

# **HOW TO GET REGISTERED UNDER SOCIETIES REGISTRATION ACT**

## **INTRODUCTION**

A society is an association of persons united together by mutual consent to deliberate, determine and act jointly for some common purpose. Societies are usually registered for promotion of charitable activities like education, art, religion, culture, music, sports, etc., In India, The Societies Registration Act, 1860 lays down the procedure for society registration and operation in India. In this article, we look at the process for society registration in India.

## **Societies Registration Act, 1860**

The Societies Registration Act, 1860 was introduced with the aim of improving the legal conditions of society's registration for promotion of literature, science or fine arts or for diffusion of useful knowledge for charitable purposes. The Societies Registration Act, 1860 has been adopted by most of the State Governments with/without further amendments.

## **ADVANTAGES OF INCORPORATING A SOCIETY:**

There are several advantages of becoming an incorporated society:

- A society becomes a separate legal entity once incorporated.
- An incorporated society can lease, rent, buy and sell property, borrow money and enter contracts in its own name. No member of the society can have personal rights or interests in any of the assets of the society.
- Members will not be personally liable for the debts, contracts or other obligations of the society unless:
  - o The debts or obligations are incurred from activities undertaken to obtain money for pecuniary gain (profit), in which case every member involved will be personally liable for those debts or obligations; or
  - o The debts and obligations are incurred through unlawful activities, in which case every member involved will be personally liable for those debts or obligations
- Because the rules governing the incorporated society must meet the minimum requirements set out in the Incorporated Societies Act 1908, members can be assured that there will be certainty to the way the society is run.

## **Types of Societies Registered under Societies Registration Act, 1860**

- a) Welfare Society
- b) Social Welfare
- c) Natural Environment & Pollution Control
- d) Literacy Societies
- e) Science/Health / Research
- f) Residents Welfare Societies
- g) Games / Sports
- h) Fine Arts
- i) Cultural
- j) Educational Societies
- k) Medical & Hospital
- l) Religious
- m) Charitable
- n) Miscellaneous.

### **State Level Society**

- a) Submission of application for society registration in the office of Registrar of Society (IGR, Odisha, Cuttack) under the Society Registration Act, 1860.
- b) Forwarding of application to concerned ADMs for verification and report.
- c) Forwarding of application by ADMs to field level officers (Tahasildar /BDO/Executive Officer, ULBs / Line Department Officer / police officers) for verification and submission of report.
- d) Scrutiny of documents in the office of Registrar of Society (IGR, Odisha, Cuttack) after receipt of reports from ADMs.
- e) Registration of society if found genuine / appropriate.
- f) Delivery of certificate of registration of society.

### **District Level Society**

- a) Submission of application for society registration in the office of Additional Registrar of Society (ADM-cum-DR of the District) under the Society Registration Act, 1860.
- b) Forwarding of application by ADMs to field level officers (Tahasildar/BDO/Executive Officer, ULBs / Line Department Officer / police officers ) for verification and submission of report.
- c) Scrutiny of documents in the office of Additional Registrar of Society (ADMcum-DR of the District) after receipt of reports from field level officers.
- d) Registration of society if found genuine / appropriate.

e) Delivery of certificate of registration of society.

### **STEPS FOR THE REGISTRATION OF SOCIETY:**

**STEP 1:** Selection of a name of the society is the first step in an incorporation of a society. While choosing a name for the society, it is important to remember that as per Societies Registration Act, 1860, similar or identical name of an existing registered society is not permitted. Further the proposed name for the society must not suggest patronage of the government of India or any State government or attract the provisions Emblems and Names Act, 1950.

**Step 2:** Preparation of Memorandum of Association and Rules & Regulations.

The memorandum of association and rules & regulations of the society must then be signed by each of the founding members, witnessed by an Oath Commissioner, Notary Public, Gazetted Officer, Advocate, Chartered Accountant or Magistrate First Class with their official stamp and complete address.

There are minimum of seven people required to form a society. These members have various designations that can be decided among themselves. These members are collectively called the governing body which controls the functioning of the society. All of these members are elected for specific period and can be re-elected through elections in which members of governing body take part.

Memorandum of Association includes various Clauses as follows:

- Name Clause
- Registered Office Clause
- Object Clause
- General Body Member Clause.

Table containing Names, Address and Occupation of all the Members along with their signatures should be formulated under the memorandum of association.

Rules and Regulations include the following Clauses:

- Membership Clause
- Subscription Clause
- Meeting Clause

- Committee/ Governing Body Clause
- Auditor
- Legal Procedure
- Dissolution

The above Rules & Regulations (By-Laws) are to be certified by three office bearers at the end of each page. Three Officials may be the Chairman, President and Vice President. It is also experienced that the object clause should be properly & clearly worded so as to cover to help needy and deserving people for education, medical, relief to be given etc. And there are always chances that the registrar of societies will add some words or delete some words from the various object clauses.

It is also observed that the Registrar of Societies require the quorum of 3/5 of members for meeting of members for meeting of managing committees, general Body Meeting, and extra ordinary general body meeting and the quorum for Requisition meeting minimum 1/5 members must be present. Similarly in the clause of dissolution of the society, the majority of 3/5 of the members present can take the decision of dissolution.

**Step 3:** Other documents required:

- Covering Letter requesting registration of the society, signed by all founding member
- Certified Copy of Duly Passed Resolution for Registration of Society
- Minutes of the Meeting.
- Declaration by the President of the Society.
- Address Proof

**Step 4:** Submission of documents and registration

The Memorandum of Association and Rules and Regulations must then be filed with the concerned registrar of societies in the state with the fees of fifty rupees or other fees as specified by State Government time to time. If the Registrar is satisfied with the terms and conditions and the documents filed, he would certify to deem the society to be registered. Generally the time required for registering a society is one month.