

THE KARNATAKA SOCIETIES REGISTRATION ACT, 1960

(Karnataka Act No. 17 of 1960)

First published in the Karnataka Gazette on the Third day of November, 1960

Received the assent of the Governor on the Twenty-fifth day of October, 1960

Came into force on 15th June 1961

(As amended by Karnataka Acts 26 of 1965, 20 of 1975, 65 of 1976, 7 of 1978, 48 of 1986,
11 of 1990, 9 of 1999, 7 of 2000, 6 of 2002 and 38 of 2011)

An Act to provide for the registration of literary, scientific, charitable and other societies.

*Compiled for reference from the official text as consolidated by PRS Legislative Research (source: prsindia.org).
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legal professional.*

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THE KARNATAKA SOCIETIES REGISTRATION ACT, 1960

WHEREAS it is expedient to provide for the registration of literary, scientific, charitable and other societies in the State of Karnataka;

BE it enacted by the Karnataka State Legislature in the Eleventh Year of the Republic of India as follows:—

1. Short title, extent and commencement

- (1) This Act may be called the Karnataka Societies Registration Act, 1960.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint. (The Act came into force on 15.6.1961.)

2. Definitions

In this Act, unless the context otherwise requires,—

- (a) “governing body” means the governors, council, directors, committee, trustees or other body to whom, by the rules and regulations of the society, the management of its affairs is entrusted;
- (b) “member” means a person who, having been admitted to membership of a society in accordance with the rules and regulations thereof, shall have paid his subscription and shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Act, no person shall be entitled to vote or to be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months;
- (c) “prescribed” means prescribed by rules made under this Act;
- (d) “registered society” means a society registered or deemed to be registered under this Act;
- (e) “Registrar” means such officer as the State Government may, by notification, appoint to perform the duties and functions of the Registrar under this Act, in such area as may be specified in the notification, and where no such officer is appointed, the Inspector General of Registration in Karnataka;
- (f) “year” means the year ending on the 31st day of December, or in the case of any society or class of societies the accounts of which are made up to any other date with the previous sanction of the Registrar, the year ending with such date.

3. Societies to which the Act applies

The following societies may be registered under this Act — societies established for:

- (a) the promotion of charity;
 - (b) the promotion of education, science, literature, or the fine arts;
 - (c) the promotion of sports;
 - (d) the instruction and the diffusion of knowledge relating to commerce or industry or of any other useful knowledge;
 - (e) the diffusion of political education;
 - (f) the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or of public museums and galleries of painting and other works of art;
 - (ff) the promotion of conservation and proper use of natural resources and scarce infrastructural facilities like land, power, water, forest and such other resources and infrastructural facilities as may be notified by the State Government from time to time;
 - (g) the collection of natural history, mechanical and philosophical inventions, instruments or designs;
- which intend to apply their profits, if any, or other income in promoting their objects and prohibit the

payment of any dividend or distribution of any income or profits among their members.

4. Conditions of registration

No society, other than a society of which the State Government is a member, which does not consist of at least seven persons above the age of eighteen years, shall be registered under this Act.

5. Mode of forming societies

Any seven or more persons, above the age of eighteen years, associated for any purpose specified in section 3, may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act and the rules made thereunder in respect of registration, form themselves into a society under this Act.

6. Requirements with respect to memorandum

(1) The memorandum of association of every society shall state —

- (a) the name of the society;
- (b) the objects of the society;
- (c) the names, addresses and occupations of the members of the governing body to whom, by the rules of the society, the management of its affairs is entrusted;
- (d) the place at which the registered office of the society is to be situate.

(2) There shall be registered with the memorandum of association the rules and regulations of the society, which shall contain provisions relating to admission of members, general meetings, proceedings at such meetings including voting by members, the governing body and proceedings of meetings of the governing body: Provided that, save as otherwise provided in this Act, no rule or regulation of a society shall exclude any member from being entitled to vote.

(3) The memorandum and rules and regulations of the society shall be printed or typewritten, divided into paragraphs numbered consecutively, and signed by each subscriber to the memorandum of association (who shall add his address, description, age and occupation, if any) in the presence of at least one witness who shall attest the signature and shall likewise add his address, description and occupation.

7. Societies not to be registered with undesirable names

No society shall be registered by a name which, in the opinion of the Registrar, is undesirable. A name which is identical with, or too nearly resembles, the name by which a society in existence has been previously registered, may be deemed to be undesirable by the Registrar under this section.

8. Registration of societies

(1) There shall be presented to the Registrar for registration the memorandum of association and the rules and regulations of the society.

(2) If the Registrar is satisfied that all the requirements of this Act and the rules made thereunder have been complied with, he shall retain and register the memorandum of association and rules and regulations, and shall certify under his hand that the society is registered and issue a certificate of registration.

(3) If the Registrar refuses to register a society, an appeal shall lie to the Karnataka Appellate Tribunal within sixty days from the date of communication of his refusal to register the society.

9. Alteration of memorandum of association

(1) Whenever it shall appear to the governing body of any society registered under this Act, established for a particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose or adopt other purposes specified in section 3, the governing body may submit the proposition to the members in a written or printed report and convene a special general meeting for its consideration. No such proposition shall be deemed approved unless the report has been delivered or sent by post to every member twenty-one days before the special general meeting, and the proposition is agreed to by votes not less than three times the votes cast against it, and confirmed by a similar majority at a second special general meeting convened after an interval of thirty days.

(2) Every change approved under sub-section (1) shall be filed with the Registrar within thirty days, and the Registrar may register the change if satisfied it accords with this Act and the rules. The change has no effect until so registered.

(3) If the Registrar refuses to register a change, an appeal shall lie to the Karnataka Appellate Tribunal within sixty days from communication of the refusal.

10. Change of name, rules and regulations

(1) The name and the rules and regulations of a society may be amended by a resolution passed at a special general meeting, of which written or printed notice shall have been sent to every member twenty-one days in advance, the resolution being passed by votes not less than three times the votes cast against it.

(2) [As substituted by Act 38 of 2011] Every amendment made under sub-section (1) shall, within thirty days, be filed with the Registrar. If the Registrar is satisfied that the amendment is in accordance with this Act and the rules made thereunder, he shall register it, and the amendment shall have effect from the date of the resolution passed under sub-section (1): Provided that the Registrar, if satisfied there is sufficient cause for not filing the resolution within the said period, may condone the delay in writing for a period not exceeding one year.

(3) If the Registrar refuses to register the amendment, an appeal shall lie to the Karnataka Appellate Tribunal within sixty days from communication of the refusal.

11. General meeting

(1) Every registered society shall hold every year an annual general meeting at which the report of management for the previous year, together with an audited balance sheet, income and expenditure account, and the auditor's report, shall be submitted for approval.

(2) The first annual general meeting shall be held within eighteen months of registration; the next, within nine months after the expiry of the year in which the first was held; and thereafter within nine months after the expiry of each year: Provided that the Registrar may, for special reason, extend the time by a further period not exceeding six months: Provided further that, except as above, not more than eighteen months shall elapse between successive annual general meetings.

(3) A special general meeting may be convened at any time on the requisition of the president or chairman of the governing body, or of not less than one-third of the members of the governing body, or one-tenth of the total members entitled to vote, stating in writing the business proposed; the governing body shall, within ten days of the requisition, call a meeting on a day not later than forty days from receipt of the requisition.

(4) If a member has no registered address in India and has not supplied one, a notice advertised in a Kannada newspaper and an English (or other local) newspaper circulating near the registered office shall be deemed duly given on the date of publication.

12. Accounts

(1) The governing body of every registered society shall keep, at the registered office or such other place in the State as it thinks fit, proper books of account of: (a) all sums of money received and expended and the matters to which they relate; (b) all sales and purchases of goods; and (c) the assets and liabilities of the society.

(2) Every balance sheet shall give a true and fair view of the state of affairs as at the end of the year, and every income and expenditure account shall give a true and fair view of the surplus or deficit for the year.

(3) Where a society's accounts are made up, with the Registrar's previous sanction, to a date other than 31st December, the first balance sheet and income and expenditure account after such sanction shall be for the period the Registrar specifies in the order of sanction.

13. Balance sheet and annual list of governing body to be filed with Registrar

On or before the fourteenth day after the annual general meeting, a society shall file with the Registrar a list of the names, addresses and occupations of the members of the governing body then in office, and a copy of the balance sheet and income and expenditure account audited by a person qualified to act as auditor of companies under section 226 of the Companies Act, 1956.

[As substituted by Act 6 of 2002] Provided that if, for sufficient reason, a society has not filed these records within the fourteen-day period, it may apply to the Registrar to condone the delay; the Registrar, if satisfied there is sufficient reason, may condone the delay and permit filing on payment of the prescribed fine, and where no sufficient reason is shown, may, after hearing the society, reject the application and return the records: Provided further that where a society fails to file such records for five consecutive years, the Registrar may, after giving a reasonable opportunity of being heard, cancel the registration of the society and direct its dissolution, with assets distributed and liabilities discharged as on dissolution under section 22.

14. Property of society how vested

The movable and immovable property belonging to a registered society, if not vested in trustees, is deemed vested for the time being in the governing body of the society, and in civil and criminal proceedings the property may be described as the property of the governing body by its proper title.

15. Suits by and against society

Every registered society may sue or be sued in the name of the president, chairman, or principal secretary, or the trustees, as determined by its rules, or, failing such determination, in the name of a person appointed by the governing body for the occasion: Provided that any person having a claim against the society may sue the president, chairman, principal secretary or trustees thereof if, on application, some other officer or person is not nominated as defendant.

16. Suits not to abate

No suit or proceeding in any civil court shall abate or discontinue by reason of the death, or cessation of office, of the person by or against whom it was brought; it shall continue in the name of or against the successor of that person.

17. Enforcement of judgment against society

(1) A judgment against the person or officer named on behalf of the society shall not be enforced against that person's own property, but against the property of the society.

(2) The execution application shall set out the judgment and the fact that the party sued or being sued

acted on behalf of the society only, and shall require enforcement against the society's property.

18. Recovery of penalty accruing under bye-law

Where a pecuniary penalty for breach of a rule or bye-law is duly imposed by a bye-law made in accordance with the society's rules and regulations (or, if the rules make no provision for bye-laws, by a bye-law passed at a general meeting by not less than three-fifths of members present), such penalty, when accrued, may be recovered in any court having jurisdiction where the defendant resides or the society is situated, as the governing body deems expedient.

19. Members liable to be sued as strangers

Any member in arrears of subscription which, under the rules, he is bound to pay, or who detains any property of the society contrary to the rules, or who injures or destroys society property, may be sued for such arrear or for the resulting damage in the manner provided above, as if he were a stranger to the society.

20. Members guilty of offences punishable as strangers

Any member who steals, purloins or embezzles money or property of the society, or wilfully and maliciously destroys or injures its property, or forges any deed, bond, security, receipt or instrument exposing the society's funds to loss, is liable to the same prosecution and punishment as a non-member would be for the like offence.

21. Procedure for amalgamation of societies

Where the governing body of a registered society considers it advisable to amalgamate the society, wholly or partly, with another society, it may submit the proposition to members in a written or printed report and convene a special general meeting, following the same notice and voting-majority procedure (twenty-one days' notice, votes in favour not less than three times votes against, confirmed at a second special general meeting after an interval of thirty days) as prescribed for alteration of the memorandum under section 9.

22. Provision for dissolution of societies and adjustment of their affairs

Not less than three-fourths of the members of a society may determine that it be dissolved, whereupon it stands dissolved forthwith or at the agreed time, and steps shall be taken to dispose of and settle its property, claims and liabilities according to its rules, or, absent such rules, as the governing body finds expedient; disputes among the governing body or members regarding adjustment of affairs are referred to the principal court of original civil jurisdiction of the district where the registered office is situated, which shall make such order as it deems requisite: Provided that no society shall be dissolved unless three-fourths of members have expressed a wish for dissolution by vote (in person or by proxy, where allowed) at a special general meeting convened for the purpose: Provided further that where the State Government is a member of, contributor to, or otherwise interested in a registered society, it shall not be dissolved without the State Government's consent.

23. Upon dissolution, no member to receive profit

(1) If, on dissolution of a registered society, any property remains after satisfying all debts and liabilities, it shall not be paid to or distributed among the members, but shall be given to another society determined by a vote of not less than three-fifths of members present (in person or, where allowed, by

proxy) at the time of dissolution, or, failing that, by the principal civil court of original jurisdiction of the district.

(2) Notwithstanding sub-section (1), members may, by a majority vote at the time of dissolution, determine that any such remaining property be given instead to the State Government, to be utilised for any purpose referred to in section 3.

24. Inspection of documents

Any person may inspect all documents filed with the Registrar under this Act on payment of the prescribed fee, and may require a certified copy or extract of any document, on payment of the prescribed fee per hundred words; such certified copy is prima facie evidence of its contents in all legal proceedings.

25. Enquiry by the Registrar, etc.

(1) The Registrar may, on his own motion, and shall, on the application of a majority of the governing body or of not less than one-third of the members of a society, hold, or direct an authorised person to hold, an enquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the authorised person has power to: (a) have free access at all reasonable times to the books, accounts, documents, securities, cash and other property of the society, and to summon any person in possession or custody of these to produce them at the society's headquarters or any branch; (b) summon any person believed to have knowledge of the society's affairs to appear and be examined on oath; (c) require the governing body to call a general meeting at a specified time and place to determine matters directed by him, and, if the governing body refuses or fails to do so, to call it himself — any such meeting has all the powers of a general meeting under the society's rules; the Registrar shall communicate the result of any enquiry under this section to the society concerned.

26. Surcharge

(1) Where, in the course of an enquiry under section 25, it appears that a person who took part in the establishment or management of the society, or any past or present president, secretary, member of the governing body, officer or staff member, has misapplied, retained, or become liable or accountable for any money or property of the society, or has been guilty of misfeasance or breach of trust, the Registrar may, on a report, on application of the governing body, or on his own motion, examine the person's conduct and, after giving him a reasonable opportunity to explain, order him to repay or restore the money or property (with interest as the Registrar thinks just) or to contribute a sum to the society's assets by way of compensation.

(2) The Registrar's order under sub-section (1) is final unless set aside by the Karnataka Appellate Tribunal on an appeal filed within sixty days of communication of the order, accompanied by a fee of ten rupees.

(3) Any sum ordered to be repaid or contributed may, on the Registrar's requisition, be recovered by the Deputy Commissioner as arrears of land revenue.

(4) This section applies notwithstanding that the person concerned may have incurred criminal liability for the same act.

27. Cancellation of registration and dissolution of certain societies

(1) If it appears to the Registrar that a registered society is carrying on, or allowing to be carried on within premises under its control, any unlawful activity, the Registrar may hold an enquiry, or authorise an officer to hold one, with the same powers as under section 25(2); the authorised officer shall, on

completion, submit a report to the Registrar.

(2) If, on such enquiry, the Registrar is satisfied that the society has carried on or allowed unlawful activity, he shall, after giving reasonable notice to show cause why registration should not be cancelled, and considering any representations made, by order cancel the registration and direct dissolution of the society; the assets shall then be distributed and liabilities discharged as on dissolution under section 22.

(3) An appeal against such order lies to the Karnataka Appellate Tribunal within sixty days of communication of the order, and the appellate decision is final.

Explanation.— An activity is deemed unlawful if it is an offence punishable under any law for the time being in force.

27A. Appointment of Administrator

Notwithstanding anything in this Act —

(1) Where (a) a society, owing to pending litigation or otherwise, has not held or is unable to hold its annual general meeting; or (b) the term of office of the governing body has expired and a new governing body has not been constituted; or (c) the State Government, on a report or enquiry, considers it necessary in the public interest — the State Government may, by order published in the official Gazette, appoint an Administrator for the society for a period not exceeding six months to manage its affairs, extendable (prospectively or retrospectively, for reasons recorded in writing) by further periods not exceeding six months at a time, subject to an aggregate not exceeding four years.

(2) The Administrator's salary and allowances, though paid by the State Government, shall be reimbursed from the society's funds.

(3) During the Administrator's appointment, the governing body ceases to exercise its powers and functions, which are instead performed by the Administrator, subject to any directions the State Government may issue.

(4) Before the expiry of his term, the Administrator shall take steps to convene the general body meeting and hold elections to constitute a new governing body.

(5) If the Administrator, for reasons beyond his control, cannot convene the meeting, or the general body fails to elect a governing body, he shall report to the State Government, which may extend his appointment or, if satisfied it is in the public interest, order dissolution of the society.

(5A) The State Government may appoint an Advisory Council to advise and assist the Administrator, its members holding office during the pleasure of the State Government.

(6) Where an order of dissolution is passed under sub-section (5), the society's assets vest in, and its liabilities devolve on, the State Government.

28. Offences and penalties

If — (a) the president, chairman, principal secretary or a member of the governing body or officer of a society contravenes section 9(2), 10(2), 11(1) and (2), 12, or 13; or (b) such person wilfully makes or furnishes a false return, or a return he does not believe to be true; or (c) any person wilfully or without reasonable excuse disobeys a summons, requisition or lawful written order under this Act, or fails to furnish information lawfully required of him — he shall, on conviction, be punishable with fine which may extend to one thousand rupees.

29. Cognizance of offences

No court inferior to that of a Magistrate of the First Class shall try an offence under this Act.

30. Power to make rules

(1) The State Government may, by notification in the official Gazette, make rules necessary for carrying out the purposes of this Act.

(1A) Without prejudice to the generality of sub-section (1), the State Government may fix fees and fines for: (a) registration of societies under section 8(1); (b) appeals before the Karnataka Appellate Tribunal under sections 8(3), 9(3) and 10(3); (c) filing changes in the memorandum of association under section 9(2); (d) filing changes of name, rules and regulations under section 10(2); (e) filing the list, balance sheet and income and expenditure account under section 13; (f) fines under sections 13 and 28; and (g) fees for enquiry under section 25.

(2) All rules made under this Act shall be laid before each House of the State Legislature, as soon as may be after they are made, for a total period of thirty days, which may be comprised in one or more sessions; if, before the expiry of that period, either House makes any modification or directs that the rules shall not have effect, and the other House agrees, the rules shall thereafter have effect only in the modified form, or be of no effect, as the case may be.

31. Repeal and savings

The Mysore Societies Registration Act, 1904, as in force in the Mysore Area; the Societies Registration Act, 1860 (Central Act), as in force in the Belgaum, Mangalore and Kollegal Areas and the Coorg District; and the Public Societies Registration Act, 1350 Fasli, as in force in the Gulbarga Area, are hereby repealed: Provided that every society registered under any repealed enactment is deemed to be registered under this Act: Provided further that, subject to the preceding proviso, section 6 of the Karnataka General Clauses Act, 1899 applies to the repeal, and sections 8 and 24 of this Act apply as if the repealed enactments had been repealed and re-enacted by this Act.

KARNATAKA ACT NO. 38 OF 2011

THE KARNATAKA SOCIETIES REGISTRATION (AMENDMENT) ACT, 2011

(First published in the Karnataka Gazette Extraordinary on the 29th day of December 2011; received the assent of the Governor on the 27th day of December 2011)

An Act further to amend the Karnataka Societies Registration Act, 1960.

Whereas it is expedient further to amend the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960), for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Sixty-second year of the Republic of India, as follows:—

1. Short title and commencement

(1) This Act may be called the Karnataka Societies Registration (Amendment) Act, 2011.

(2) It shall come into force at once.

2. Amendment of section 10

In section 10 of the Karnataka Societies Registration Act, 1960, for sub-section (2), the following was substituted: “Every amendment made under sub-section (1) shall, within thirty days, be filed with the Registrar. If the Registrar is satisfied that the amendment is in accordance with the provisions of this Act and the rules made thereunder, he shall register it; such amendment shall have effect from the date of the resolution passed under sub-section (1): Provided that the Registrar, if satisfied there is sufficient cause for not filing the resolution within the said period, may condone the delay in writing for a period not exceeding one year.” (This amendment is reflected in section 10(2) above.)

Note on Sources and Accuracy

This document has been compiled from the consolidated text of the Karnataka Societies Registration Act, 1960 (Act 17 of 1960), as maintained by PRS Legislative Research, incorporating amendments up to Karnataka Act 38 of 2011. Marginal amendment references (the Act numbers by which particular clauses were inserted, substituted or omitted) have been simplified for readability; where precision matters — for example, in litigation, regulatory filings, or society registration — please verify the exact wording against the official Karnataka Gazette text or the Department of Parliamentary Affairs and Legislation, Government of Karnataka. This is general information, not legal advice.