

## Registrar of Societies

### - Powers and Duties

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**T**he Registrar of Societies is the authority who regulates the Societies registered under the Societies Registration Act, 1860. The Registrar is responsible for enforcing the various provisions of the Act to the registered Societies. There is no specific definition of the Registrar in the Act. However, Section 1 of the Principal Act States that the Memorandum of Association has to be filed with the **Registrar of Joint Stock Companies** for getting their Society registered under the Societies Registration Act, 1860. Inference can be drawn from Section 2(40) of the Companies Act 1956 which defines Registrar as a Registrar, an Additional, a Joint, Deputy or an Assistant Registrar having the duty of registering the Companies under the Act.

The Principal Act does not give any definition of the Registrar. However various State Acts have given definition or meaning of Registrar (or as per amendment made by them) in their respective State Acts like:

**Goa, Daman and Diu Societies Act** states that “Inspector-General” means the Inspector-General of Registration appointed under Sec. 3 of the Indian Registration Act, 1908 (Central Act 16 of 1908) and includes any of the District Authorities subordinate to the Inspector-General of Registration not below the rank of a District Registrar to whom powers may be delegated in respect of this Act.

**Respective State Acts of Kerala, Andhra Pradesh and Punjab** defines ‘Inspector-General of Registration’ as the Inspector-General of Registration appointed by the State Government under Sec. 3 of the Indian Registration Act, 1908 (Central Act XVI of 1908) or any of the district authorities subordinate to the Inspector-General of Registration not below the rank of the District Registrar to whom powers may be delegated in respect of this Act.

**Maharashtra and Gujarat Acts gives the definition under Section 1-B as : Registrar of Societies and Assistant Registrar-** The State Government may, by notification in the official Gazette, appoint a person to be called the Registrar of Societies who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall subject to such general or special orders as the State Government may make, superintend the administration and carry out the provisions of this Act throughout the State of Maharashtra.

The State Government may also, by notification, appoint persons to be called “Assistant Registrar of Societies” for such areas as may be specified in the notification and empower them to exercise powers and perform duties and functions under all or such provisions in this Act as may be specified in the notification.

In different States under Section 1, certain amendments have been made and the words 'Registrar of Joint Stock Companies have been substituted by words 'Inspector General of Registration'. For example:

- In respective State Acts of **A.P. (Andhra Area), Bihar, Goa, Kerala, Tamil Nadu** the word 'the Registrar of Joint Stock Companies' has been substituted by the words 'the Inspector-General of Registration'.

Similarly in respective State Acts of:

- **Assam, Nagaland, Tripura (U.T.)-** The words "Registrar of Joint Stock Companies' have been substituted by the words "Registrar of Societies appointed by Government".
- **Delhi (U.T.).** - The words 'of Joint Stock Companies' have been substituted by the words 'to be appointed by the Chief Commissioner of Delhi by notification in the official gazette, for carrying out the purposes of the Act'
- **Himachal Pradesh-** The words 'of Joint Stock Companies" have been substituted by the words "to be appointed by the Lieutenant Governor of Himachal Pradesh, by notification in the Himachal Pradesh Gazette, for carrying out the purposes of the Act'
- **Pondicherry-** The words" Registrar of Joint Stock Companies" have been substituted by the words "Registrar of Companies"

- **Punjab-** The words "of Joint Stock Companies "have been substituted by the words "Registrar of Companies to be appointed by the State Government, by notification in the official Gazette, for carrying out the purposes of this Act"
- **Uttar Pradesh-**The words "Registrar of Joint Stock Companies" have been substituted by the words "Registrar".

### Appointment of Registrars

Orissa Act gives the provisions for the Appointment of Registrar of Societies, wherein the State Government may, by notification, appoint a person to be called the Registrar of Societies. The appointed person shall exercise such powers and perform such duties and functions which are conferred by or are under the provisions of this Act. Subject to such general or special order, which the State Government may make from time to time, superintend the administration and carry out the provisions of this Act throughout the State.

Also the State Government may, by a notification, appoint one or more Additional Registrars with such local jurisdiction as may be assigned to them by the State Government. The Additional Registrars so appointed shall, subject to the control of the Registrar of Societies, exercise such of the powers and perform such of the functions of the Registrar of Societies as the State Government may authorize in that behalf.

## Powers of the Registrar

The Powers of the Registrar are not stated directly in the Principal Act; however various State Acts have made amendments into the Principal Act which brings out certain powers of the Registrar. These powers are:

- **Registration of a Society-** Sec. 3 of the Societies Registration Act, 1860 indirectly states that the Registrar upon the receipt of the Memorandum can certify that the Society is registered upon payment of fees.
- **Certification and Inspection of Documents-** The Registrar may allow inspection of documents at payment of prescribed fees and the inspection can be carried out by any person.
- **Power to call for Information-** Various State provisions say that the Registrar has the powers to call for certain information and explanations regarding various documents, accounts, assets etc., required for the registration of a Society and also after registration of the Society. The Registrar may, under a written order, require any Society to furnish in writing such information or document within such time as specified.
- **Investigation into affairs of the Society-** Certain sections of the State Societies Acts give the powers of the Registrar regarding investigation and inspection of the Society by the Registrar .The Registrar may conduct an investigation or inspection on his own or on the instruction of the State Government for circumstances which may suggest that the business of the Society is being conducted against the objects of the Society. Section 21 of the Pondicherry Act states that every Society shall be inspected atleast once in two years by the Registrar or an officer authorized on behalf of him who shall be entitled to inspect the premises of the Society and shall also be entitled to call for such information or explanation .
- **Cancellation of the registration-** The Registrar may cancel the registration of a Society in cases when :
  - the office of Society has ceased to be in the State of Registration or there is change of office from the State in which the Society is registered.
  - the activities being undertaken by the Society are against the objects of the Society.
  - unlawful activities are being carried out by the Society.
  - the activities undertaken are against the provisions of the Societies Registration Act and other laws of the country.
- **Refuse Registration-** The Registrar may refuse registration of a Society in certain cases when:
  - a Society registered under

Section 17 and if the proposed name is undesirable and may resemble each other and is likely to deceive the public (Sec 18A of Pondicherry Act)

- any of the objects mentioned in the Memorandum to be registered is not covered under the objects specified in the Societies Registration Act.
- the objects are against the laws of the country.
- **Settlement of Disputes-**The Registrar may hold an enquiry on his own or on the request of the members of the Governing Body on the working of the Society.
- **Power to order Audits-** In certain cases the Registrar may order audit of accounts if it is considered necessary in his opinion. The officers of the Society are required to furnish the necessary records as required by the auditor.
- **Removal of the name of the Society from the Registrar in case the Society is dissolved -**The Registrar has the powers to remove the name of the Society if the procedure of the dissolution of the Society has been completed.
- **Disputes regarding the election of office bearers-** The Registrar may refer to the prescribed authority (officer or court

authorized in this behalf by the Government by notification published in official gazette) for hearing and deciding the dispute in respect to the election of the office bearers .The Registrar may also call a meeting of the General Body (Section 25 of the UP Act) to be conducted by the Registrar.

- **Compounding of Offences-** The Registrar may accept from any person, against whom reasonable suspicion exists that he has committed any offence punishable under the Act or against whom a prosecution has been instituted, a sum of money by way of composition fee for the offence which the person has been accused to have committed

#### **Serving of Notice by the Registrar:**

Section 32 of the UP (Amendment )Act states that any notice, order or requisition meant for the Society which is to be issued by the Registrar may be served on the Secretary of the Society which would imply that the notice has been served on every member of the Society unless the Registrar otherwise directs. The notice may be sent by post at the registered office of the Society.

*( With this, we conclude of the series of articles on Societies Registration Act, 1860)*

