

AccountAble™

Regulation of Societies: M. P. – Meghalaya

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It has proved very difficult to get the latest amendments for each state. Therefore, please re-confirm the information in this circular before taking any important decisions.



Madhya Pradesh

[Madhya Pradesh Society Registrkaran Adhinyam (९/; i n s k l k l k; Vh jftLVhdj.k vf/kfu; e), 1973]

Registration: By filing Memorandum of Association (in Form I) and certified copy of Rules and Regulations along with a fee of Rs.1,000 (Sec. 7). The rules and regulations should be certified by at least three of the members of the governing body. All documents to be filed with the Registrar of Societies, at Gwalior or Bhopal¹.

A certificate of registration is issued by the Registrar in Form II (rule 6).

Alteration: You can alter the objects of the society or merge with another society. For this, you have to convene two general body meetings (at interval of one month). Three-fifths (60%) of the members have to approve the change (Sec. 15).

You can also change the name of your society with the consent of at least two-thirds of the total members by a resolution at a general meeting (Sec. 12). A copy of this resolution should be sent to the Registrar. The change of name becomes effective when the Registrar issues a certificate in Form V (rule 9) with necessary alterations (Sec. 13).

¹ Other locations not known to us.

If the members wish to make any amendment to the memorandum or regulations or bylaws, they have to forward a proposal to the Registrar with a maximum fee of Rs.200. If the Registrar is satisfied that the proposal is not contrary to the Act, he can register the amendment (Sec. 10).

If the Registrar feels that an amendment of the memorandum or regulations or bylaws of a society is desirable in the interest of the society, he can order the society to make such an amendment (Sec. 11). If the society



does not make the amendment, the Registrar

can make the amendment to the memorandum and bylaws on his own. He/she can then send a certified copy to the society. All such amendments are binding on the society.

List of Governing Body Members: File this every year within 45 days of annual general meeting. If general meetings are not held, file it within 45 days from 31st January along with a maximum fee of Rs.200 (Sec. 27).

Accounts: Audited statement of Income and Expenditure Account² for each financial year should be sent to the Registrar within 90 days of AGM³ (Sec. 28) along with a fee of Rs.200. If the registrar finds it necessary, he/she might undertake a special audit. The Registrar can also send a person to inspect all the account books or other papers of any society.

² Along with Audit Report, Balance Sheet and details of all financial activities.

³ Or from 30th day of April

Dissolution: At least three-fifths (60%) of the general body members have to vote for dissolution of the society at a general meeting convened for this. Government's consent is also required, if it is a member or a contributor or interested in the society [Sec. 34(1)].

If the Registrar thinks that a society has become defunct, he can cancel the registration of the society. This is done after issuing a show-cause notice to the society [Sec. 34 (2)].

If registration is cancelled by the Registrar, then the society shall be deemed to have been dissolved [Sec. 34(3)].

Disposal of property upon dissolution: At the time of dissolution, any property of the society shall not be given to the members of the society. However, three-fifths of members can decide to give such property (left after satisfaction of all debts and liabilities) to any other society or to the Government (Sec. 35 & 36).

Others: Documents of the society are open to public for inspection on payment of Re.1. Copies can be taken and can also be certified by Registrar of Societies (Sec. 29).

Maharashtra ⁴

[Societies Registration Act, 1860 as amended by the State]

Registration: By filing Memorandum of Association and certified copy of Rules and Regulations (Sec 3). All documents to be filed with the Registrar of Societies ⁵.

Name should not be similar to another Society. It should not suggest that the Government is involved with the Society (Sec. 3A).

⁴ Provisions of Bombay Public Trust Act, 1950 apply in addition to these.

⁵ At Greater Bombay, Pune, Solapur, Kolhapur, Sangli, Satara, Ratnagiri, Thane, Nashik, Ahmednagar, Jalgaon, Dhule, Aurangabad, Parbhani, Latur, Nagpur, Amravati, Chandrapur or Akola. The state government can also appoint 'Assistant Registrar of Societies' in some areas, who can exercise the powers of a Registrar (as per amendment to Sec. 1).

Registration fee⁶ has to be paid in cash. Any society running an educational institution in an area in which the Central Provinces and Berar Vidya Mandir Act, 1939 is applicable need not pay any registration fee (state amendment to Sec. 3).

Alteration: You can alter the objects of the society, change its name or merge with another society. For this, you have to convene two general body meetings (at interval of one month). Three-fifths (60%) of the members have to approve the change (Sec. 12). The change of name will become effective only when approved by the Registrar of Societies and the registrar issues a certificate with altered name (Sec. 12A).

The Registrar can also direct the society to change its name. In such a case, society has to change its name within a period of three months from the date of direction (Sec. 12A).

List of Governing Body Members: File this every year within 14 days of annual general meeting. If general meetings are not held, file it in the month of January (Sec. 4). This list is to be given in the form given in schedule I (rule 7).

The Registrar can ask for additional information regarding persons employed,



their emoluments, any contributions, concessions or other benefits and amenities provided for employees by the Society (Sec 4A). This information has to be sent

by registered post in the form given in schedule II (rule 8). No person, except the Registrar, can see this information. Further, this information cannot be published without prior written consent of the society.

Accounts: The society should keep proper accounts. These should be closed on 31st March each year. These should also be audited each year (Sec. 12D).

⁶ As fixed by state Government from time to time

The governing body should get the accounts audited within 6 months of the date of balancing the accounts [Sec. 12D(3)]

The auditor should prepare⁷ the Income & Expenditure Account and Balance Sheet in the form given in Schedule III and IV [rule 11(2)]. These, along with the audit report, should be forwarded to the Registrar within a fortnight of the completion of the audit.

He/ she should report any irregularity⁸. The auditor should say whether this was due to breach of trust, misappropriation or misconduct of governing body or any other person (Sec. 12E).

Dissolution: Three-fifths (60%) of the members or more may decide in a general meeting to dissolve the society. Government's consent is a must, if it is a member or a contributor or interested in the society (Sec. 13).

Disposal of property upon dissolution: After dissolution, members will not receive any profits from the society. However, three-fifths of the members can decide to give the property (left after settlement of all debts and liabilities) either to another society or to the State Government (Sec. 14).

Others: All documents of the society are open to public for inspection on payment of Re.1. Copies can be taken and can also be certified by Registrar of Societies (Sec. 19).

Manipur

[Manipur Societies Registration Act, 1989]

Text of the Act not available.

Meghalaya

[Meghalaya Societies Registration Act, 1983⁹]

Registration: By filing Memorandum of Association and copy of rules and regula-

tions with the Registrar of Societies for Meghalaya along with a fee of Rs.100 (Sec. 4). The Registrar has the right to refuse registration. In case of refusal, an appeal can be made to the State Government. The decision of the State Government on such appeal will be final (Sec. 5).



Alteration: Society can alter the dum and regulations with the prior permission of the Registrar in writing. The alteration should then be approved by at least three-fourths (75%) of its members (Sec. 8). A copy of every alteration of memorandum and the regulations should be filed with the Registrar within 30 days of such alteration. The Registrar can raise objection on any such alteration (Sec. 9).

If two societies wish to amalgamate, the governing body of each society should submit the proposal in writing to the Registrar. After the proposal has been approved by the Registrar, it should be passed by at least three-fourths of the members of each Society. For this, two general meetings have to be held (Sec. 12).

The State Government has the authority to direct a Society to change its name¹⁰. The Society has to change the name within three months from the date of the order (Sec. 11).

List of Governing Body Members: This should be filed every year within thirty days after the annual general meeting¹¹. A report on the activities of the society in previous year should be filed along with this. These should be certified by President and Secretary of the society (Sec. 17). The Registrar should be

⁷ Normally the auditors are not expected to *prepare* these

⁸ Defined as irregular, illegal or improper expenditure, failure to recover money or property.

⁹ Published in the extraordinary Gazette of Meghalaya vide notification No. LL 291/79/36, dated 16th December 1983

¹⁰ If it feels that the name is identical or too nearly resembles any other existing society

¹¹ Every Society has to hold the AGM at least once in every year.

notified regarding any change in the governing body¹² within thirty days of the change.

Accounts: Every society should maintain books of accounts at its registered office. The books of accounts should be audited every year. Three copies of Balance Sheet and a financial report¹³ should be certified by the auditor (Sec. 15). A copy of the Balance Sheet and auditors' report should be filed with the Registrar within 30 days of the annual general meeting [Sec. 17 (1)(c)].

Dissolution by Members: Three-fourths (75%) of the members or more may decide in a special general meeting to dissolve the society. Such resolution shall be reported to the Registrar who will publish it in the Official Gazette. If there is no objection from any claimant or creditor within three months of such notice, the Society would be dissolved (Sec. 24).

Government's consent is a must, if it is a member or a contributor or interested in the society.

Dissolution by the Registrar: If the Registrar is of the opinion that the Society is not managing its affairs properly or is not functioning, he can send a show-cause notice to the Society (Sec. 26). If he is not satisfied with the response, he can apply to the court under sec. 25 for dissolving the society.

Dissolution by Court: The court can dissolve¹⁴ a Society in the following cases (Sec. 25):

If there is any contravention of the Act;

If number of members falls below seven;

If the society has ceased to func-



¹² Or in the office of the president or secretary

¹³ Showing state of financial affairs of the society.

¹⁴ Either on the application of the Registrar or on the application of one-tenth of the members

tion for more than three years;

If the society is unable to pay its debts or meet its liabilities; or,

For any other reason, where it is considered proper that the Society should be dissolved.

Disposal of property upon dissolution: At the time of dissolution, any property (left after satisfaction of all debts and liabilities) of the society shall not be given to the members of the society. It shall be given to another Society to be determined as follows:

In case of dissolution by members under sec. 24: to be decided by three-fourths (75%) of the members.

If members are unable to decide: to be decided by the Registrar (with the approval of the State Government).

In case of dissolution by court under sec. 25: to be decided by the court.

Others: All documents of a society are open to public for inspection on payment of Rs.5. A certified copy may also be obtained.

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