 shall be re-numbered as section 1A and;(i)before section 1A as so re-numbered, the following section shall be inserted, namely:-

1. Definitions. - In this Act, unless the context otherwise requires,-

(a)["Registrar of Societies" means the Registrar appointed under section 2A of this Act;]
[Substituted by Notification No. G.S.R. 1039(E), dated 17.10.2018.](b)"notification" means notification published in the Official Gazette;(c)"prescribed" means prescribed by rules made under this Act;(d)["Government" means the Union territory Administration of Dadra and Nagar Haveli headed by the Administrator;] [Substituted by Notification No. G.S.R. 1039(E), dated 17.10.2018.](ii)in section 1A as so re-numbered, for the words "the Registrar of Joint Stock Companies" the words "the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.]" shall be substituted.

2A. [Registrar and Sub-Registrar. [Inserted by Notification No. G.S.R. 1039(E), dated 17.10.2018.]

- The Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrar and Sub-Registrar of the district, respectively.]

3. Amendment of section 3.

- In section 3 of the principal Act,-(i)for the words "the Registrar shall certify", the words "the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] shall, subject to the provisions of section 3A, certify" shall be substituted;(ii)for the words "the Registrar for", the words "the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] for" shall be substituted.

4. Insertion of new section 3A.

- After section 3 of the principal Act, the following section shall be inserted, namely:-

3A. Prohibition against registration of societies with undesirable names. - No society shall be registered by a name which, in the opinion of the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.], is undesirable, being a name which is identical with, or which in the opinion of the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] so nearly resembles the name by which any other existing society has been previously registered as to be likely to deceive the public or members of either society, or which is being used without the previous permission of the Government concerned, and which suggests or is calculated to suggest the patronage of any Government or connection with any body constituted by any Government or local authority, or which may, subject to any rules made

in this behalf, be deemed to be undesirable by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.].

Provided that no order shall be passed under section 3A unless the party against whom such order is proposed to be passed is heard on the matter."

3B. [Renewal of certificate of registration. [Inserted new sections 3B and 3C by the amendment Act No. 1 of 1999.] - (1) Subject to the provisions of sub-section (2), a certificate of registration issued under section 3 shall remain in force for a period of five years from the date of issue:

Provided that a certificate of registration issued before the commencement of the Societies Registration (Goa Second Amendment) Act, 1998 as extended to the Union territory of Dadra and Nagar Haveli, shall remain in force for a period of one year from the date of such commencement.(2)A society registered under section 3, whether before or after commencement of the said Act, shall, on application made to the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] on expiration of the period referred to in sub-section (1) and on payment of fees specified in sub-section (3), be entitled to have its certificate of registration renewed for five years, at a time:Provided that in the case of a society registered before the commencement of the said Act, the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] shall refuse to renew the certificate of registration, if, after giving it an opportunity of showing cause against such refusal, he is satisfied that any of the grounds mentioned in section 4A exist in respect thereof.(3)There shall be paid to the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] with every application for renewal of certificate of registration-(a)a fee equal to the registration fee payable under section 3 or Rs. 100/-, whichever is less, if such application is filed within the period specified under sub-section (2);(b)an additional fee of Rs. 25/-, if such application is filed within one month of the date of expiration of the period specified under sub-section (2);(c)an additional fee at the rate of Rs. 5/- per month or part thereof, if such application is filed beyond one month of the expiration of the period specified under sub-section (2).(4)Every application for renewal of certificate of registration shall be accompanied by the list of members of the managing body or governing body, as the case may be, elected after the registration of society or after renewal of certificate of registration and also the certificate sought to be renewed, unless dispensed with by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] on the ground of its loss or destruction or any other sufficient cause.(5)A society which fails to get the certificate of registration renewed in accordance with this section within one year from the expiration of the period for which the certificate was operative, shall become an unregistered society:Provided that the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] may, for sufficient cause, allow the application for renewal for more than one year after the expiration of the period for which the certificate was operative, on payment of fees of Rs. 50/-(6)Where a certificate of registration is renewed in accordance with sub-section (2) or sub-section (4), such renewal shall operate from the

date of expiration of the period for which the certificate was operative.

3C. Reference to the Government. - If any question arises whether any society is entitled to get itself registered in accordance with section 3 or to get its certificate of registration renewed in accordance with section 3B, the matter shall be referred to the Government, and the decision of the Government thereon shall be final."].

5. Amendment of section 4.

- In section 4 of the principal Act, for the words "the Registrar of Joint Stock Companies", the words "the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.]" shall be substituted.

6. Insertion of new section 4A.

- After section 4 of the principal Act, the following section shall be inserted, namely:-

4A. Power of [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] to call for information or returns from governing body of society and provisions relating thereto. - (1) The [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] may serve or cause to be served, on the governing body entrusted with the management of the affairs of any society registered under this Act, a notice requiring it to furnish in such manner as may be prescribed, information or returns relating to persons employed by the society, their conditions of employment (including their emoluments, any contributions, concessions or other benefits and amenities provided for employees) and such other matters relating thereto, as may be prescribed.

(2)The form in which such information or returns shall be furnished, the particulars which they shall contain and the intervals (if any) in which such information or returns shall be furnished, shall be such as may be prescribed.(3)The notice referred to in sub-section (1) may be served by post.(4)No information or returns collected for the purposes of this section, shall, without the previous consent in writing of the society in relation to which the information or returns was given or made, be published in such manner as would enable any particulars to be identified as referring to a particular society.(5)Except for the purposes of a prosecution under section 11A or under the Indian Penal Code (Central Act 45 of 1860), no person other than the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or any

person duly specified by him in this behalf, shall be permitted to see any information or returns furnished as aforesaid.(6)No suit or other legal proceeding shall lie against the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or any person acting under the authority of the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] in respect of anything in good faith done or intended to be done in pursuance of this section.

7. Insertion of new sections 11A, 11B and 11C.

- After section 11 of the principal Act, the following sections shall be inserted, namely:-

11A. Penalty for contravening section 4A. - If the governing body entrusted with the management of the affairs of any society registered under this Act required to furnish any information or returns -

(i)wilfully refuses or without lawful excuse neglects to furnish such information or returns as may be required under section 4A; or(ii)wilfully furnishes or causes to be furnished any information or returns which it knows to be false; or(iii)refuses to answer or, wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under section 4A, such governing body shall, for each such offence, on conviction, be punished with fine which may extend to fifty rupees.

11B. Penalty for improper disclosure of information or return. - If the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or any person duly authorized by him in connection with the collection of any information or returns under this Act wilfully discloses any information or contents of any returns given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of prosecution, of an offence under this Act or the Indian Penal Code (Central Act 45 of 1860), he shall, on conviction, be punished for such offence with fine which may extend to two hundred rupees.

11C. Cognizance of offences. - No prosecution for an offence under section 11A shall be instituted, except by or with the sanction of, the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.], and no prosecution for an offence under section 11B shall be instituted except by or with the consent of the Government.

8. Amendment of section 12.

- In section 12 of the principal Act, after the words "either wholly or partially with any other society" the words "or to change the name of the society" shall be inserted.

9. Insertion of new sections 12A, 12B, 12C and 12D.

- After section 12 of the principal Act, the following sections shall be inserted, namely:-

12A. Registration of change of name. - (1) Where a proposition for change of name of a society has been agreed to and confirmed in the manner specified in section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] for registering the change of name.

(2) If the proposed change of name is in his opinion undesirable for any of the reasons mentioned in section 3A, the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] shall refuse to register the change of name. (3) Save as provided in sub-section (2), the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] shall, if he is satisfied that the provisions of the Act in respect of the 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 and on the issue of such a certificate, the change of name shall be complete. (4) The [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] shall charge for any copy of a certificate issued under sub-section (3) a fee of one rupee and all fees so paid shall be accounted for to the Government. (5) If, through inadvertence or otherwise, a society is registered by a name which should not have been registered (due regard being had to the provisions of section 3A), the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.], may, after hearing the party concerned, direct the society to change the name, and the society shall change its name within a period of three months from the date of such direction or such longer period as the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] may think fit to allow, in accordance with the provisions of this Act.

12B. Effect of change of name. - The change of name of a society shall not affect any right or obligation of the society or render defective any legal proceeding by or against the society, 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.

12C. Maintenance of accounts and their balancing and accounting. - (1) Every governing body entrusted with the management of the affairs of a society registered under this Act shall keep regular accounts.

(2) Such accounts shall be kept in such form as may be approved by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.], and shall contain such particulars as may be prescribed. (3) The accounts of a Society shall be balanced each year on the 31st day of March or such other date as may be fixed by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.]. (4) The accounts of a society shall be audited annually in such manner as may be prescribed and by a person who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (Central Act 38 of 1949), or by such persons as may be authorized in this behalf by the Government.

12D. Auditor's duty to report irregularity. - (1) It shall be the duty of every auditor, auditing the accounts of a society under section 12C to prepare a report relating to auditing such account and forward a copy of the same to the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.].

(2) The auditor shall, in his report, specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property thereof, and [Union territory] [Substituted 'State' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] whether such expenditure, failure, omission, loss or waste was caused in consequence of breach of trust, or misappropriation or any other misconduct on the part of the governing body or any other person.

10. Insertion of new section 14A.

- After section 14 of the principal Act, the following section shall be inserted, namely:-

14A. Disposal of property of a dissolved society. - Notwithstanding anything contained in section 14, it shall be lawful for the members of any society dissolved under section 13 to determine by a majority of the votes of the members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilized for any of the purposes referred to in section 1A.

11. Amendment of section 17.

- In section 17 of the principal Act, -[***] [Omitted '(i) for the words and figures 'Act 43 of 1850', wherever they occur, the words, 'the Registration of Societies Order' shall be substituted.' by

Notification No. G.S.R. 1039(E), dated 17.10.2018.](ii)for the words "passing of this Act" the words "commencement of this Act in this Union territory" shall be substituted.

12. Amendment of section 18.

- In section 18 of the principal Act, for the words "the Registrar of Joint Stock Companies", the words "the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.]" shall be substituted.

13. Amendment of section 19.

- In section 19 of the principal Act. -(i)for the words "Any persons may inspect", the words "Except as otherwise provided by section 4A, any person may inspect" shall be substituted;(ii)for the words "The Registrar", the words "the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.]" shall be substituted;(iii)for the words "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 two annas for every hundred words of such copy or extract", the words "or may require the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] to give him a certified copy or extract of any document or any part thereof on payment of such fee as the Government or any officer authorized by it may by notification in the Official Gazette fix in that behalf" shall be substituted.

20A. [Investigation of affairs of society. [Inserted new sections 20A, 20B, 20C, 20D and 20E by the amendment Act 1 of 1999.] - (1) Where, on information received under section 4A or otherwise, or in circumstances referred to in section 12D, the [Registrar of societies] is of the opinion that there is apprehension that the affairs of the society registered under this Act, are being so conducted as to defeat the objects of the society or that the society or its governing body, by whatever name called, or any officer thereof in actual effective control of the society is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations, the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] may, either himself or by any person appointed by him in that behalf, inspect or investigate into the affairs of the society or inspect any institution managed by the society.

(2)It shall be the duty of every officer of the society when so required by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or other person appointed under sub-section (1), to produce any books of accounts or other records of or relating to the society which are in his custody or to give him all assistance in connection with such inspection or investigation.(3)The [Registrar of societies] [Substituted 'Inspector General' by

Notification No. G.S.R. 1039(E), dated 17.10.2018.] or other person appointed under sub-section (1) may, call upon and examine on oath any officer, member or employee of the society in relation to the affairs of the society and it shall be the duty of every officer, member or employee, when called upon, to appear before him for such examination.(4)The [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or other person appointed under sub-section (1) may, if in his opinion it is necessary for the purpose of inspection or investigation, seize any or all the records including the accounts books of the society: Provided that any person from whose custody such records are seized, shall be entitled to make such copies thereof, in the presence of the person having the custody of such records.(5)On the conclusion of the inspection or investigation, as the case may be, the person, if any, appointed by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] to investigate or inspect, shall make a report to the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] on the result of his inspection or investigation.(6)The [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] may, after such investigation or inspection, give such directions to the society or its governing body or any officer thereof, as he may think fit, for the removal of any defects or irregularities within such time as may be specified and in the event of default in taking action in accordance with such directions, the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] may proceed to take action under section 12D.

20B. Penalty. - If any person wilfully makes or causes to be made any false entry in, or any omission from, the list required by section 4 or in or from any statement of copy of rules or of alteration of rules sent to the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or neglects or refuses to make its accounts or other documents available for audit as required by section 12D or wilfully fails to produce any book of account or other records as required by sub-section (2) of section 20A or wilfully fails to appear before the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or other person appointed by him or otherwise contravenes any of the provisions of sub-section (3) of section 20A, shall be punishable with fine which may extend to Rs. 2000/-.

20C. Cognizance of offence. - No court inferior to that of Magistrate of First Class, shall try any offence punishable under this Act, nor shall cognizance of any such offence be taken except on a complaint made by the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or any other person authorized in writing by him, by general or special order in this behalf.

20D. Power to compound offence. - (1) The Government may, by notification in the Official Gazette, empower the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or any officer authorized in this behalf, to accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 20B or against whom a prosecution under that section has been instituted, a sum of money by way of composition fee for the offence which such person is suspected or accused to have committed.

(2) On payment of such composition fee, the suspected person, if in custody, shall be discharged and no other proceeding shall be taken against him, and if prosecution against such person had been instituted, the composition shall have the effect of his acquittal.

20E. Indemnity. - No suit, prosecution or other legal proceedings shall lie in any court against the Government, the [Registrar of societies] [Substituted 'Inspector General' by Notification No. G.S.R. 1039(E), dated 17.10.2018.] or against any person appointed for inspection or investigation under section 20A, for anything in good faith done or intended to be done under this Act or rules made thereunder.]

14. Insertion of new section 21.

- After section 20 of the principal Act, the following section shall be inserted, namely:-

21. Powers to make rule. - (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) [Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.] [Substituted by Notification No. G.S.R. 1039(E), dated 17.10.2018.]