



The Societies Registration (Uttar Pradesh Amendment) Act, 1975

Act 52 of 1975

Keyword(s):

Registration, Registrar, Certified Copy, Registered Address, Union, Land Mortgage, Co-operative, Registrar, Deputy Registrar, Power of Registrar

Amendments appended: 26 of 1979, 11 of 1984, 23 of 1994, 8 of 2000,

23 of 2013, 8 of 2022

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THE SOCIETIES REGISTRATION (UTTAR PRADESH
AMENDMENT) ACT, 1975

(U. P. Act No. 52 of 1975)

[Authoritative English Text of the Society Registration (Uttar Pradesh
Sanshodhan) Adhiniyam, 1975]

AN
ACT

further to amend the Societies Registration Act, 1860, in its application to
Uttar Pradesh.

IT IS HEREBY enacted in the Twenty-sixth Year of the Republic of India
as follows :—

1. (1) This Act may be called the Societies Registration (Uttar Pradesh
Amendment) Act, 1975. Short title and
extent.

(2) It extends to the whole of Uttar Pradesh.

2. In the Societies Registration Act, 1860 as amended in its application
to Uttar Pradesh, hereinafter referred to as the principal Act, for section 3, the
following section shall be substituted, namely :— Substitution of
new section for
section 3 of Act
XXI of 1860.

“3. (1) Upon such memorandum and certified copy being filed along
with particulars of the address of the Society's office which shall be its
registered address, by the Secretary of the Society on behalf of the per-
sons subscribing to the memorandum, the Registrar shall certify under
his hand that the Society is registered under this Act. There shall be
paid to the Registrar for every such registration a fee of one hundred
rupees :

Provided that the Registrar may, in his discretion, issue public notice
or issue notice to such persons as he thinks fit inviting objections, if any,
against the proposed registration and consider all objections that may
be received by him before registering the Society.

(2) Notwithstanding anything in sub-section (1) the Registrar shall
refuse to register a society, if after giving it an opportunity of showing
cause against such refusal, he is satisfied that—

(a) the name of the society is identical with that of any other
society previously registered under this Act ;

(b) the name of the society sought to be registered uses any
of the words, namely, 'union', 'State', 'Land Mortgage', 'Land Deve-
lopment', 'Co-operative', 'Gandhi', 'Reserve Bank' or any words
expressing or implying the sanction, approval or patronage of the
Central or any State Government or any word which suggests or is
calculated to suggest any connection with any local authority or
any corporation or body constituted by or under any law for the time
being in force, or is such as is otherwise likely to deceive the public
or the members of any other society previously registered under
this Act ;

(c) any one or more of the objects of the society sought to be
registered is not an object mentioned in sections 1 and 20; or

[For statement of Objects and Reasons, please see Uttar Pradesh Gazette, Extraordi-
nary, dated August 22, 1975.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on July 28, 1975 and by the
Uttar Pradesh Legislative Council on July 30, 1975.

Received the Assent of the President on October 6, 1975 under Article 201 of the Constitution
of India and was published in the Uttar Pradesh Gazette, Extraordinary, dated October 10, 1975.]

(d) its objects are contrary to any other law for the time being in force.

Explanation—In this Act, the word 'Registrar' means a person appointed as such by the State Government, and includes an Additional Registrar, Joint Registrar, Deputy Registrar, or Assistant Registrar, on whom all or any of the powers of Registrar under this Act are conferred by general or special order of the State Government."

Insertion of new section 3-A.

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

"3-A. (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 two years from the date of issue :
Renewal of certificate of registration.

Provided that a certificate issued before the commencement of the Societies Registration (Uttar Pradesh Amendment) Act, 1974 (hereinafter in this section referred to as the said Act), shall remain in force for a period of two years from the date of such commencement.

(2) A Society registered under section 3, whether before or after the commencement of the said Act, shall on application made to the Registrar within one month of the expiration of the period referred to in sub-section (1) and on payment of the fee specified in sub-section (3), be entitled to have its certificate of registration renewed for two years at a time :

Provided that in the case of a society registered before the commencement of the said Act, the Registrar 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 sub-section (2) of section 3 exist in respect thereof.

(3) There shall be paid to the Registrar with every application for renewal of the certificate of registration—

(a) a fee of ten rupees, if such application is filed within the period specified in sub-section (2);

(b) an additional fee of five rupees, if such application is filed within one month of the date of expiration of the period specified in sub-section (2); and

(c) an additional fee at the rate of two rupees per month or part thereof, if such application is filed beyond one month of the expiration of the period specified in sub-section (2).

(4) Every application for renewal of the certificate of registration shall be accompanied by the certificate sought to be renewed unless dispensed with by the Registrar on the ground of its loss or destruction or other sufficient cause.

(5) A society which fails to get its 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 may, for sufficient cause, allow an application for renewal more than one year after the expiration of the period for which the certificate was operative on payment of a fee of fifty rupees.

(6) Where a certificate of registration is renewed in accordance with sub-section (2) or sub-section (5) such renewal shall operate from the date of expiration of the period for which the certificate was operative."

Amendment of section 4.

4. Section 4 of the principal Act shall be *renumbered* as sub-section (1) thereof, and after sub-section (1) as so *renumbered*, the following sub-section shall be *inserted*, namely :—

"(2) Together with list mentioned in sub-section (1) there shall be sent to the Registrar a copy of the memorandum of association including any alteration, extension, or abridgement of purposes made under

section 12, and of the rules of the society corrected up to date and certified by not less than three of the members of the said governing body to be a correct copy and also a copy of the balance-sheet for the preceding year of account."

5. After section 4 of the principal Act, the following section shall be inserted, namely :— Insertion of new section 4-A.

"4-A. A copy of every change made in rules of the society and intimation of every change of address of the society, certified by not less than three of the members of the governing body shall be sent to the Registrar within thirty days of the change."

Changes etc. in rules to be intimated to Registrar.

6. After section 12 of the principal Act, the following sections shall be inserted, namely :— Insertion of new sections 12-A, 12-B, 12-C and 12-D.

"12-A. Any society registered under this Act may, with the consent of not less than two-thirds of the total number of its members, change its name by resolution passed at a general meeting convened for the purpose.

12-B. (1) Notice in writing of every change of objects made under section 12 or of name made under section 12-A signed by the secretary and any three other members of the society shall be sent to the Registrar.

Notice of change of name. Or objects.

(2) Where the Registrar is satisfied that the provisions of this Act in respect of objects or name of society and in respect of change of objects or of name, as the case may be, have been complied with, he may subject to the provisions of section 12-C register the change of name which shall have effect from the date of such registration.

12-C. The change in the objects or name of a society shall not affect any rights or obligations of the society, nor render defective any legal proceedings by or against the society, and 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.

Effect of change of name or objects

12-D. (1) Notwithstanding anything contained in this Act, the Registrar may, by order in writing, cancel the registration of any society on any of the following grounds :—

Registrar's power to cancel registration in certain circumstances.

(a) that the registration of the society or of its name or change of name was contrary to the provisions of this Act or of any other law for the time being in force ;

(b) that its activities or proposed activities have been or are or will be subversive of the objects of the society or opposed to public policy :

Provided that no order of cancellation of registration of any society shall be passed until the society has been given a reasonable opportunity of altering its name or object or of showing cause against the action proposed to be taken in regard to it.

(2) An appeal against an order made under sub-section (1) may be preferred to the State Government within one month from the date of communication of such order.

(3) The decision of the State Government under sub-section (2), shall be final and shall not be called in question in any court."

7. In section 13 of the principal Act, for the words, "chief building of the society" the words, "registered office of the society" shall be substituted. Amendment of section 13.

11. In section 19 of the principal Act—

Amendment of
section 19

(i) for the words "on payment of a fee of one rupee for each inspection" the words "on payment of such fee as the State Government may, by notification in the *Official Gazette* fix", shall be substituted; and

(ii) for the words "on payment of two annas for every hundred words of such copy or extract", the words "on payment of such fee as the State Government may, by notification in the *Official Gazette*, fix" shall be substituted.

12. After section 21 of the principal Act, the following sections shall be inserted, namely—

Insertion of new
sections 22, 23, 24,
25, 26, 27, 28, 29,
30, 31, 32 and 33.

"22. (1) The Registrar may, by written order, require any society to furnish in writing such information or document within such time, being ordinarily not less than two weeks from the date of receipt of the order by the society, as he may specify in the order in connection with the affairs of the society or any documents filed by the society under this Act.

Power of Registrar to call for information.

(2) On receipt by the society of an order under sub-section (1), it shall be the duty of the President, Secretary or any other person authorised in this behalf to furnish such information or documents.

23. (1) Without prejudice to the provisions of sub-section (2) of section 4 or of section 22, where the Registrar is of opinion that it is necessary or expedient so to do, he may, by written order, require any society to furnish its accounts or a copy of a statement of receipts and expenditure for any particular year duly audited by a Chartered Accountant :

Audit.

Provided that the Registrar may, at the request of society permit it to have such accounts and statement audited by any other person approved by him.

(2) If the society fails to furnish the documents referred to in sub-section (1) within the period specified in the order or within such extended period as the Registrar may from time to time allow, the Registrar may cause the accounts of such society audited for the said year and may recover the cost of such audit from that society.

(3) If the society neglects or refuses to make its accounts or other documents available for audit under sub-section (2) or, in the opinion of the Registrar, otherwise fails to provide requisite facilities to have the audit made with due expedition, the Registrar may proceed to take action under section 24.

24. (1) Where on information received under section 22 or otherwise, or in circumstances referred to in sub-section (3) of section 23, the Registrar is of opinion that there is apprehension that the affairs of a 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 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.

Investigation of affairs of a society.

(2) It shall be the duty of every officer of the society when so required by the Registrar or other person appointed under sub-section (1) to produce any books of account and other records of or relating to the society which are in his custody and to give him all assistance in connection with such inspection or investigation.

(3) The Registrar 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) On the conclusion of the inspection or investigation, as the case may be, the person, if any, appointed by the Registrar to inspect or investigate shall make a report to the Registrar on the result of his inspection or investigation.

(5) The Registrar may, after such inspection or investigation, give such directions to the society or to 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 according to such directions, the Registrar may proceed to take action under section 12-D or section 13-B, as the case may be.

25. (1) The prescribed authority may, on a reference made to it by the Registrar or by at least one-fourth of the members of a society registered in Uttar Pradesh, hear and decide in a summary manner any doubt or dispute in respect of the election or continuance in office of an office-bearer of such society, and may pass such orders in respect thereof as it deems fit.

(2) Where by an order made under sub-section (1), an election is set aside or an office-bearer is held no longer entitled to continue in office or where the Registrar is satisfied that any election of office-bearers of a society has not been held within the time specified in the rules of that society, he may call a meeting of the general body of such society for electing such office-bearer or office-bearers, and such meeting shall be presided over and be conducted by the Registrar or by any officer authorised by him in this behalf, and the provisions in the rules of the society relating to meetings and elections shall apply to such meeting and election with necessary modifications.

(3) Where a meeting is called by the Registrar under sub-section (2), no other meeting shall be called for the purpose of election by any other authority or by any person claiming to be an office-bearer of the society.

Explanation—For the purposes of this section, the expression 'prescribed authority' means an officer or court authorised in this behalf by the State Government by notification published in the Official Gazette.

26. Where a society accepts a gift or donation of money or property of any other kind from any person for a specific purpose, it shall not use the money or other property gifted or donated or any part thereof for any other purpose without the written consent of the Registrar who shall refuse such consent except when he is satisfied that the purpose for which the gift was made is incapable of execution by the society.

27. Any person who—

(a) wilfully makes or causes to be made a false entry in, or any omission from, the list or any statement or copy of rules or of alteration in rules or other information sent to the Registrar under section 4 or section 4-A ;

(b) wilfully fails to furnish any account or statement referred to in sub-section (1) of section 23 or furnishes in compliance with the said sub-section particulars which are false and which he either knows or believes to be false or does not believe to be true ;

(c) neglects or refuses to make its accounts or other documents available for audit as required by sub-section (3) of section 23 ;

(d) wilfully fails to produce any books of accounts or other records as required by sub-section (2) of section 24 ;

(e) wilfully fails to appear before the Registrar or other person appointed by him or otherwise contravenes the provisions of sub-section (3) of section 24 ;

shall be punishable with fine which may extend to two thousand rupees.

28. No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act nor shall cognizance of any such offence be taken except on a complaint made by the Registrar or any other person authorised in writing by him by general or special order in that behalf.

29. (1) The Registrar may accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 27 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 the payment of such composition fee the suspected person if in custody, shall be discharged and no further proceedings shall be taken against him, and if prosecution of such person had been instituted, the composition shall have the effect of his acquittal.

30. Fees payable under the provisions of this Act shall be paid in such manner as may be prescribed by rules.

Manner of payment of fees.

31. No suit, prosecution or other legal proceeding shall lie in any court against the State Government, the Registrar or against any person appointed for inspection or investigation under section 24, for anything in good faith done or intended to be done under this Act or the rules made thereunder.

Indemnity.

32. (1) Any notice, order or requisition meant for a society or for the governing body thereof to be issued by the Registrar may be served on the Secretary of the society, and service on the Secretary be as effectual as if the same had been served on every member of the society or, as the case may be, on every member of the governing body thereof, unless the Registrar otherwise directs.

Mode of service of notice, etc. by Registrar.

(2) The sending of such notice, order or requisition to the secretary of the society by registered post at its registered office shall amount to sufficient service thereof on the society.

33. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) All rules made under this Act shall, as soon as may be, after they are made, be laid before each House of the State Legislature while it is in session, for a total period of thirty days extending in its one session or more than one successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the Official Gazette, subject to such modifications or annulments as the two Houses of the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to validity of anything previously done thereunder."

विधान पुस्तकालय

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

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**THE SOCIETIES REGISTRATION (UTTAR PRADESH
AMENDMENT) ACT, 1978**

[U. P. ACT NO. 26 OF 1979]

[**Authoritative English Text of the Society Registrkaran (Uttar Pradesh
Sanshodhan Adhiniyam, 1979) (Uttar Pradesh Adhiniyam Sankhya 26 of 1979)*]

**AN
ACT**

*further to amend the Societies Registration Act, 1860 in its application to
Uttar Pradesh*

**IT IS HEREBY enacted in the Thirtieth Year of the Republic of India as
follows :—**

**1. This Act may be called the Societies Registration (Uttar Pradesh
Amendment) Act, 1979.** Short title.

*[For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette, (Extraordinary),
dated December 12, 1978*].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on May 5, 1979 and by
the Uttar Pradesh Legislative Council on May 22, 1979).

[Received the assent of the President on July 9, 1979, under Article 201 of the
Constitution of India and was published in Part I(a) of the Legislative Supplement
of the *Uttar Pradesh Gazette Extraordinary*, dated July 16, 1979.]

Amendment of section 3.

2. In section 3 of the Societies Registration Act, 1860 as amended in its application to Uttar Pradesh (hereinafter referred to as the principal Act), in sub-section (2), *after* clause (d), *for* the Explanation, the following proviso shall be substituted, and be deemed always to have been *substituted*, namely :

“Provided that the State Government may in exceptional circumstances, for reasons to be recorded permit any society to use the word ‘Union’ or the word ‘Gandhi’ in its name, and thereupon, the use of that word in the name of the society shall not be a ground for refusal to register or to renew the certificate of registration of such society.”

Insertion of section 3-B.

3. *After* section 3-A of the principal Act, the following section shall be *inserted*, namely :—

“3-B. 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 3-A, the matter shall be referred to the State Government, and the decision of the State Government thereon shall be final.”

Insertion of section 5-A.

4. *After* section 5 of the principal Act, the following section shall be *inserted*, namely :—

“5-A. (1) Notwithstanding anything contained in any law, contract or other instrument to the contrary, it shall not be lawful for the governing body of a society registered under this Act or any of its members to transfer, without the previous approval of the court, any immovable property belonging to any such society.

(2) Every transfer made in contravention of sub-section (1) shall be void.

Explanation I—The word ‘court’ shall have the meaning assigned to it in section 13.

Explanation II—The expression ‘transfer’ shall for the purposes of this section mean—

- (a) a mortgage, charge, sale, gift, or exchange ;
- (b) lease for a term exceeding five years ; or
- (c) irrevocable licence.”

Amendment of section 12-A.

5. In section 12-A of the principal Act, *after* the words “two-thirds of the total number of its members”, the words “and with the previous approval of the Registrar in writing” shall be *inserted*.

Amendment of section 12-D.

6. In section 12-D of the principal Act, in sub-section (1), in clause (a) *for* the word “was” the word “is” shall be *substituted*.

Substitution of section 21

7. *For* section 21 of the principal Act, the following section shall be *substituted*, namely :

“21. In this Act, the word ‘Registrar’ means a person appointed as such by the State Government, and includes an Additional Registrar, a Joint Registrar, Deputy Registrar, or Assistant Registrar, on whom all or any of the powers of the Registrar under this Act are conferred by general or special order of the State Government.”

Dated Lucknow, April 30, 1984

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Society Registration (Uttar Pradesh Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 11 of 1984) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 29, 1984:

THE SOCIETIES REGISTRATION (UTTAR PRADESH AMENDMENT) ACT, 1984

[U. P. ACT NO. 11 OF 1984]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

furth~~er~~ to amend the Societies Registration Act, 1860 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Thirty-fifth Year of the Republic of India as follows :—

- | | |
|---|--------------------------|
| 1. This Act may be called the Societies Registration (Uttar Pradesh Amendment) Act, 1984. | Short title |
| 2. In section 3 of the Societies Registration Act, 1860, hereinafter referred to as the principal Act, for the words "one hundred rupees" the words, "one hundred fifty rupees" shall be substituted. | Amendment of section 3 |
| 3. In section 3-A of the principal Act—
(a) for sub-section (1), the following sub-section shall be substituted, namely:—
“(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 issued before the commencement of the Societies Registration (Uttar Pradesh Amendment) Act, 1984 (hereinafter in this section referred to as the said Act), shall remain in force for a period of five years from the date of such commencement on payment of the difference of the fees specified under sub-section (3) and the fees already paid.” | Amendment of section 3-A |

(b) in sub-section (2), for the words, "two years", the words "five years" shall be substituted;

(c) in sub-section (3), in clause (a), for the words "ten rupees", the words, "rupees twenty-five" shall be substituted;

(d) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Every application for renewal of the certificate shall be accompanied by a list of members of the managing body elected after the registration of the society or after the renewal of certificate of registration and also the certificate sought to be renewed unless dispensed with by the Registrar on the ground of its loss or destruction or any other sufficient cause."

Amendment of section 4 of viso shall be inserted, namely:—

"Provided that if the managing body is elected after the last submission of the list, the counter signatures of the old members, shall, as far as possible, be obtained on the list. If the old office bearers do not countersign the list, the Registrar may, in his discretion, issue a public notice or notice to such persons as he thinks fit inviting objections within a specified period and shall decide all objections received within the said period."

Amendment of section 12-D

5. In section 12-D of the principal Act —

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

"(c) that the registration or the certificate of renewal has been obtained by misrepresentation or fraud."

(b) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

"(2) An appeal against an order made under sub-section (1) may be preferred to the Commissioner of the Division in whose jurisdiction the Headquarter of the Society lies, within one month from the date of communication of such order.

(3) The decision of the Commissioner under sub-section (2) shall be final and shall not be called in question in any court."

Amendment of section 15

6. The existing section 15 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Every society shall maintain a register of members giving such particulars as may be prescribed."

Amendment of section 20

7. In section 20 of the principal Act, after the words "established for the promotion of" and before the word "science", the words, "Khadi and Village Industry, Panchayat Industry, Rural Development," shall be inserted.

Amendment of section 24

8. In section 24 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(3-A) The Registrar 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 account books of the society :

Provided that any person from whose custody such records are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of the person having the custody of such records."

Amendment of section 27

9. In section 27 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) fails to furnish the list of managing body or other information required to be furnished under section 4 or 4-A or wilfully makes or causes to be made a false entry in, or any omission from, the list or any statement or copy of rules or of alteration in rules or other information sent to the Registrar under the said section 4 or section 4-A."

By order,
G. B. SINGH,
Sachiv..

Dated Lucknow, August 31, 1994

in pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Societies Registration (Uttar Pradesh Sanshodhan) Adhiniyam, 1994 (Uttar Pradesh Act No. 23 of 1994) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 30, 1994.

**THE SOCIETIES REGISTRATION (UTTAR PRADESH AMENDMENT)
ACT, 1994**

[U. P. ACT NO. 23 OF 1994]

(As passed by U. P. Legislature)

AN
ACT

further to amend the Societies Registration Act, 1860 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Forty-fifth Year of the Republic of India as follows :—

the extent
of commencement-

1. (1) This Act may be called the Societies Registration (Amendment) Act, 1994.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on August 8, 1994.

3. In section 3-A of the principal Act,—

Amendment of
section 3-A

(a) in sub-section (3),—

(i) in clause (a) for the words "twenty five" the words "one hundred" shall be *substituted* ;

(ii) in clause (b) for the words "five rupees" the words "twenty rupees" shall be *substituted* ;

(iii) in clause (c) for the words "two rupees" the words "ten rupees" shall be *substituted* ;

(b) in the proviso to sub-section (5) for the words "fifty rupees" the words "two hundred rupees" shall be *substituted*.

4. (1) The Societies Registration (Uttar Pradesh Amendment) Ordinance, 1994 is hereby repealed.

Repeal and
savings

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
N. K. NARANG,
Sachiv.

No. 114 (2)/XVII-V-1-1 (KA)-34-1999

Dated Lucknow, January 12, 2000

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Society Registrkaran (Uttar Pradesh Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 8 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 11, 2000.

THE SOCIETIES REGISTRATION (UTTAR PRADESH
AMENDMENT) ACT, 2000

(U. P. ACT NO. 8 OF 2000)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

Further to amend the Societies Registration Act, 1860 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Societies Registration (Uttar Pradesh Amendment) Act, 2000.

Short title and commencement

(2) It shall be deemed to have come into force on November 25, 1999.

2. In section 3 of the Societies Registration Act, 1860, hereinafter referred to as the principal Act, in sub-section (1),—

Amendment of section 3 of Act no. 21 of 1860

(a) for the words "five hundred rupees" the words "one thousand rupees" shall be substituted;

(b) for the existing proviso the following provisos shall be substituted, namely :—

"Provided that the State Government may, by notification in the official Gazette, increase from time to time the fee payable under this sub-section :

Provided further that the Registrar may, in his discretion, issue public notice or issue notices to such persons as he thinks fit inviting objections, if any, against the proposed registration and consider all objections that may be received by him before registering the society."

3. In section 3-A of the principal Act, —

Amendment of section 3

(i) in sub-section (3), for clauses (a), (b) and (c) the following clauses shall be substituted, namely :—

"(a) a fee equal to the registration fee payable under section 3 or rupees two hundred, whichever is less, if such application is filed within the period specified in sub-section (2):

Provided that the State Government may, by notification in the Official Gazette, increase from time to time the fee payable under this clause subject to the condition that the fee so increased shall not exceed the registration fee payable under section 3;

(b) an additional fee of forty rupees or such higher fee not exceeding one-fifth of the fee payable under clause (a) as may be notified by the State Government, if such application is filed within one month of the date of expiration of the period specified in sub-section (2); and

(c) an additional fee at the rate of twenty rupees per month or part thereof, or such higher additional fee per month not exceeding half of the additional fee payable under clause (b) as may be notified by the State Government, if such application is filed beyond one month of the expiration of the period specified in sub-section (2)."

(ii) In sub-section (5), in the proviso for the words "two hundred rupees" the words "four hundred rupees" or such higher fee not exceeding ten times of the additional fee payable under clause (b) of sub-section (3) as may be notified by the State Government from time to time shall be *substituted*.

Repeal and savings

4. (1) The Societies Registration (Uttar Pradesh Amendment) Ordinance, 1999 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

U.
Ord.
no. 21
1999



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, बुधवार, 9 अक्टूबर, 2013

आश्विन 17, 1935 शक सम्वत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 1106/79-वि-1-13-1(क)-30-2011

लखनऊ, 9 अक्टूबर, 2013

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 201 के अधीन राष्ट्रपति महोदय ने सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) विधेयक, 2011, पर दिनांक 28 सितम्बर, 2013 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 23 सन् 2013 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) अधिनियम, 2011

(उत्तर प्रदेश अधिनियम संख्या 23 सन् 2013)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश में अपनी प्रवृत्ति के सम्बन्ध में सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के बासठवें वर्ष में एतद्द्वारा निम्नलिखित अधिनियम बनाया जाता है:-

1-यह अधिनियम सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) अधिनियम, 2011 संक्षिप्त नाम कहा जायेगा।

अधिनियम संख्या 21
सन् 1860 की नयी
धारा 4-ख का
बढ़ाया जाना

2-उत्तर प्रदेश में अपनी प्रवृत्ति के ङ्गबन्ध में यथा संशोधित सोसाइटी रजिस्ट्रीकरण अधिनियम 1860 की धारा 4-क के व्यञ्चात निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात् :-

"4-ख (1) किसी सोसाइटी के रजिस्ट्रीकरण/नवीनीकरण के समय उस सोसाइटी के साधारण सभा के सदस्यों की सूची सदस्यों के नाम, पिता का नाम, पता और व्यवसाय उल्लिखित करते हुए रजिस्ट्रार के पास दाखिल की जायेगी। रजिस्ट्रार ऐसी सोसाइटी के साधारण सभा के सदस्यों की सूची की शुद्धता का परीक्षण सोसाइटी की साधारण सभा की सदस्यता पंजिका और उसकी कार्यवृत्त पंजिका, कैशबुक, सदस्यता शुल्क की रसीद बुक और सोसाइटी की बैंक पास बुक के आधार पर करेगा।

(2) यदि उपधारा (1) में निर्दिष्ट सोसाइटी के साधारण सभा के सदस्यों की सूची में किसी सदस्य के आगमन, हटाए जाने, त्याग-पत्र अथवा मृत्यु के कारणों से किसी प्रकार का परिवर्तन होता है तो ऐसे परिवर्तन के दिनांक से एक माह के भीतर साधारण सभा के सदस्यों की एक उपांतरित सूची रजिस्ट्रार के पास दाखिल की जायेगी।

(3) इस धारा के अधीन रजिस्ट्रार के पास दाखिल की जाने वाली साधारण सभा के सदस्यों की सूची सोसाइटी के दो पदाधिकारियों और दो कार्यपालक सदस्यों द्वारा हस्ताक्षरित की जायेगी।"

उद्देश्य एव कारण

सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (अधिनियम संख्या 21 सन् 1860) संसद द्वारा साहित्यिक, वैज्ञानिक एवं पूर्त सोसाइटियों के रजिस्ट्रीकरण की व्यवस्था के लिये अधिनियमित किया गया है। उक्त अधिनियम की धारा 4 में किसी सोसाइटी की प्रबन्ध समिति की वार्षिक सूची दाखिल किये जाने का प्रावधान है लेकिन सोसाइटी की साधारण सभा की सूची को दाखिल करने का उक्त अधिनियम में कोई प्रावधान नहीं है। वर्तमान में बहुत संख्या में सोसाइटियां रजिस्ट्रार के पास साधारण सभा की शुद्ध सूची नहीं होने के कारण विवादित हैं। अनेक प्रकरणों में कोई अवैध व्यक्ति फर्जी तरीके से रजिस्ट्रार के समक्ष किसी सोसाइटी की साधारण सभा की अशुद्ध सूची प्रस्तुत कर देता है और स्वयं ऐसी सोसाइटी का सदस्य अथवा पदाधिकारी होने का दावा करता है। ऐसी परिस्थिति उत्पन्न न होने पाये, अतएव यह निर्णय लिया गया है कि उत्तर प्रदेश में अपनी प्रवृत्ति के संबंध में उक्त अधिनियम में नयी धारा 4-ख बढ़ा दी जाय, जिसमें यह प्राविधान हो कि ऐसी सोसाइटी के रजिस्ट्रीकरण या नवीनीकरण के समय उसकी साधारण सभा की सूची रजिस्ट्रार के यहां दाखिल की जाये

तदनुसार सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) विधेयक, 2011 पुरःस्थापित किया जाता है।

आज्ञा स,
एस० बी० सिंह,
प्रमुख सचिव।

No. 1106(2)/LXXIX-V-1-13-1(Ka)-30-2011

Dated Lucknow, October 9, 2013

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Society Registrikaran (Uttar Pradesh Sanshodhan) Adhiniyam, 2011 (Uttar Pradesh Adhiniyam Sankhya 23 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the President on September 28, 2013.

THE SOCIETIES REGISTRATION (UTTAR PRADESH AMENDMENT) ACT, 2011

(U.P. Act no. 23 of 2013)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Societies Registration Act, 1860 in its application to Uttar Pradesh..

IT IS HEREBY enacted in the Sixty-second Year of the Republic of India as follows :—

1. This Act may be called the Societies Registration (Uttar Pradesh Amendment) Act, 2011. Short title

2. After section 4-A of the Societies Registration Act, 1860 as amended in its application to Uttar Pradesh the following section shall be *inserted*, namely:— Insertion of new section 4-B of Act no. 21 of 1860

“4-B(1) At the time of registration/renewal of a society, list of members of General Body of that society shall be filed with the Registrar mentioning the name, father's name, address and occupation of the members. The Registrar shall examine the correctness of the list of members of the General Body of such society on the basis of the register of members of the General Body and minutes book thereof, cash book, receipt book of membership fee and bank pass book of the society.

(2) If there is any change in the list of members of the General Body of the society referred to in sub-section (1), on account of induction, removal, resignation or death of any member, a modified list of members of General Body, shall be filed with the Registrar, within one month from the date of change.

(3) The list of members of the General Body to be filed with the Registrar under this section shall be signed by two office bearers and two executive members of the society.”

STATEMENT OF OBJECTS AND REASONS

The Societies Registration Act, 1860 (Act no. 21 of 1860) has been enacted by the Parliament to provide for registration of literary, scientific and charitable societies. Section 4 of the said Act deals with the filing of annual list of managing Body of a society but there is no provision in the said Act for filing of list of General Body of the society. At Present, a large number of societies are disputed due to non-existence of its correct list of General Body with the Registrar. In several cases, an illegal person, fraudulently, produces before the Registrar an incorrect list of General Body of the society and claims to be the member or office bearer of such society, In order to avoid such situation, it has been decided to amend the said Act in its application to Uttar Pradesh, to insert a new section 4-B, to provide for filing of the list of General Body with the Registrar at the time of registration or renewal of such society.

The Societies Registration (Uttar Pradesh Amendment) Bill, 2011 is introduced accordingly.

By order,
S. B. SINGH,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 18 जुलाई, 2022

आषाढ़ 27, 1944 शक सम्बत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 357/79-वि-1-2022-1-क-10-2021

लखनऊ, 18 जुलाई, 2022

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 201 के अधीन राष्ट्रपति महोदय ने सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) विधेयक, 2021 जिससे वित्त (लेखा-परीक्षा) अनुभाग-2 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 7 जुलाई, 2022 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 8 सन् 2022 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) अधिनियम, 2021

(उत्तर प्रदेश अधिनियम संख्या 8 सन् 2022)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश राज्य में अपनी प्रवृत्ति के सम्बन्ध में सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के बहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-यह अधिनियम सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) अधिनियम, 2021 संक्षिप्त नाम कहा जायेगा।

अधिनियम संख्या 21
सन् 1860 की धारा
3-क का
संशोधन

2-सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860, जिसे आगे मूल अधिनियम कहा गया है, में धारा 3-क में, उपधारा (2) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायेगी, अर्थात्:-

(2-क) धारा 3-क की उपधारा (2) के अधीन कृत किसी आदेश के विरुद्ध अपील, ऐसा आदेश संसूचित किये जाने के दिनांक से एक माह के भीतर उस मण्डल, जिसकी अधिकारिता के भीतर सोसाइटी का मुख्यालय स्थित है, के आयुक्त के समक्ष की जा सकती है:

परन्तु अपीलीय प्राधिकारी ऐसी अवधि के अवसान के पश्चात् कोई अपील स्वीकार कर सकता है, यदि अपीलार्थी, अपीलीय प्राधिकारी का यह समाधान कर देता है कि उसके पास ऐसी अवधि के भीतर अपील न करने का पर्याप्त हेतुक था।

धारा 4 का
संशोधन

3-मूल अधिनियम की धारा 4 में, उपधारा (1) के पश्चात् निम्नलिखित उपधारा और परन्तुक बढ़ा दिए जायेंगे, अर्थात् :-

(1-क) इस धारा के अधीन कृत किसी आदेश के विरुद्ध अपील, ऐसा आदेश संसूचित किये जाने के दिनांक से एक माह के भीतर उस मण्डल, जिसकी अधिकारिता के भीतर सोसाइटी का मुख्यालय स्थित है, के आयुक्त के समक्ष की जा सकती है:

परन्तु यह कि अपीलीय प्राधिकारी ऐसी अवधि के अवसान के पश्चात् अपील स्वीकार कर सकता है, यदि अपीलार्थी अपीलीय प्राधिकारी का यह समाधान कर देता है कि उसके पास ऐसी अवधि के भीतर अपील न करने का पर्याप्त हेतुक था।

धारा 4-ख
का संशोधन

4-मूल अधिनियम की धारा 4-ख की उपधारा (2) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

(2) यदि उपधारा (1) में निर्दिष्ट सोसाइटी के साधारण सभा के सदस्यों की सूची में, किसी सदस्य के आगमन, उसे हटाए जाने, त्याग-पत्र अथवा मृत्यु के कारण कोई परिवर्तन होता है तो ऐसे परिवर्तन के दिनांक से एक माह के भीतर साधारण सभा के सदस्यों की एक उपांतरित सूची रजिस्ट्रार के पास दाखिल की जायेगी। साधारण सभा की सूची में कोई परिवर्तन तब तक विधिमान्य नहीं होगा जब तक कि उसका अनुमोदन प्रबन्ध निकाय द्वारा न कर दिया जाय।

धारा 5-क का
बढ़ाया जाना

5-मूल अधिनियम की धारा 5 के पश्चात् निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात्:-

5-क-(1) किसी विधि, संविदा अथवा अन्य लिखत में अन्तर्विष्ट किसी बात के प्रतिकूल होते हुए भी, यह इस अधिनियम के अधीन रजिस्ट्रीकृत किसी सोसाइटी के शासी निकाय अथवा उसके किसी सदस्य के लिए, न्यायालय का पूर्व अनुमोदन प्राप्त किए बिना ऐसी सोसाइटी की किसी स्थावर सम्पत्ति का अंतरण करना विधि-सम्मत नहीं होगा।

(2) उपधारा (1) के उल्लंघन में किया गया प्रत्येक अन्तरण शून्य होगा।

स्पष्टीकरण 1-शब्द "न्यायालय" का वही अर्थ होगा जो उसके लिए धारा 13 में समनुदेशित किया गया हो।

स्पष्टीकरण 2-इस धारा के प्रयोजनों के लिए पद "अन्तरण" का तात्पर्य निम्नवत् है:-

(क) एक बन्धक, भार, विक्रय, दान या विनिमय;

(ख) पाँच वर्ष से अधिक अवधि का पट्टा; अथवा

(ग) अप्रतिसंहरणीय अनुज्ञप्ति।

धारा 16-क
का संशोधन

6-मूल अधिनियम की धारा 16-क के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात्:-

16-क-सोसाइटी में पद धारित करने के लिये निरर्हता-ऐसा कोई व्यक्ति, जो अनुमोचित दिवालिया है या जो किसी सोसाइटी या किसी निगमित निकाय के गठन, प्रोन्नति, प्रबन्धन या कार्य-कलापों के संचालन से सम्बन्धित किसी अपराध अथवा ऐसे अपराध, जिसमें नैतिक अधमता अन्तर्ग्रस्त है, के लिये दोषसिद्ध किया गया है अथवा किसी सक्षम न्यायालय द्वारा ऐसे किसी दाण्डिक अपराध में दोषसिद्ध किया गया हो जिसके लिए दो वर्ष या उससे अधिक का दण्ड हो, निर्णय के दिनांक से शासी निकाय का सदस्य या सोसाइटी का अध्यक्ष, सचिव या किसी अन्य पद-धारक के रूप में चुने जाने के लिये या होने के लिये निरर्ह होगा।

7—मूल अधिनियम की धारा 25 की उपधारा (1) के परन्तुक में, खण्ड (ग) के पश्चात् धारा 25 का निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात्:— संशोधन

(घ) इस उपधारा के अधीन कृत किसी आदेश के विरुद्ध अपील, ऐसा आदेश संसूचित किये जाने के दिनांक से एक माह के भीतर उस मण्डल, जिसकी अधिकारिता के भीतर सोसाइटी का मुख्यालय स्थित है, के आयुक्त को की जा सकती है:

परन्तु अपीलीय प्राधिकारी ऐसी अवधि के अवसान के पश्चात् अपील स्वीकार कर सकता है, यदि अपीलार्थी अपीलीय प्राधिकारी का यह समाधान कर देता है कि उसके पास ऐसी अवधि के भीतर अपील न करने का पर्याप्त हेतुक था।

उद्देश्य और कारण

सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (अधिनियम संख्या 21 सन् 1860) संसद द्वारा साहित्यिक, वैज्ञानिक एवं पूर्त सोसाइटियों के रजिस्ट्रीकरण का उपबंध करने के लिए अधिनियमित किया गया है। धारा 3 और 4 के अधीन दिये गये रजिस्ट्रार के विनिश्चय और उक्त अधिनियम की धारा 25 के अधीन दिए गये विहित प्राधिकारी के विनिश्चय के विरुद्ध उक्त अधिनियम में अपील का कोई उपबंध नहीं है जिसके कारण उपलब्ध उपचार मात्र रिट याचिका दाखिल करना रह गया है जो सामान्य व्यक्ति के लिए समय-नष्टकारी और व्यय-साध्य होती है। अतएव, उक्त धाराओं के अधीन दिये गये रजिस्ट्रार और विहित प्राधिकारी के विनिश्चय के लिए आयुक्त को अपीलीय प्राधिकारी बनाये जाने के लिये उक्त अधिनियम में संशोधन करने का विनिश्चय किया गया है। अग्रतर यह सुनिश्चित करने के उद्देश्य से कि साधारण सभा की सूची में परिवर्तन युक्तिसंगत रीति से किया जाता है, धारा 4 (ख) में यह उपबंध करने के लिये संशोधन करने का विनिश्चय किया गया है कि प्रबन्ध निकाय के अनुमोदन के पश्चात् ही साधारण सभा की सूची में कोई परिवर्तन किया जाना विधिमान्य समझा जाना चाहिये। अग्रतर यह भी सुनिश्चित करने के उद्देश्य से कि अचल संपत्तियों का अंतरण अनियमित रीति से न किया जाय, यह उपबंध करने के लिये उक्त अधिनियम में एक धारा बढ़ाये जाने का विनिश्चय किया गया है कि यदि सोसाइटी की अचल संपत्ति का अंतरण, सक्षम न्यायालय की पूर्व अनुज्ञा के बिना किया जाता है तो वह विधि-सम्मत नहीं होगा। सोसाइटियों में अनर्हित व्यक्तियों के प्रतिनिधित्व को समाप्त किये जाने की भी आवश्यकता महसूस की गई है। अतएव, यह उपबंध करने के लिये उक्त अधिनियम में संशोधन किये जाने का विनिश्चय किया गया है कि कोई व्यक्ति, जो किसी आपराधिक मामले में सक्षम न्यायालय द्वारा दोषी पाया जाय, जहां दण्डादेश दो वर्ष या उससे अधिक समय के लिये हो तो ऐसा व्यक्ति किसी सोसाइटी में पद धारण करने के लिये अपात्र होगा।

पूर्वोक्त संशोधनों को सम्मिलित करने के उद्देश्य से, पूर्वोक्त अधिनियम में संशोधन किये जाने का विनिश्चय किया गया है।

तदनुसार, सोसाइटी रजिस्ट्रीकरण (उत्तर प्रदेश संशोधन) विधेयक, 2021 पुरःस्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Society Registrickaran (Uttar Pradesh Sanshodhan) Adhiniyam, 2021 (Uttar Pradesh Adhiniyam Sankhya 8 of 2022) as passed by the Uttar Pradesh Legislature and assented to by the President on July 7, 2022. The Vitt (Lekha-Pariksha) Anubhag-2 is administratively concerned with the said Adhiniyam.

THE SOCIETIES REGISTRATION
(UTTAR PRADESH AMENDMENT) ACT, 2021

(U.P. Act no. 8 of 2022)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Societies Registration Act, 1860, in its application to the State of Uttar Pradesh.

IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows:-

Short title

1. This Act may be called the Societies Registration (Uttar Pradesh Amendment) Act, 2021.

Amendment of section 3-A of Act no 21 of 1860

2. In the Societies Registration Act, 1860 hereinafter referred to as the principal Act in section 3-A *after* sub-section(2), the following sub-section shall be *inserted*, namely :-

(2A) An appeal against an order made under sub-section (2) of section 3-A may be preferred to the Commissioner of the Division in whose jurisdiction the headquarter of the Society lies, within one month from the date of communication of such order :

Provided that the appellate authority may admit an appeal after the expiry of such period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

Amendment of section 4

3. In section 4 of the principal Act, *after* sub-section (1), the following sub-section and the proviso shall be *inserted*, namely :-

(1A) An appeal against an order made under this section may be preferred to the Commissioner of the Division in whose jurisdiction the headquarter of the Society lies, within one month from the date of communication of such order:

Provided that the appellate authority may admit an appeal after the expiry of such period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

Amendment of section 4-B

4. *For* sub-section (2) of section 4-B of the principal Act, the following sub-section shall be *substituted*, namely :-

(2) If there is any change in the list of members of the General Body of the society referred to in sub-section (1), on account of induction, removal, registration or death of any member, a modified list of members of General Body, shall be filed with the Registrar, within one month from the date of change.

Any change in the list of General Body shall not be valid unless it is approved by the Managing Body.

5. *After* section 5 of the principal Act, the following section shall be *inserted*, namely :-

Insertion of section 5-A

5-A (1) Notwithstanding anything contained in any law, contract or other instrument to the contrary, it shall not be lawful for the Governing Body of a society registered under this Act or any of its members of transfer, without the previous approval of the Court, any immovable property belonging to such society.

(2) Every transfer made in contravention of sub-section (1) shall be *void*.

Explanation I-The word 'court' shall have the meaning assigned to it in section 13.

Explanation II-The expression 'transfer' shall for the purposes of this section mean :-

- (a) a mortgage, charge, sale, gift or exchange;
- (b) lease for a term exceeding five years; or
- (c) irrevocable licence.

6. *For* section 16-A of the principal Act, the following section shall be *substituted*, namely :-

Amendment of section 16-A

16-A. *Disqualification for holding office in Society*-A person who is an undischarged insolvent or who has been convicted of any offence in connection with the formation, promotion, management or conduct of the affairs of a Society, or of a body corporate, or of an offence involving moral turpitude or is convicted by a competent court for any criminal offence for which the punishment is 2 years or more, shall be disqualified from the date of judgement for being chosen as, and for being a member of the Governing body or the President, Secretary, or any other office-bearer of Society.

7. In the proviso to sub-section(1) of section 25 of the principal Act, *after* clause (c), the following clause shall be *inserted*, namely :-

Amendment of section 25

(d) An appeal against an order made under this sub-section may be preferred to the Commissioner of the Division in whose jurisdiction the headquarter of the Society lies, within one month from the date of communication of such order:

Provided that the appellate authority may admit an appeal after the expiry of such period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

STATEMENT OF OBJECTS AND REASONS

The Societies Registration Act, 1860 (Act No. 21 of 1860) has been enacted by the Parliament to provide for the registration of literary, scientific and charitable societies. There is no provision of appeal in the said Act against the decision of the Registrar given under sections 3 and 4 and the decision of the Prescribed Authority given under section 25 of the said Act due to which the only remedy available is to file a writ petition which is time-consuming and expenditure-provable for the common man. Therefore, it has been decided to amend the said Act to make Commissioner as the appellate authority for the decision of the Registrar and the Prescribed Authority given under the said sections. Further, in order to ensure that changes in

the list of General Assembly happens in a rational way, it has been decided to amend section 4B to provide that any change in the list of General Assembly should be considered valid only after the approval of the managing body. Also, in order to ensure that the transfer of immovable properties does not take place in an irregular manner, it has been decided to insert a section in the said Act providing that if the immovable property of the society is transferred without prior permission of the competent Court, the same shall not be lawful. A need has also been felt to put an end to the representation of unqualified persons in societies. Hence, it has been decided to amend the said Act to provide that a person who is found guilty by the competent Court in any criminal matter where the punishment is a sentence of two years or more, then such a person shall be ineligible to hold office in a Society.

In order to incorporate the aforesaid amendments, it has been decided to amend the aforesaid Act.

The Societies Registration (Uttar Pradesh Amendment) Bill, 2021 is introduced accordingly.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.