

The Manipur Societies Registration Act, 1989

Act 1 of 1990

Keyword(s):

Court, Governing Body, Memorandum, Registrar, Votes of three-fifths of the Members

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NOTIFICATION

Imphal, the 17th March 1990

No. 2/3/89-Leg/L.-The following Act. of the Legislature. Manipur which received assent of the President of India on 7-3-90 is hereby published in the Manipur Gazette.

I. BIJOY SINGH

Secretary (Law), Government of Manipur.

THE MANIPUR SOCIETIES REGISTRATION ACT, 1989 (Manipur Act No: 1 of I990)

An Act

to provide for the registration of literary, scientific and charitable societies and for matters connected therewith.

BE it enacted by the Legislature of Manipur in the Fortieth year of the Republic of India as follows :

1. Short title, extent and commencement :—

- (1) This act may be called the Manipur Societies Registration Act 1989.
- (2) It extends to the whole State of Manipur.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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2. Definitions :-

In this Act, unless the context otherwise require :-

- (a) **“Court”** means the principal civil court of original jurisdiction of the district within which the registered office of the society is situated ;
- (b) **“Governing body”** means the body, by whatever name called entrusted for the time being with the management of a society under its regulations ;
- (c) **“Memorandum”** means the memorandum of association of a society as originally filed and as amended, in pursuance of the provisions of this Act;
- (d) **“President”** means the President, the Chairman or the formal head of whatever name called, of a society and includes a person who for the time being acts as the formal head;
- (e) **“Registrar”** means a person appointed as Registrar under section 3 and includes in relation to the exercise of any powers or functions under this Act any person on whom such powers or functions have been conferred under that sections.
- (f) **“Regulations”** means the regulations made by a society;
- (g) **“Rules”** means rules made by the State Government under section 31;
- (h) **“Secretary”** means the Secretary or the Principal executive office bearer by whatever name called, of a society, and includes a person who for the time being acts as Secretary;
- (i) **“Society”** means a society registered or deemed to have been registered under this Act ; and
- (j) **“Votes of three-fifths of the members”** means the votes of at least three-fifths of the total number of members of a society, given at a general meeting of the society convened according to its regulations, including votes by proxy where voting by proxy is allowed under the regulations.

3. Appointment of Registrar :-

The State Government may appoint a person to be the Registrar of Societies for the State of Manipur and such other persons as it thinks necessary to assist the Registrar and may, by general or special order, confer on such person or persons assisting the Registrar any of the powers and functions of the Registrar under this Act.

***The Manipur Societies Registration Act 1989*****4. Societies to be formed by memorandum of association and registration :-**

(1) Any seven or more individuals associated for any of the subjects mentioned in sub-section (2) may subscribe their names to a memorandum of association and file it along with a copy of the regulations with the Registrar for registration of the association as a society under this Act.

(2) The objects referred to in sub-section (1) may relate to the promotion of literature, arts, science or religion; any charitable purpose including the care or relief of orphans, or of aged, sick, helpless or indigent persons; the alleviation of the sufferings of the animals; the diffusion of knowledge; the dissemination of social political or economic education; establishment and maintenance of libraries or reading rooms for the members or for the public; the collection and preservation of manuscripts, paintings, sculptures, works or arts, antiquities, natural history specimens, mechanical and scientific instruments and designs; any other object as may be notified by the State Government as beneficial to the public or to a section of the public.

5. Memorandum of association :-

The Memorandum shall contain, amongst other things, the following particulars, namely :-

- (a) the name of association ;
- (b) the address of the registered office of the association ;
- (c) the object of the association ;
- (d) the names of the first members of the governing body ; and
- (e) the names, addresses and occupations of the signatories to the memorandum.

6. Regulations :- The Registrar shall not accept any memorandum for registration of a society unless it is accompanied by a copy of its regulations providing, amongst other things, for the following matters, namely ;

- (a) The composition of the governing body and the manner of election or appointment and resignation or removal and the term of office of the members of the governing body, the president, the Secretary and other office bearer;
- (b) the admission to membership and resignation and removal of members;

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- (c) the maintenance of a register of members and facilities for inspection thereof by the members;
- (d) the safe custody of the property of the society including in particular, the manner of keeping or investing any moneys of the society ;
- (e) the procedure for holding meetings of the society, the quorum, the method of voting, the period of notice for meetings and the manner of voting by proxy, where such voting is allowed;
- (f) the maintenance and audit of accounts;
- (g) the inspection of accounts, and of the proceedings of meetings, by the members of the society; and
- (h) any other matter relating to the objects or affairs of the society.

7. Registration :-

(1) The Registrar upon being satisfied that the memorandum and the regulations accompanying it comply with the requirements of this Act and the rules and upon payment of the fee referred to in sub-section (2) shall certify under this hand and seal that the society is registered under this Act.

(2) There shall be paid to the Registrar, for the registration of a society under this Act. a fee of one hundred rupees, or such smaller fee as the State Government may from time to time direct.

(3) An appeal shall lie to the State Government against an order of the Registrar refusing to certify the registration of an association as a society under this Act and the decision on such appeal shall be final.

8. Alteration of memorandum and regulations :-

(1) A society shall not alter its memorandum except with the previous permission of the Registrar in writing and the votes of its members.

(2) Before granting permission under sub-section (1) the Registrar shall satisfy himself that the alteration does not make the society ineligible for registration under this Act.

(3) Subject to the provisions of this Act, the rules and provision of the memorandum a society may, by the votes of three-fifths of the members, alter its regulations.

***The Manipur Societies Registration Act 1989*****9. Alteration to be filed :-**

(1) A copy of every alteration of the memorandum and of the regulations shall be filed with Registrar within thirty days of such alteration.

(2) The Registrar shall, except for special reasons to be recorded by him in writing within thirty days from the date of such receipt, record the alteration and send an intimation of the fact to the society or communicate to the society his objections to such alteration.

(3) An appeal shall lie to the State Government against any objection made by the Registrar and the decision of the State Government on such appeal be final.

(4) An alteration shall have effect from the date on which the intimation referred to in sub-section (2) is received by the society or in the event of any objections being raised by the Registrar from the date on which the State Government allows the alteration an appeal.

10. Name of the society :-

No society shall be registered under a name which is identical with or too nearly resembles, the name of any other society or any body corporate which has been previously registered or incorporated under this Act or and other law for the time being in force, as the case may be, or is deemed to have been registered under this Act.

11. State Government may direct change of name :-

(1) If a society is registered under a name, or alters its name to another, name which in the opinion of the State Government is identical with or too nearly resembles the name of any other society or body corporate which have been previously registered or incorporated under this Act or any other law for the time being in force or being deemed to have been registered under this Act, continues to exist, the State Government may by order made in this behalf direct such society to change its name and alter its memorandum within three months from the date of the order on such longer period as the State Government may think fit to allow.

(2) No change of name shall affect the right and liabilities of a society or any legal proceedings by or against the society.

***The Manipur Societies Registration Act 1989*****12. Societies to have power to amalgamate with another society : –**

(1) Whenever two or more societies desire to amalgamate, the governing body of each such society shall submit a joint proposal in writing to the Registrar for his prior approval thereto.

(2) No such proposal shall have effect unless the proposal, with the modification, if any, suggested by the Registrar is confirmed by three-fifths of the join members of the societies concerned.

(3) An appeal shall lie to the State Government against any order of the State Government on such appeal shall be final.

(4) On the proposal being confirmed –

- (a) the amalgamated society shall be registered under its new name ;
- (b) the registration of the amalgamating societies shall be cancelled ; and
- (c) the assets and the liabilities of the amalgamating societies shall be the assets and the liabilities of the amalgamated society.

13. Name of the society to be prominently shown : –

Every society shall

- (a) prominently display its name outside its office or the place where its business is carried on ;
- (b) have a seal with its name engraved thereon ; and
- (c) have its name mentioned in all documents executed in its favour or on its behalf.

14. Register of members :–

Every society shall maintain, at its registered office, a register of its members and shall enter therein the following particulars, namely :–

- (a) the name and address of each members ;
- (b) the date on which the member was admitted ; and
- (c) the date on which a member ceased to be such.

***The Manipur Societies Registration Act 1989*****15. Books of account and audit :-**

(1) Every society shall keep at its registered office proper books of account in which shall be entered accurately all sums of money received and the source thereof and all sums of money expended by the society:

(2) Every society shall have its accounts audited once a year by a duly qualified auditor and have a balance sheet prepared by him. The auditor shall also submit a report showing the exact state of the financial affairs of the society.

16. Annual general meeting :-

(1) Every society shall hold an annual general meeting in every year.

(2) The balance sheet and auditor's report referred to in sub-section (2) of section 15 shall be placed at the annual general meeting of the society.

17. Annual and other returns to be forwarded to Registrar :-

(1) Within thirty days after the holding of every annual general meeting, there shall be fixed with the Registrar –

(a) a list of the names, addresses and occupations of the members of the new governing body, the President, the Secretary and of other office bearers of the society ;

(b) an annual report by the governing body on the working of the society for the previous year ; and

(c) a copy each of the balance sheet and auditor's report.

(2) The list and the annual report referred to in clauses (a) and (b) of sub-section (1) shall be certified by the President and Secretary.

(3) If any change occurs in the composition of the Governing body or in the holder of the office of the President or the Secretary at any time for any reason whatsoever, such change shall, within thirty days, be notified to the Registrar.

18. Property of the society to be vested :-

All property belonging to a society, if not vested in trustees, shall be deemed to be vested in the governing body of the society and shall be referred to as the property of the society.

The Manipur Societies Registration Act 1989**19. Suits and proceeding by and against a society :-**

(1) Every society may sue or may be sued in the name of the President, the Secretary, or any office-bearer authorised by the Registrar in this behalf.

(2) No suit or proceeding , shall abate by reason of any vacancy or change in the holder of the office of the President, the Secretary or any office-bearer.

(3) Every decree or order against a society in any, suit or proceeding shall be executable against the property of the society and not against the person or the property of the President, the Secretary or any office-bearer.

(4) Nothing in sub-section (3) Shall exempt the President, the Secretary of office bearer of a society from any criminal liability under this Act or entitle him to claim any contribution from the property of the society in respect of any fine paid by him on conviction by a Criminal Court.

20. Power to alter regulation :-

(1) Subject to the provisions of this Act and the rules, a society may, by the votes or three-fifths of the members add to or amend its regulations.

(2) A copy of such additions or amendments to the regulations shall be filed with the Registrar within thirty days after they are made.

21. Power of Registrar to call for information or explanation :-

(1) The Registrar may, by written order, call on a society to furnish in writing -such information or explanation within such time, not being 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.

(2) On receipt by the society of an order under sub-section (1) it shall be the duty of the office-bearer concerned to furnish such information or explanation

22. Investigation of affairs of a society :-

(1) Where on information received, the Registrar is of the opinion that there are circumstances suggesting that the business of a society is being .conducted with intent to defraud its creditors, members or any other person, or that the society is guilty of mismanaging its affairs or of any fraudulent or unlawful act, he may order an inquiry into the matter of the information received and appoint an officer under him to inspect and inquire as directed.

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(2) It shall be the duty of every office bearer of the society when so required by the officer ordered to inquire; to produce any books and papers of or relating to the society which are in his custody and otherwise, to give to the officer all assistance in connection with the investigation or inspection, which he is reasonably able to give.

(3) The officer may call upon and examine on oath any office-bearer of the society in relation to the affairs of the society and it shall be the duty of every office-bearer when so called upon to appear before such officer for such examination.

(4) On the conclusion of the investigation or inspection, as the case may be, the officer shall make a report to the Registrar on the matters of which he was directed to report.

(5) The Registrar shall send the report with his comments thereon to the State Government. On perusal of such report and comments of the Registrar, the State Government may give such directions as it may think fit to the society for the removal of any defects or irregularities within such time as, may be specified and on the society making any default in taking action according to such direction, the State Government may direct the Registrar to move the court for dissolution of the society.

23. Cancellation of registration :-

When an inquiry has been held under section 22, the Registrar may, if he is satisfied;

- (a) that the society has contravened any of the provisions of this Act. or the rules made thereunder ; or
- (b) that the society is insolvent or must necessarily become so ; or
- (c) that the business of any such society is conducted fraudulently or not in accordance with the bye-laws or the objects specified in the memorandum filed with the Registrar under Section 4; after giving in such manner, as he thinks fit, previous notice in writing to the society specifying briefly the grounds of the proposed cancellation and after giving an opportunity to the society to show cause why the cancellation should not be made, cancel the registration of the society and communicate the order of cancellation forthwith to the society by registered post.

***The Manipur Societies Registration Act 1989*****24. Winding-up of society :-**

(1) Where the registration of a society is cancelled, the Registrar may appoint a liquidator to wind up the society if the society has not wound up within such period as may be prescribed from the date of the order of cancellation.

(2) A liquidator shall have power subject to the control of the Registrar :-

- (a) To institute or defend any action or other legal proceeding on behalf of the society by his name of office:
- (b) to determine by what persons and in what proportions the costs of the liquidation are to be borne ; and
- (c) to give such directions in regard to the collection and distribution of the assets of the registered society as may appear to him to be necessary for winding-up the affairs of the society.

(3) An order made under this section shall, on application, be enforced by any civil court having local jurisdiction in the same manner as a decree of such court.

25. Dissolution by resolution :-

(1) A society may be dissolved if by the votes of three-fifths of the members its passes a resolution for such dissolution at a general' meeting convened for the purpose.

(2) Where a resolution for dissolution of a society is passed sub-section (1), the governing body, shall take such steps for the disposal and settlement of the property of the society and its claims and liabilities it may, think fit subject to the regulations of the society, if any.

(3) After all necessary steps have been taken under sub-section (2), the governing body shall send a report to the Registrar.

(4) The Registrar shall thereupon issue a notice in the official Gazette to the effect that if no objection is received from any claimant, or creditor or any member of the society within three months, from the date of the notice, the society shall, subject to the provisions of section; 26, be dissolved.

(5) If no objection is received within three months as aforesaid, and after the surplus assets, if any, have been disposed of as provided in section 26, the Registrar shall make

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an order confirming the dissolution of the society and thereupon the society shall stand dissolved. The Registrar shall record the order of dissolution in the register maintained in his office.

(b) the fee, if any, to be paid for filing any document, other than the memorandum and regulations under sub-section (1) of section 4.

(6) If any objection is received from any claimant or creditor within the period of three months as aforesaid, the Registrar shall not make an order confirming the dissolution of the society unless he is satisfied that the relevant claim or liability has been duly settled and the surplus assets, if any, have been disposed of as provided in section 26.

(7) Where any Government has made in any manner any contribution to the funds or other assets of a society such society shall not be dissolved, unless the State Government has given its assent to the dissolution,

26. On dissolution, no member to receive profit :-

If, upon the dissolution of any registered society, there shall remain after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society, or any of them, but shall be given to some other society to be determined by a special resolution or in default thereof by the court.

27. Inspection of documents and grant of certified copies thereof :-

Any person may inspect any documents filed with the Registrar under this Act on payment of fee of two rupees for every inspection; and any person may obtain copy or extract of any document or any part of any document, certified by the Registrar, on payment of such fee as may be prescribed, Such certified copy shall be admissible as evidence of the matters therein contained in all legal proceedings.

28. Terms of gift to observed :-

Where a society accepts a gift of any kind from any person for a specific purpose it shall not use the gift or any part thereof for any other purpose without the written consent of the Registrar. The Registrar shall not give such consent unless he is satisfied that the purpose for which the gift was made is incapable of execution by the society.

The Manipur Societies Registration Act 1989**29. Indemnity :-**

No suit, prosecution or proceeding shall lie in any Civil or Criminal Court against the Registrar or against any officer appointed under section 22, and no suit or proceeding shall lie in any Civil Court against the State Government, :for anything in good faith done or intended to be done under this Act or rules.

30. Limitation :-

(1) An appeal under this Act may be filed within thirty days of the date of the objection or order appealed against.

(2) The provisions of section 5 and 12 of the Limitation Act, 1963 (No. 36 of 1963) shall apply to any appeal under this Act,

31. Power to make rules :-

The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

- (a) the procedure or any appeal under, this Act to the State Government and the fee for such appeal, if any :
- (b) the fee, if any, to be paid for filing any document, other than the memorandum and regulations under sub-section (1) of section 4.
- (c) the maintenance of the register of societies and other book, if any, by the Registrar ;
- (d) the fee to be paid for obtaining any copy or extract of any document certified by the Registrar ;
- (e) any other matter under the provisions of this Act ; provided that all fees paid under this Act shall be credited to the Consolidated fund of the State.

(3) All rules made under this Act shall as soon as may be, after they are made be laid before the legislature, while it is in session, for a total period of not` less than fourteen 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 Gazette, subject to such modifications or annulments as the Legislature may agree to make so, however, that any such notification or annulment shall be without prejudice to the ,validity of anything previously done thereunder.

***The Manipur Societies Registration Act 1989*****32. Repeal and savings :-**

(1) The Societies Registration Act, 1860 (XXI of 1860) in its application to the State of Manipur, is hereby repealed.

(2) Any society registered in any place within the State of Manipur, under the Societies Registration Act, 1860, shall be deemed to have been registered under this Act, and its principal office shall be deemed to be the registered office of the society:

Provided that –

- (a) the memorandum of association and the regulations of any such society shall, if they are repugnant to any of the provisions of this Act and the rules, be brought in conformity wherewith within the six months from the commencement of this Act or within such further period as the Registrar may allow, and thereafter shall, to the extent of such repugnancy, be deemed to be void and of not effect ;
- (b) any office-bearer elected or appointed to an office before the commencement of this Act and holding such office immediately before such commencement shall continue to hold such office until the expiry of his term of office is lawfully terminated ;
- (c) nothing in this section shall affect –
 - (i) any right privilege obligation or liability acquired, accrued, or incurred under the societies Registration Act, 1860 (XXI of 1860).
 - (ii) any investigation, legal proceeding or remedy in respect of any such right, privilege; obligation, liability; as aforesaid ; ..
 - (iii) any proceedings, in dissolution commenced before the coming into force of this Act.
