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EXTRA ORDINARY

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NOTIFICATION

No.LAD/A-9/76/45, the 27th Sept., 1976. WHEREAS a Commission had been appointed under para 14 of the Sixth Schedule to the Constitution of India vide Govt.'s Notification No. LAD/A-23/75/170 dated 15th November, 1975, to enquire as to whether the administration of the Chakma District Council was being carried on in accordance with the provisions of the Sixth Schedule; and,

WHEREAS the said Commission has in its report stated that the administration of this District Council has neglected to observe financial rules, regulations and official procedures and has failed to carry on the administration of the District Council in accordance with the provisions of the Sixth Schedule; and,

WHEREAS I am satisfied that a situation has arisen in which the administration of the Chakma District Council cannot be carried on in accordance with the provisions of the Sixth Schedule to the Constitution.

NOW, therefore, in exercise of the powers conferred under sub-paragraph (2) of para 16 of the Sixth Schedule to the Constitution of India, I, S.K. Chhibber, Lt. Governor (Administrator) of Mizoram do hereby assume to myself all the executive, financial and administrative functions and powers vested in or exercisable by the said District Council with effect from the forenoon of 15.10.76 except the functions and powers of the said Council described in the annexure to this order.

I further declare that all the said functions and powers of the Chakma District-Council shall be exercised by the Deputy Commissioner, Chhimituipui District or by such Officer or Officers as may be nominated by me under the overall supervision of the Deputy Commissioner, Chhimituipui District, for a period of six months from 15th October, 1976.

S.K. CHHIBBER

Lt. Governor (Administrator) of Mizoram.

ANNEXURE

Powers of the District Council to make laws under para 3 of the Sixth Schedule of the Constitution of India.

J. MALSAWMA

Secretary

to the Government of Mizoram
Local Administration Department.

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EXTRAORDINARY

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Vol. V. Aizawl Tuesday 28th September, 1976. Asvina 6, S.E. 1898 Issue No. 32.

No. MAS. 4/76/27, the 27th Sept. 1976. Under Rule 76 of the Rules of Procedure and Conduct of Business in the Mizoram Legislative Assembly the following Bill which was introduced in the Mizoram Legislative Assembly on the 27th September, 1976, is published together with Statement of Objects and Reasons for general information.

BILL NO. 6 of 1976.

THE SOCIETIES REGISTRATION (EXTENSION TO MIZORAM) BILL, 1976
(As introduced in Mizoram Legislative Assembly)

A
BILL

to provide for the extension of the Societies Registration Act, 1860 to the Union territory of Mizoram.

BE it enacted by the Legislative Assembly of Mizoram in the Twenty-seventh Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be cited the Societies Registration (Extension to Mizoram) Act, 1976.

(2) It extends to the whole of the Union territory of Mizoram

(3) It shall come into force at once.

Extension
of Central
Act 21 of
1860 to the
Union ter-
ritory of
Mizoram

2. The Societies Registration Act, 1860, as in force in 21 of 1860.
the territories to which it generally extends, is hereby
extended to the Union territory of Mizoram and shall
be deemed to have come into force in that territory
with effect from the 21st day of January, 1972, subject
to the modifications mentioned in the Schedule.

Certain noti-
fications to
be inopera-
tive. 21 of
1860.

3. With effect from the 21st day of January, 1972,
notifications Nos. 920P, dated the 1st April, 1898
and 1094P, dated the 15th March 1904, in so far as
they relate to the Societies Registration Act, 1860,
shall cease to be operative in the territory to which
this Act extends.

Validation.

4. Anything done or purported to have been done or any action
taken or purported to have been taken, or any fees levied or col-
lected, or purported to have been levied or collected, before the com-
mencement of this Act, by the Administrator of the Union territory
of Mizoram or by any other officer or authority under any law rela-
ting to registration of societies shall be deemed to have been validly
done, taken, levied or collected under the said Societies Registration Act.

21 of 1860.

1860 as extended to the Union territory of Mizoram by this Act :

21 of 1860.

Provided that notwithstanding the extension of the Societies Regis-
tration Act, 1860 to the Union territory of Mizoram with retrospec-
tive effect, no contravention of, or failure to comply with, any provi-
sions of that act as so extended by this act shall render any person
guilty of an offence punishable under that Act if such contravention
or failure had occurred before the commencement of this Act.

THE SCHEDULE

(See section 2)

Modifications to the Societies Registration Act, 1860.

1. Throughout the Act,—

- (1) for the words "Registrar of Joint-stock Companies",
wherever they occur, the word "Registrar" shall be sub-
stituted;

(2) for the words "State Government", wherever they occur, the word "Administrator" shall be substituted.

2. After section 1, the following section shall be inserted, namely:—

Definitions. '1A. In this Act, unless the context otherwise required,—

(a) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under article 239 of the Constitution;

(b) "Registrar" means the Registrar of Societies appointed by the Administrator.

3. After section 4, the following section shall be inserted, namely:—

Changes in Managing body and rules to be filed. "4A.(1) Together with the list mentioned in section 4, there shall be sent to the Registrar a statement showing changes during the year to which the list relates in the personnel of the governors, 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 members of the governing body.

(2) 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 within fifteen days of the making of such alteration."

4. After section 12, the following sections shall be inserted, namely:—

Change of name. "12A. Any society registered under this Act may, with the consent of not less than two-thirds of the total number of its members, by a resolution at a general meeting convened for the purpose and subject to the provisions 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 shall be sent to the Registrar.

(2) If the proposed name is identical with that by which any other existing 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 Register shall, if he is satisfied that the provisions 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
of name.

12C. The change in the name of a society registered under this Act shall not affect any right or obligation of the society or render defective any legal proceeding by or against the society, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its changed name,?"

5. (1) In section 13,—

- (a) after the words, "as the governing body" the words "or special committee formed to replace the governing body in respect of all matters affecting the winding up of the affairs of the society" shall be inserted;
- (b) after the words "the said governing body" the words "should it have not been replaced by the aforesaid special committee in respect of all matters affecting the winding up of the society, or the said special committee", shall be inserted;
- (c) in the second proviso, for the words "Government of the State of registration", the word "Administrator" shall be substituted;
- (d) after the second proviso, as so amended, the following further proviso shall be inserted, namely :-

Provided further that any matter decided by three-fifths 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. In section 19, for the words 'two annas', the words 'fifteen paise' shall be substituted.

7. After section 20, the following sections 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 or section 4A, 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 the first conviction for such offence.

(2) 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 or copy of rules or of alterations in rules sent to the Registrar under section 4A, he shall on conviction, be punishable with fine which may extend to two thousand rupees.

Procedure

22. (1) No Court inferior to that of a Judicial Magistrate of the first class shall try any 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 or any other person, authorised in writing by him, in this behalf.

Explanation. — Judicial Magistrate of the first class for the purposes of this Act means the Deputy Commissioner and any Assistant to the Deputy Commissioner who has been empowered under the rules for the regulation of the procedure of officers appointed to administer justice in the Lushai Hills."

STATEMENT OF OBJECTS AND REASONS

The Societies Registration Act, 1860 by itself does not lay down any rule as to the Local extent of its application. By section 3 of the Laws Local extent Act, 1874 the Act was brought into force throughout India excepting the Schedule Districts By various notifications issued under section 3 (a) of the Scheduled Districts Act, 1874

the Act was brought into force in various Scheduled Districts also. The Act was extended in the province of Assam with the exception of Lushai Hills District which was declared as a Scheduled District in 1898 under the said Act. Further, the Act was barred in the Lushai Hills by a notification issued by the Governor of Assam in exercise of powers under the Assam Frontier Tracts Regulation 1880. The Societies Registration Act, 1860 has been enacted to make provisions for conferring legal status on the Societies established for the promotion of literature Science, or the Fine Arts, or for the diffusion of useful Knowledge, the diffusion of cultural educational or for charitable purposes. It embodies the rules for the registration of these Societies. Proper registration of such Societies in a regular form by the competent authority under the Government will help in various ways in transaction of business of the societies and for Accountability of grants etc. received by the Societies.

Since the Act of 1860 is not applicable in the Union Territory of Mizoram, the societies formed in the Union Territory do not get legal status and as such, are deprived of the facilities which a registered society gets.

With a view to provide for above mentioned objects it is proposed to extend the Act in the Union Territory of Mizoram.

Hence this bill.

Ch. Chhunga
Minister-in-charge,
General Administration Department.

D.C PANDE
Secretary,
Legislative Assembly
MIZORAM.

FINANCIAL MEMORANDUM

The bill seeks to provide for the extension and application of Societies Registration Act, 1860 in the Union Territory of Mizoram. Although it is not possible to estimate the total expenditure at this stage, yet it will be very nominal as it is proposed to carry out the provisions of these Acts by officers mostly in ex-officio or in addition in capacity with skeleton staff. After extension of this Govern-

ment are expected to earn revenue. It is not possible to make assessment of Revenue at this stage that would be realised on this account.

NOTIFICATIONS BY WHICH ACT WAS BARRED

Lushai
Hills.

No. 920p. dated the 1st April, 1898—In exercise of the powers conferred by section 2 of the Assam Frontier Tracts Regulation, 1880 (II of 1880), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct that all enactments now in force in the Lushai Hills or any part thereof, shall cease to be in force therein, with effect from the date of this notification.

Provided always that nothing contained in this notification shall affect the Criminal jurisdiction of any court over European subject.

(The Assam Gazette of 2nd April, 1898, Part I, p. 379) (p. 618, Vol. I, L. R. & O. 1915)

No. 1094, dated the 16th March, 1904. In exercise of the powers conferred by section 2 of the Assam Frontier Tracts Regulation, 1880 (II of 1880), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct that all enactments now in force in the tract which has been transferred from the Cachar District to the Lushai Hills District by Notification No. 1093p., dated the 16th March, 1904 (with the exception of Regulation II, 1880, and Act V of 1861) shall cease to be in force therein with effect from the date of this Notification.

Provided always that nothing contained in this Notification shall affect the criminal jurisdiction of any court over European British subjects (Assam Gazette of 19th March, 1904, Part II, p.176).