The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008

Act 20 of 2008

Keyword(s):
Association, Voluntary Organizations, Society, Regulation

Amendments appended: 4 of 2009, 19 of 2010
The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 28th day of June, 2008 is hereby published for general information:–

THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY ORGANIZATIONS ACT, 2008.

(ACT NO. 20 of 2008)

AN ACT
to provide for legislation on regulation of societies, associations and other voluntary organizations.

Be it enacted by the Legislature of the Sikkim in the Fifty-ninth Year of the Republic of India as follows:–

1. This Act may be called the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008.

2. It shall come into force on the date of its publication in the Official Gazette.
Definition 2. (1) In this Act, unless to the context otherwise requires,-

(a) “Act” means the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008;

(b) “association” means a group of people associated or assembled or united together for the purpose of achieving one or more objects and includes organization, society, committee, samiti, sanstha, club etc. (government or non-government);

(c) “Authority” means the Registering Authority;

(d) “Registering Authority” means the Secretary to the Law Department, Government of Sikkim;

(e) “Government” means State Government of Sikkim;

(f) “prescribed” means prescribed by rules made under the Act.

Registration 3. (1) All associations, organizations, clubs, societies and voluntary organization etc. intending to operate within the state of Sikkim shall make an application for registration of their organization in the manner as may be prescribed.

(2) All such application shall be accompanied with the following requirement namely:-

(a) Memorandum of association containing:-

(i) name of the organization,
(ii) its registered office;
(iii) aims and objectives;
(iv) name, address and occupation of the executive members, promoters, governing body, executive committee, managing committee to whom the management of its affairs is entrusted.

(b) Article of Association containing rules and regulations.

(c) A resolution passed by the executive members/promoters/governing body/executive committee/managing committee or its equivalent.

(d) Atleast 50% of the members of the governing body/executive body should have Sikkim Subject Certificate or Certificate of Identification.

(e) No objection Certificate from concerned Panchayat/MLA.

(f) No Objection Certificate from the concerned department where the purpose and aim of the organization relates to other government department.

(g) Bank receipts of such amount as may be notified from time to time by the state government.

Renewal of 4. (1) All associations registered under the provisions of this Act and the rules framed thereunder shall be renewed on expiry of a period of one year from the
date of registration on payment of such fees as may be notified in this behalf.

(2) Failure to renew an association within a period of three months from the date of expiry of the registration would render the organization liable for suspension or cancellation of its registration without issue of any further notice.

Provided that registration can be renewed on payment of such fee by way of penalty in addition to renewal fee as may be notified.

Submission 5. (1) All association shall submit annual audit of audit report/annual report alongwith annual reports of activities during the preceding year i.e during the last 12 (twelve) months immediately before the date due for submission of annual report.

(2) All association shall maintain proper record of their account including income and expenditure account and the balance sheet in such form as may be prescribed and the accounts shall be audited by recognized or registered chartered accountant before submission of the annual audit report to the authority.

(3) In the event of failure to submit annual return/report the registration shall be liable to be suspended/cancelled.

Receipt of 6. (1) Organization or association receiving any grant or aid or other financial assistance from either
Central or State Government, utilization certificate of such financial grant or aid shall be submitted before renewal of the registration or at the time of registration of the association.

(2) In the event of any donation or other financial donation or grant is received by the organization from outside the country the same shall be communicated to the authority specifying the grant of such foreign assistance or grant and only after clearance of the authority including the clearance as may be required from the Central Government the amount may be received.

Other 7. (1) No association or organization shall resort to conditions. use of any violent activities or use of fire arms against the state or individuals in any manner threatening the safety and security or endangering peace and tranquility and integrity of the state or the country.

(2) The nomenclature of the organization or association should not be made in a manner that would promote communal disharmony or threaten the integrity of the state or country or causes hurt to the sentiments of any community or class of people or promote hatred or ill feeling among different section of the society.

(3) The authority in all such cases resolves the right to reject any application for registration of such organization or association.
Power to 8. The State Government may make rules for carrying out the purposes of the Act.

Saving. 9. Notwithstanding the provision contained in this Act, the Notification Number 2602 A/H dated the 25th March, 1960 regarding rules and regulations for registration of various organization in Sikkim shall, however, continue to be validly operative in respect of its enforcement and the present Act shall be in addition and to supplement the aforesaid notification.

By Order.

R.K. PURKAYASTHA (SSJS)
LR-cum- Secretary
Law Department
NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 2\textsuperscript{nd} day of March, 2009 is hereby published for general information:

THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY ORGANIZATIONS (AMENDMENT) ACT, 2009

(Act No. 4 of 2009)

AN ACT

further to amend The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008.

Be it enacted by the Legislature of the Sikkim in the Sixtieth Year of the Republic of India as follows:

1. (1) This Act may be called The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations (Amendment) Act, 2009.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008, after sub-section (2) of
Section 6, the following sub-section shall be inserted, namely:-

“(3)Where an association or organization or society or committee or samiti or sanstha or club etc (Government or Non-Government) is receiving or has received any grant or aid or other financial assistance from either Central or State Government and the said association or organization or society or committee or samiti or sanstha or club etc (Government or Non-Government) is found to be involved in internal dispute arising out of mismanagement, misuse of funds or organizational disputes involving running the organization and management of the organization or is involved in any other internal disputes among different groups within such said association or organization or society or committee or samiti or sanstha or club etc (Government or Non-Government), the State Government may, if deemed appropriate in public interest, take over the functioning and management of the organization or society or committee or samiti or sanstha or club etc (Government or Non-Government) and run or manage the organizational activities in such manner as may be prescribed. The State Government in the event of having taken over the running and managing the affairs may appoint/designate an administrator to run the affairs for such period as may be specified in the notification appointing such administrator. The administrator shall function in such manner as may be prescribed.

Provided that the State Government if it is of the opinion that the administrator so appointed is no more required may rescind the notification appointing such administrator.

By Order.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department
NOTIFICATION

The following Act passed by the Sikkim Legislative assembly and having received the assent of the Governor on the 5th day of January, 2011 is hereby published for general information:-

THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY ORGANIZATIONS (AMENDMENT) ACT, 2010

(ACT NO. 19 2010)
AN ACT
to amend Sikkim Regulation of Societies, Association and Other Voluntarily Organizations Act,2008.

Be it enacted by the Legislature of Sikkim in the Sixty-first Year of the Republic of India as follows:-
<table>
<thead>
<tr>
<th>Amendment of Section 4</th>
<th>2</th>
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<tr>
<td>In the Sikkim Regulation of Societies, Associations and Other Voluntarily Organizations Act, 2008, (hereinafter referred to as the said Act), in section 4,- for the existing sub-section (1), the following shall be substituted, namely:-</td>
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<td>(i) “(1) All Associations registered under the provisions of this Act shall be required to renew their registration in the event of any change in Memorandum of Association.”</td>
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<td>for the existing sub-section (2), the following shall be substituted namely:-</td>
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<td>(ii) “(2) The amount of fees payable for renewal of registration on any change in Memorandum of Association shall be half the amount paid as registration fees. Provided that where any association whose Memorandum of Association has already been changed or amended or modified, shall not be required to pay any such fees.”</td>
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<th>Amendment of Section 5</th>
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<td>In the said Act, in section 5,- for the existing sub-section(1), the following shall be substituted namely:-</td>
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<td>(i) “(1) All Association shall maintain record of their activities during the preceding year and submit the same when called for.”</td>
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<td>for the existing sub-section (2), the following shall be substituted namely:-</td>
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<td>(ii) “(2) All Association shall maintain proper record of their account and the balance sheet and submit the same when called for.”</td>
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<td>for the existing sub-Section (3), the following shall be substituted namely:-</td>
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<td>(iii) “(3) In the event of failure to submit any of the documents mentioned under sub-sections (1) and (2), the registration of the association may be suspended or cancelled and suspension/cancellation order could be revoked on payment of fine of an amount equivalent to the rate of registration.”</td>
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<td>In the said Act, in sub-section (1) of section 6, for the words “utilization certificate of such financial grant or aid shall be submitted before renewal of the registration or at the time of registration of association” the words “The record of utilization of any financial grant or aid shall be maintained and the same shall be submitted when called for.” shall be substituted.</td>
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</tbody>
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(R.K. Purkayastha) SSJS
L.R.-cum-Secretary,
Law Department.