



The Societies Registration (Nagaland) First Amendment Act, 1969

Act 14 of 1969

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Registrar of Societies, Society, Members

Amendment appended: 5 of 1984

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THE SOCIETIES REGISTRATION (NAGALAND FIRST AMENDMENT) ACT, 1969

NAGALAND ACT NO. 14 OF 1969.

*(Received the Assent of the Governor on 17th October, 1969 and
published in the Nagaland Gazette, Extraordinary dated 24th
October, 1969)*

An

Act

to amend the Societies Registration Act, 1860 in its application
to Nagaland

Preamble.

Whereas it is expedient to amend the Societies Registration Act, 1860, (Act XXI of 1860) hereinafter called the Principal Act, in its application to the State of Nagaland in the manner hereinafter appearing;

It is hereby enacted in the twentieth year of the Republic of India as follows :—

1. Short title, extent and commencement.

(i) This Act may be called the (Societies Registration Nagaland first Amendment) Act, 1969.

(ii) It shall extend to the whole State of Nagaland.

Provided that the Principal Act shall apply to the District of Tuensang in the State of Nagaland subject to such modification, if any, as the State Government by notification in the Official Gazette, specify.

(iii) It shall come into force at once.

2.

(i) The word "Registrar of Joint Stock companies" appearing in Section 1 of the Principal Act shall be substituted by the word "Registrar of Societies" appointed by the State Government.

(ii) The words "Registrar of Joint Stock Companies" wherever they appear in the Principal Act shall be substituted by the words "Registrar of Societies."

3. Insertion of new Section 4A in Act XXI of 1860.

After Section 4 of Principal Act, the following new Section shall be *inserted* namely :—

“4A (I) Together with the list mentioned in Section 4, there shall be sent to the Registrar of Societies a statement showing changes *during the year to which the list relates* in the personnel of the Government, Council, Directors, Committee or other governing body to whom the management of the affairs of the society is entrusted and also a copy of the rules of the society corrected up to date and certified to be a correct copy by not less than three of the members of the governing body.

(II) A copy of every alteration made in the rules of the society, certified to be a *correct copy* by not less than three members of the governing body, shall be sent to the Registrar of the societies within thirty days of the *making of such alteration.*”

4. Insertion of new sections Act XXI of 1860.

After Section 12 of the Societies Act 1860 (Act XXI of 1860) the following shall be *inserted* namely :

Change of name.

“12A. Any society registered under this Act may, with the consent of not less than two third of the total number of its members by a resolution at a *general meeting convened for the purpose* and subject to the provision of Section 12B, change its name.

Notice of Change of name.

12B (1) Notice in writing of every change of name, signed by the Secretary and by seven members of the society *changing its name*, shall be sent to the Registrar.

(2) If the proposal name is identical with that by which any other existing society has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provision of this Act in respect of change of name have been complied with, register the change of name and the change of name shall have effect from the date of such registration.

Effect of change.

- 12C. The change in the name of a society registered under this Act shall not effect any rights or obligations of the society or render defective any legal proceeding which might have been continued or commenced by or against it by its formal name may be continued or be commenced by or against it by its new name".

5. Amendment of Section 13 of Act XXI of 1860, 1.

In Section 13 of the Principal Act.

(a) after the words "as the governing body" the words "or special committee formed to replace the governing body in respect of all matters effecting the winding up of the society, or the said official committee" shall be inserted.

(2) After Section 13 of the Act, the following proviso shall be inserted as the first proviso namely.

"Provided that any matter decided by three fifth of those present either in person or by proxy at any meeting of the members of the society or of the governing body thereof or of any special Committee appointed at a General Meeting for the purpose of winding up of the affairs of a society shall not be deemed to be a matter of dispute within the meaning of this section."

6. Amendment of Section 14 of Act XXI of 1860.

In Section 14 of the principal Act after the words "some other society" the words whether registered under this Act or not", shall be inserted.

7. Amendment of Section 19 of the Act XXI of 1860.

In Section 19 of the Principal Act for the words "two annas" in between the words payment of "fifteen paise" shall be substituted.

8. Insertion of new Sections 12 and 22 in Act XXI of 1960.

After Section 20 of the Principal Act, the following new section shall be inserted, namely :—

Penalties.

"21. (1) If the President, Secretary or any other person authorised in this behalf by a resolution of the governing body of the society fails to comply with the provisions of section 4, he shall on conviction; be punishable with fine which may extend to five hundred rupees and in case of a continuing breach, shall also be punishable with fine not exceeding fifty rupees for each day, during the period

the breach continues after first conviction for such offence.

- (2) If any person willfully makes or causes to be made any false entry in, any omission from, the list required by section 4, or in or from any statement of copy of rules or alteration in rules sent to the Registrar of Societies under section 4A, he shall, on conviction, be punishable with fine which may extend to two thousand rupees.
22. (1) No Court inferior to that of a Magistrate of the First class shall try an offence punishable under this Act.
- (2) No court shall take cognizance of an offence punishable under this Act except, upon complaint made by the Registrar of Societies or any other person, authorised in writing by him, in this behalf."

THE SOCIETIES REGISTRATION NAGALAND (SECOND AMENDMENT) ACT, 1984

(NAGALAND ACT NO. 5 OF 1984)

(Received the assent of the Governor on 9th June, 1984)

An

Act

Further to amend the Societies Registration Act, 1869 in its application to Nagaland.

Preamble.

Whereas it is expedient to amend the Societies Registration Act, 1869 (Act XXI of 1869) hereinafter called the Principal Act in its application to the state of Nagaland in the manner hereinafter appearing.

It is hereby enacted in the thirty fifth year of the Republic of India as follows :—

1. Short title, extent and Commencement.

(1) This Act may be called the Societies Registration (Nagaland Second Amendment) Act, 1984.

(ii) It shall extend to the whole State of Nagaland.

(iii) It shall come into force at once.

2. Insertion of new sections 23 and 24 in the Act XXI of 1869.

After section 22 of the Principal Act, the following new sections shall be inserted, namely.

“23. Cancellation of registration in certain cases ;

(1) Notwithstanding anything contained in this Act, the Registrar of societies may, by order in writing cancel the registration of any society registered under this Act, whose office has ceased to be in the State of Nagaland whose activities are subversive to the objects of the society, or registration had been wrongly obtained and/or granted in violation of the provision of the Act :—

Provided that the Registrar of Societies shall before passing an order made such inquiry as he considers necessary:

Provided further that no order of cancellation of registration of any society on the ground of the activities of the society being subversive to the objects, of the society shall be passed until the society is given reasonable opportunity of showing cause against action proposed to be taken in regard to it.

- (ii) An appeal against an order made under sub-section (I) may be preferred in such manner, within such time and to such authority as may be prescribed and such authority shall consider and dispose of such appeals in the prescribed manner.
- (iii) The decisions of the appellate authority under sub-section (ii) shall be final :—
- (iv) In the event of cancellation of registration of any society under this section, any property left by such society after meeting all debts and liabilities shall be dealt with according to Rules of the Society, if any, and if not, as the Governing Body of such society shall find expedient.

24. Power of the State Government to make rules:—

- (i) The State Government may, after previous publication, make rules not inconsistent with this Act for carrying out the purpose of this Act.
- (ii) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules :—
 - (a) Prescribe the forms of the Registrar of Societies and the made in which entries relating to registration are to be made therein, and made in which such entries are to be amended or notes made therein ?
 - (b) regulating the filing of documents received by the Registrar of Societies :
 - (c) Prescribing the authority before whom and the time within which an appeal shall be preferred under sub-section (ii) of section 23 and the manner in which such appeals shall be considered and disposed of,
 - (d) Prescribing conditions for the inspection of original documents;
 - (e) regulating the grant of copies of documents; and
 - (f) providing for any other matter for which there is no provision or insufficient provisions in this Act and for

which provision is in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

- (iii) Every rule made under this section shall be laid as soon as may be, after it is made, before the Nagaland Legislative Assembly while it is in session for a total period of seven days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly agree that the rules should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under this rule.