

THE SOCIETIES REGISTRATION (ODISHA AMENDMENT) BILL, 2021

A

BILL

FURTHER TO AMEND THE SOCIETIES REGISTRATION ACT, 1860 IN ITS  
APPLICATION TO THE STATE OF ODISHA.

Be it enacted by the Legislature of the State of Odisha in the  
Seventy- Second Year of the Republic of India as follows: —

Short title and  
commencement.

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

(2) It shall come into force on such date as the State Government  
may, by notification, appoint.

Amendment  
of section 3

2. In the Societies Registration Act, 1860 (hereinafter referred to as  
the principal Act), for section 3, the following section shall be substituted,  
namely:—

“3.(1) Upon such memorandum and certified copy being filed and on  
payment of such fee as may be notified by the Government from time to

21 of 1860.



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time, the Registrar of Societies shall certify under his hand that the society is registered under this Act.

(2) A certificate of Registration issued under sub-section (1) shall remain valid for a period of five years from the date of issue:

Provided that a society registered under this Act, before the commencement of the Societies Registration (Odisha Amendment) Act, 2021, shall remain in force for a period of five years from the date of such commencement:—

Provided further that nothing in this sub-section shall apply to a society in which Government is a member or contributor upon its registration under sub-section (1).—

3. In the principal Act, after section 3A, the following sections shall be inserted, namely:—

3B. (1) A Society registered under section 3 whether before or after the commencement of the Societies Registration (Odisha Amendment) Act, 2021, shall, on application made to the Registrar of Societies, within one month before expiry of the period referred to in sub-section (2) of section 3 and on payment of such fees as may be prescribed in the rules, be entitled for renewal of its registration for a further period of five years.

(2) The application for renewal made after the expiry of the period referred to in sub-section (1) but not more than six months after such expiry, shall be allowed by the Registrar of Societies on payment of such late fees, as may be prescribed in the rules.

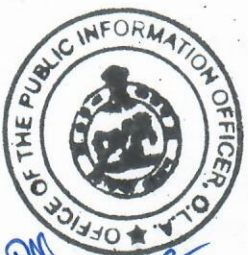
(3) A society which fails to get its certificate of registration renewed in accordance with this section within six months from the expiration of the period for which the certificate was operative shall become an unregistered society.

Insertion of new sections 3B and 3C.

"Renewal of certificate of Registration.

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Section



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(4) The Registrar of Societies may refuse to renew the certificate of registration if he is satisfied that any of the grounds mentioned in section 12-D exists in respect thereof after giving opportunity of being heard before such refusal.

Publication  
on expiry of  
registration.

3C. The Registrar of Societies shall publish in the official Gazette the names of the societies whose validity of certificate of registration has expired.”.

Insertion of new  
Section 4D.

4. In the principal Act, after section 4C, the following section shall be inserted, namely:—

“Audit  
Report.

4D. (1) Every Society shall have its accounts audited once in every financial year by a duly qualified auditor and have balance sheet prepared by him.

(2) The President, Secretary or any other person authorized in this behalf by a resolution passed by the Governing body of the Society, shall submit the audit report certified by the auditor together with the balance sheet within such time and in such manner, as may be prescribed in the rules:

Provided that the above provisions shall not be applicable for such societies whose average annual income in last 3 years is less than 1 lakh.

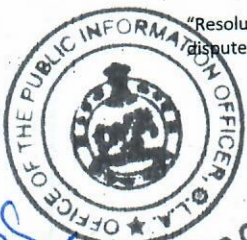
(3) Any society registered under this Act shall not distribute among its governing body members or general members in cash or kind, any profit or surplus that may have accrued from its activities.”.

Insertation of  
section 11A.

5. In the principal Act, after section 11, the following section shall be inserted, namely:—

11A. In the event of any dispute arising among the members of the society in respect of any matter relating to affairs of the society including election, continuance of an office bearer in the society, any

“Resolution of  
dispute.



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member of the society may file a petition in the Court of Senior Civil Judge having jurisdiction over the place at which the office of the society is situated and the said Court shall, after making necessary inquiry, pass such order as it may deem fit.”

Amendment of  
Section 12-D.

6. In the principal Act, in section 12-D, —

(i) after clause (d), the following clause shall be inserted, namely:—

“(e) the society fails to submit the audit report required under sub-section (2) of section 4D:” and

(ii) for the proviso, the following proviso shall be substituted, namely:—

“provided that no order of cancellation of registration shall be passed without giving the concerned society a reasonable opportunity of being heard.”

Insertion of new  
section.

7. In the principal Act, after section 20, the following section shall be inserted, namely: —

21. The State Government may, by notification in the official Gazette, make such rules as may be necessary to carry out the purposes of this Act.”

“Power to  
make rules.



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### STATEMENT OF OBJECTS AND REASONS

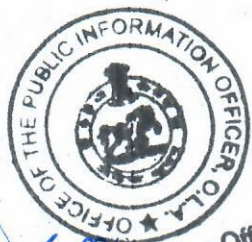
The Societies Registration Act, 1860 does not contain any provision for the period of validity and renewal of Registration of Society and charging renewal fees once the society is registered. There is also no provision regarding submission of annual audit report on income and expenditure along with the balance sheet of the societies to the Registrar. The Act has no provision for resolution of disputes relating to the Societies established under the Act, and also does not contain any provision for making rules by the State Government for carrying out the purposes of this Act.

This amendment in the Societies Registration Act, 1860 will regulate the activities of the Societies registered under this Act, both in State level as well as district level. The period of validity of registered Societies will be for five years and renewal of Societies is to be made in every five years on payment of fees as notified by the Government. The donations received by the Societies from various sources and expenditure in the activities of the Societies will be audited and annual audit report will be submitted along with balance sheet before the Registrar. Any disputes relating to registered Societies will be disposed of by the Senior Civil Judge and State Government is empowered to make rules for better implementation of the Act.

The Bill Seeks to achieve the above objectives

SUDAM MARNDI

Member in Charge



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## ANNEXURE

[Extract from the Societies Registration Act, 1860 (21 of 1860)]

1. \*  
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Registration  
and fees

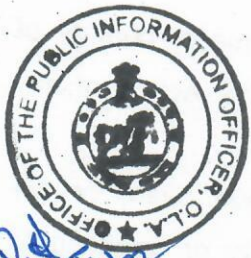
3. Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of fifty rupees, or such smaller fee as the State Government may from time to time, direct and all fees so paid shall be accounted for the State Government.

"Prohibition  
against  
registration of  
societies with  
undesirable  
names."

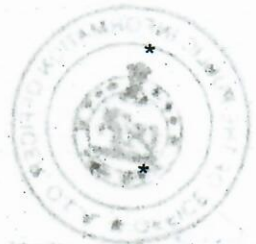
3-A. No society shall be registered by a name which, in the opinion of the Registrar of Societies is undesirable, being a name identical with or, which in the opinion of the Registrar of Societies so nearly resembles the name by which any other existing society has been previously registered under this Act or anybody corporate which has been incorporated or registered under any other law for the time being in force as to be likely to deceive the public or members of either society or anybody corporate, or which, without the previous permission of the Government concerned, suggests or is calculated to suggest the patronage of that Government or connection with anybody constituted by that Government or any local authority, or which may, subject to any rules made in that behalf, be deemed to be undesirable by the Registrar of Societies."

4.A \*  
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4.B \*  
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4.C. (1) If any person who is required so to under the preceding section fails without reasonable cause to comply with the provisions thereof, he shall face conviction, be punishable with fine which may extend to one hundred rupees.

(2) If any person wilfully makes or causes to be made any false entry alteration in or any omission from the list filed under Section 4 or any statement or copy of rules and regulations sent to the Registrar of Societies under Section 4-A, he shall on conviction be punishable with fine which may extend to five hundred rupees.—*Vide* Orissa Act 3 of 1969, Section 2 (w.e.f. 15-4-1969).

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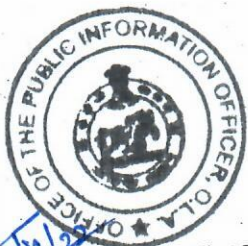
Members guilty  
of offences  
punishable as  
strangers

11. Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution and if convicted shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence.

"Registrar's  
power to cancel  
registration in  
certain  
circumstances".

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, namely:—

- (a) the registration of the society, or its name or change of name is contrary to the provisions of this Act or of any other law for the time being in force; or
- (b) its activities or, proposed activities have been, or are subversive of the objects of the society or opposed to public policy; or
- (c) the registration certificate has been obtained by



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misrepresentation of fact or fraud; or

(d) the society fails to comply the direction issued under sub-section (4) of section 12 A:

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 objects or of showing cause against the action proposed to be taken in regard to it

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To what societies that Act applies.

20. The following Societies may be registered under this Act:

Charitable Societies, the military orphan funds or Societies established at the several presidencies of India, Societies established for the promotion of science, literature, or the fine arts for instruction, the diffusion of useful knowledge, <sup>1</sup>[the diffusion of political education], the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public, or public museum and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, instruments or designs.



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