

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

7-12-98/LA

The Societies Registration (Goa Second Amendment) Act, 1998 (Goa Act 1 of 1999) which has been passed by the Legislative Assembly of Goa on 13-7-1998 and assented to by the President of India on 27-5-1999, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 11th June, 1999.

The Societies Registration (Goa Second Amendment) Act, 1998

(Goa Act 1 of 1999) [27-5-1999]

AN

ACT

to amend the Societies Registration Act, 1860, in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Societies Registration (Goa Second Amendment) Act, 1998.

(2) It shall come into force at once.

2. *Insertion of new sections 3B and 3C.* — In the Societies Registration Act, 1860 (Central Act 21 of 1860) (hereinafter

referred to as the 'principal Act'), after section 3A, the following sections shall be inserted, namely:—

"3B. *Renewal of certificate of registration.* — (1) Subject to the provisions of sub-section (2), a certificate of registration issued under section 3 shall remain in force for a period of five years from the date of issue:

Provided that a certificate of registration issued before the commencement of the Societies Registration (Goa Second Amendment) Act, 1998 (hereinafter in this section referred to as the "said Act"), shall remain in force for a period of one year from the date of such commencement.

(2) A society registered under section 3, whether before or after commencement of the said Act, shall, on application made to the Inspector-General on expiration of the period referred to in sub-section (1) and on payment of fees specified in sub-section (3), be entitled to have its certificate of registration renewed for five years, at a time:

Provided that in the case of a society registered before the commencement of the said Act, the Inspector-General shall refuse to renew the certificate of registration, if, after giving it an opportunity of showing cause against such refusal, he is satisfied that any of the grounds mentioned in section 4A exist in respect thereof.

(3) There shall be paid to the Inspector-General with every application for renewal of certificate of registration—

(a) a fee equal to the registration fee payable under section 3 or Rs. 100/-, whichever is less, if such application is filed within the period specified under sub-section (2);

(b) an additional fee of Rs. 25/-, if such application is filed within one month of the date of expiration of the period specified under sub-section (2);

(c) an additional fee at the rate of Rs. 5/- per month or part thereof, if such application is filed beyond one month of the expiration of the period specified under sub-section (2).

(4) Every application for renewal of certificate of registration shall be accompanied by the list of members of the managing body or governing body, as the case may be, elected after the registration of society or after renewal of certificate of registration and also the certificate sought to be renewed, unless dispensed with by the Inspector-General on the ground of its loss or destruction or any other sufficient cause.

(5) A society which fails to get the certificate of registration renewed in accordance with this section within one year from the expiration of the period for which the certificate was operative, shall become an unregistered society:

Provided that the Inspector-General may, for sufficient cause, allow the application for renewal for more than one year after the expiration of the period for which the certificate was operative, on payment of fees of Rs. 50/-.

(6) Where a certificate of registration is renewed in accordance with sub-section (2) or sub-section (4), such renewal shall operate from the date of expiration of the period for which the certificate was operative.

3C. Reference to the Government.— If any question arises whether any society is entitled to get itself registered in accordance with section 3 or to get its certificate of registration renewed in accordance with section 3B, the matter shall be referred to the Government, and the decision of the Government thereon shall be final.”

3. Insertion of new sections 20A, 20B, 20C, 20D and 20E.— After section 20 of the principal Act, the following sections shall be inserted, namely:—

“20A. Investigation of affairs of society.— (1) Where, on information received under section 4A or otherwise, or in circumstances referred to in section 12D, the Inspector-General is of the opinion that there is apprehension that the affairs of the society registered under this Act, are being so conducted as to defeat the objects of the society or that the society or its governing body, by whatever name called, or any officer thereof in actual effective control of the society is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations, the Inspector-General may, either himself or by any person appointed by him in that behalf, inspect or investigate into the affairs of the society or inspect any institution managed by the society.

(2) It shall be the duty of every officer of the society when so required by the Inspector-General or other person appointed under sub-section (1), to produce any books of accounts or other records of or relating to the society which are in his custody or to give him all assistance in connection with such inspection or investigation.

(3) The Inspector-General or other person appointed under sub-section (1) may, call upon and examine on oath any officer, member or employee of the society in relation to the affairs of the society and it shall be the duty of every officer, member or employee, when called upon, to appear before him for such examination.

(4) The Inspector-General or other person appointed under sub-section (1) may, if in his opinion it is necessary for the purpose of inspection or investigation, seize any or all the records including the accounts books of the society:

Provided that any person from whose custody such records are seized, shall be entitled to make such copies thereof, in the presence of the person having the custody of such records.

(5) On the conclusion of the inspection or investigation, as the case may be, the person, if any, appointed by the Inspector-General to investigate or inspect, shall make a report to the Inspector-General on the result of his inspection or investigation.

(6) The Inspector-General may, after such investigation or inspection, give such directions to the society or its governing body or any officer thereof, as he may think fit, for the removal of any defects or irregularities within such time as may be specified and in the event of default, in taking action in accordance with such directions, the Inspector-General may proceed to take action under section 12D.

20B. Penalty.— If any person wilfully makes or causes to be made any false entry in, or any omission from, the list required by section 4 or in or from any statement of copy of rules or of alteration of rules sent to the Inspector-General or neglects or refuses to make its accounts or other documents available for audit as required by section 12D or wilfully fails to produce any book of account or other records as required by sub-section (2) of section 20A or wilfully fails to appear before the Inspector-General or other person appointed by him or otherwise contravenes any of the provisions of sub-section (3) of section 20A, shall be punishable with fine which may extend to Rs. 2000/-.

20C. Cognizance of offence.— No court inferior to that of Magistrate of First Class, shall try any offence punishable under this Act, nor shall cognizance of any such offence be taken except on a complaint made by the Inspector-General or any other person authorised in writing by him, by general or special order in this behalf.

20D. Power to compound offence.— (1) The Government may, by notification in the Official Gazette, empower the Inspector-General or any officer authorised in this behalf, to accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 20B or against whom a prosecution under that section has been instituted, a sum of money by way of composition fee for the offence which such person is suspected or accused to have committed.

(2) On payment of such composition fee, the suspected person, if in custody, shall be discharged and no other proceedings shall be taken against him, and if prosecution against such person had been instituted, the composition shall have the effect of his acquittal.

20E. Indemnity.— No suit, prosecution or other legal proceedings shall lie in any court against the Government, the Inspector-General or against any person appointed for inspection or investigation under section 20A, for anything in good faith done or intended to be done under this Act or rules made thereunder.”

Secretariat Annexe,
Panaji.
Dated: 11-6-1999.

B. S. SUBBANNA,
Secretary to the Government of Goa
Law Department (Legal Affairs).