

Regd No. N.E. 907



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## NOTIFICATION

[No. LJD. 127/76/55 the 15th March, 1977. The following Act passed by the Mizoram Legislative Assembly which received the assent of the Acting President is hereby published for general information.

The Mizoram Act No. 3 of 1977

(The Societies Registration (Extension to Mizoram) Act, 1976)

Received the assent of the Acting President of India on 26th Feb. 1977.

J. Wilson Sundara Raj,  
Secretary, Law & Judicial Deptt.,  
Mizoram.

**AN  
ACT**

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 called 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 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

21 of 1860.

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 16th 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 collected, or purported to have been levied or collected, before the commencement of this Act, by the Administrator of the Union territory of Mizoram or by any other officer or authority under any law relating to registration of societies shall be deemed to have been validly done, taken, levied or collected under the said Societies Registration Act, 1860 as extended to the Union territory of Mizoram by this Act :

21 of 1860.

21 of 1860.

Provided that notwithstanding the extension of the Societies Registration Act, 1860 to the Union territory of

Mizoram with retrospective effect, no contravention of, or failure to comply with, any provisions 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 substituted;
  - (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 requires,—

  - (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 Ma- "4A.(1) Together with the list mentioned in section 4, there  
naging body and shall be sent to the Registrar a statement showing changes dur-  
rules to be filed. ring 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 cor-  
rected 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 so-  
ciety, 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 alterations."
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 of 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 society 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 Registrar 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.”