

## **Memorandum for Registration of Society**

### **(Under H.P. Societies Registration Act, 2006)**

1. The Name of the society: \_\_\_\_\_
2. The Registered Office: \_\_\_\_\_
3. Area of operation: \_\_\_\_\_
4. The aims and objectives of the Society shall be as follows:-
  - (i) To spread awareness amongst members and public against social evil i.e. HIV/AIDS, Terrorism, population control, gender injustice, corruption, drug addiction, environment conditions, child labour, illiteracy and contemporary issues etc.
  - (ii) To organize cultural programmes at national and international level for cultural exchange and for the protection of cultural heritage of India.
  - (iii) To work for poor, needy and Rural Development.
  - (iv) To work for the Development of Youth and reconstruction of nation.
  - (v) To work for the Tribal rights, global peace, universal brother hood and national integration.
  - (vi) To arrange social functions/seminars/lectures/workshops/personality development camp/national integration camps etc.
  - (vii) To work for upliftment of weaker section of the society.
  - (viii) To receive donations/grants and acquire/purchase any moveable or immovable property from any govt./semi govt. or individuals in the name of society for furtherance of its objectives.
  - (ix) To carry out all activities on welfare basis without any discrimination on the basis of casts, creed or colour.
  - (x) Promotion of culture, preservation of science, literature and Tribal heritage.
  - (xi) Dissemination of useful knowledge, cultural education, maintenance of library or reading rooms for general use among the members and collection of natural history.
  - (xii) To encourage the exchange of ideas and techniques between different tribal societies.
  - (xiii) To assist the needy students, scholars, artisans, craftsmen and other industrial trained students in order to maintain highest traditions of workmanship and skills to rehabilitate them as self supporting individuals/institutes.
  - (xiv) To provide for search and present the world the true image of tribal culture, philosophy, traditions, institutions and beliefs by publicity through various possible methods.
  - (xv) To print or publish or get printed or reprinted books on Indian culture, history, literature, philosophy, traditional science/knowledge, system of thought, exoteric language of others.
  - (xvi) To organize or participate in course of study, research and seminars.
  - (xvii) To promote and review the various classical and folk dances, dramas, music, arts, crafts and xylographic works.
  - (xviii) Any other activity subservient to the aims and objectives of the society.

5. The Management of the affairs of the Society is entrusted by the regulations of the society to the Governing Body, whose names, addresses and occupations are specified below:-

Sl.No.	Name	Address for correspondence	Designation	Occupation
1			President	
2			Vice-President	
3			Secretary	
4			Treasurer	
5			Executive Member	

**Note (not to be appeared, only guideline):-** (The number of Governing body members elected should at least 3 out of members of general body members)

6. We, the several persons whose names and addresses are subscribed below are desirous of forming a Society in pursuance of the aforesaid Memorandum of Association and have signed the memorandum in the presence of the witnesses as shown below:-

Sl. No.	Names and permanent addresses of the subscribers with Father/Husband's name	Age	Occupation	Marital Status (married/un-married)	Signatures
1	2	3	4	4	5
1					
2					
3					
4					

5					
6					
7					

**Dated:**

**Note (not to be appeared, only guideline):-** (The number of general body members should be at least 7 belonging to different families and can be more than 7 )

To

The Registrar of Societies

Witness:-

Signature : .....

Name : .....

Name : .....

Full Address : .....

SAMPLE

**Proceedings of the First General Body Meeting of the -----Society held on -----in the Chairmanship of \_\_\_\_\_**

Today on \_\_\_\_\_ a meeting of general body of the proposed society was convened in the presence of following persons at \_\_\_\_\_ with a view to register a society under the provisions of Himachal Pradesh Societies Registration Act, 2006 for performing charitable and welfare activities:-

Sr.No.	Name	Signature	Contact No.

**Note (not to be appeared, only guideline):-** (The number of general body members should be at least 7 belonging to different families)

For the purpose, the members of the proposed society present unanimously elected Chairman/President for day Sh. \_\_\_\_\_ and thereafter the following resolutions were unanimously passed:-.

**Resolution No. 1.**

The name of the society shall be \_\_\_\_\_

**Resolution No. 2.**

The area of operation of the society shall be \_\_\_\_\_

**Resolution No. 3**

The Office/Head Office of the society will be situated at \_\_\_\_\_ in Tehsil \_\_\_\_\_ of \_\_\_\_\_ district and its address will be \_\_\_\_\_

**Resolution No. 4.**

The Management of the affairs of the Society will be entrusted by the Bye-laws/ Regulations of the Society to the Governing Body unanimously elected by the General body

of the society today on \_\_\_\_\_ and whose names, addresses and occupations are given below:-

Sr.No.	Name	Designation	Address for correspondence	Occupation

**Note (not to be appeared, only guideline):-** (The number of Governing body members elected should at least 3 out of members of general body members)

**Resolution No. 5**

President, Secretary and Treasurer are authorized to open and operate bank account of the proposed society.

**Resolution No.6**

All the members of the proposed society resolved to register a society under the provisions of H.P Societies Registration Act, 2006 for performing developmental, charitable and welfare activities. For the purpose, the draft Memorandum and Bye-laws have been read over carefully and adopted by all the members. All the members shall abide by these memorandum and bye-laws of the society.

**Resolution No.7.**

It is unanimously resolved to submit the Memorandum alongwith bye-laws of the society to the Registrar of Societies H.P for registration under the H.P Societies Registration Act, 2006. The President, Secretary and the Treasurer are, hereby, authorized to make any alteration/ deletion/addition and sign all the relevant documents of registration. The General Secretary of the society is also authorized to submit all the documents of registration of society to Registrar and received the same after registration from Registrar.

Certified that this is the true copy of proceedings passed by the general body meeting held on ----- and is in safe custody of the general secretary.

President

Secretary

Treasure

## MODEL CONSTITUTION/BYE-LAWS

1. **Name of the Society :** \_\_\_\_\_
2. **Registered Office:** \_\_\_\_\_
3. **Area of operation:** Himachal Pradesh(State Level)/Distt/\_\_\_\_\_ (Distt. Level)
4. **MEMBERSHIP:**

**(i) Admission of the Member:-**

No person shall be admitted to membership of the society except the following:-

- (a) An individual competent to contract under section 11 of Indian Contract Act, 1872 (9 of 1872).
- (b) Such class or classes of persons or associations of persons as may be specified by the society.
- (c) A person who has subscribed to the membership of the society by paying a subscription of Rs.\_\_\_\_\_ p.a or Rs. \_\_\_\_\_ p.m. (e.g 300/- p.a or Rs. 25 p.m.)
- (d) An individual can become a life member with the approval of governing body and subsequent ratification by general body after paying life membership fees of Rs.\_\_\_\_\_ (e.g Rs. 1100/- .)

**(ii) Re-Admission of the Member:-**

Any member either expelled or removed by the Governing Body can be readmitted provided that the member concerned pays all dues up to the date of such re-admission and any penalty imposed upon him by the Governing Body. The application for re-admission shall be submitted to the President of the Governing Body who may re-admit member and his decision shall be final subject to the approval of the Governing Body.

**(iii) Register of Member:-**

The Society shall maintain at its registered office or operating office a register of its members and shall record therein within fifteen days the admission , removal , expulsion and cessation of its membership. The following particulars may be mentioned therein:-

- (i) Name, Address, Age and Occupation of the member.
- (ii) The date on which the member has been admitted.
- (iii) The specimen signature of the members.
- (iv) The date on which the member has been removed, expelled or ceased to be the member and date of readmission.

- (v) Any other particulars as required from time to time may also be included therein as decided by the Governing Body. Provided further that all conditions imposed by the H.P. Societies Registration Act, 2006 shall be complied with by the Society.
- (vi) The Society shall also maintain a register showing names, address and occupations of the persons, who are members of the Governing body within fourteen days and shall file the same with the Registrar as per required section 15(3) of the H.P. Societies Registration Act, 2006.

**(iv) Rights and Duties of the Members:-**

All and every member of the society shall:-

- (a) Have one vote in every meeting of the General House.
- (b) Be entitled to participate in the meetings, functions and gatherings of the Society.
- (c) Inspect the books of account containing minutes of proceedings of general meeting and the register of members of society on any working day by giving reasonable notice but shall have no right to take extracts/ notes of the same.
- (d) Be bound by the rules and regulations, bye-laws, instructions, directions and policy guideline which may be framed from time to time.
- (e) Remain loyal to the Society and its Governing Body and the General Body.
- (f) Have right to take part in the election of the members of the Governing Body of the Society.

**5. CESSATION OF MEMBERSHIP:**

- (a) A member ceases to be a member of the society, if he/she:-
  - (i) dies or become unsound mind, or declared as bankrupt.
  - (ii) is convicted by any court of law.
  - (iii) willingly resigns from the membership.
  - (iv) fails to attend three consecutive meetings of the general body of the society without leave of absence.
- (b) If he/she does not pay annual subscription fee or fail to pay monthly installments of subscription fee as provided in clause 4 (c) of the bye-laws, the governing body of the society with the approval of general body shall remove such member from its membership after affording him/her opportunity of being heard.
- (c) A member can be expelled from the membership of the society by the President on the advice of governing body subject to the subsequent approval of its general body for carrying out activities prejudicial to the interest of the society or harm/defame the reputation of the society after affording him/her opportunity of being heard.

- (d) A member who has not paid full subscription as prescribed shall have no right to vote in the governing body/general body of the society till such subscriptions are paid in full.

**6. THE LIABILITY OF MEMBERS TO FINE AND FORFEITURES UNDER CERTAIN CIRCUMSTANCES:-**

Any member of the registered society, who steal, purloin, embezzle any money or other properties, or willfully and maliciously destroy or injure any property of the Society, or forge any deed, bond, security for money receipts or otherwise, or other instrument, whereby the funds of the Society may be exposed to loss or indulge in any unlawful, activity shall be subjected to the same prosecution as any other person who is not the Member of Society and shall be punished under Indian Penal Code and also shall be liable to indemnify the Society to the extent of loss sustained by it and other liabilities and persecutions as laid down under the provisions of **Section 25** of the H.P. Societies Registration Act, 2006.

Whenever any bye-laws duly made in accordance with the provisions of regulations made thereunder of the Society, any pecuniary penalty is imposed for the breach of any regulations or by-laws of the Society, such penalty, when accrued, may be recovered in any Court of law having proper jurisdiction which is situated where the defendant resides or where the office of the Society is situated, as the Governing body thereof shall deem fit and expedient and as per provisions laid down under **Section 26** of the H.P. Societies Registration Act,2006.

**7. MEETINGS OF THE SOCIETY:-**

**(a) Governing Body Meeting**

- (i) The meetings of the governing body of the society shall be held at least once in three months. The society shall at least send 15 days notice for such meeting to its members along with agenda notes.
- (ii) The meeting of the governing body can be called at any time by the President or General Secretary and on request signed by at least one-third members of the governing body.
- (iii) The President, however, may call an emergency meeting, at any time in case of emergency situation in the interest of the society duly informing all members of the governing body.

**(b) General Body Meeting**

The meetings of the general body shall be held at least once in a financial year in accordance with the provisions of Himachal Pradesh Societies Registration Act, 2006.



**(c) Convening Special Meeting:-**

- (i) A Special General meeting can be called at any time by the President or on a requisition containing the proposed agenda and reasons for such meeting in writing of one fifth of the members of society or at the instance of Registrar of the societies.
- (ii) A special meeting of the General Body shall be convened by the Secretary of the Governing Body with the prior approval of the President and on the receipt of the requisition made by at least one-fourth of the members of the Society or whenever the President/ Governing Body thinks it fit. The requisition should reach the Secretary at least 30 days before the date of the meeting and the Secretary , after approval from the President/ Governing Body shall include them in the Agenda of the meeting .The President/ Governing Body , however , may call a special meeting of General Body at as short of notice as deem necessary by him.

**(d) Recording of proceedings of meeting:-**

The proceeding of every meeting of the governing body and general body shall be duly recorded by the Secretary in a proceeding book under the signatures of President and Secretary of the Society. The minutes of such meetings shall be communicated to all the Members within 30 days of the said meetings.

**(e) Quorum and Notice of General body and Governing body Meetings**

- (i) The quorum for the governing body meeting shall be at least two third of its members.
- (ii) The quorum for the general body meeting shall be more than one half of its members.
- (iii) The society shall at least send 15 days notice for such meetings to its members along with agenda notes. A meeting may be called by serving notice through regular mail, e-mail, fax, or any other mode of communication available.

**8. ELECTION**

- (i) The General House shall elect the office bearers of the Governing Body in its Annual General Meeting once in every three years.

Provided that for the initial registration of the Society and to adopt the Memorandum of Association and the Rules and Regulations of the Society, the General House may elect the interim Governing Body to carry out the special function of registration of Society and after the registration of the Society may call to order the General House meeting under the notified Regulations to elect the office bearers of the Governing Body. The interim office bearers shall, for all purposes, be the duly elected office bearers of the Society.

- (ii) The General Body shall elect the following office bearers who shall constitute the Governing Body.

President	One
Vice President	One
Secretary	One

Treasurer	One
Executive Member	One

- (iii) If the meeting of the General Body is not held to elect the office bearers, the Office Bearers, earlier elected, shall continue till such time the election are duly held.
- (iv) Every member, including founder member of the Society, shall have the one vote at the meeting to elect the office bearers except honorary, nominated and associate members who have no right to vote.
- (v) Every member desiring to be elected as the office bearers shall make an application to the Secretary in writing and in the prescribed Performa. The candidature of the candidate shall be proposed by at least five founders, life or ordinary members of the society, who have eligibility to caste, vote in the General Body.
- (vi) The Secretary shall scrutinize the application as per eligibility of the member and if the applicant found eligible the same will be notified as candidate for the post he/she is contesting after consultation with the President.
- (vii) The election will be held by simple majority and in case of equality of the votes, the President shall have deciding vote.
- (viii) The result of the election will be declared in the meeting by the President.
- (ix) The schedule of the election shall be notified by the Secretary with the approval of the President.
- (x) All applications for candidature of office bearers of the General Body shall be made within 10 days of the schedule of election notified by the Secretary and candidate may withdraw his candidature within 7 days after the scrutiny of names and its Notification by the Secretary.
- (xi) The election to elect office bearers shall be thereafter held in the annual meeting of the Society called every three years.
- (xii) No member shall be allowed to vote, who is in arrears of the Society dues or who has been expelled, suspended or removed from the membership of the Society or debarred to caste vote elsewhere under these regulations.
- (xiii) The election may be held either through secret ballot or by voice vote in the meeting of the Society.
- (xiv) The President of the Governing Body may appoint a Returning officer for the conduct of the election. On appointment such Returning Officer shall carry out the election process of election.
- (xv) The result of the election shall be announced by the returning officer so appointed by the President.
- (xvi) All election documents shall be preserved for six months by the secretary.

- (xvii) The office bearers of the Governing Body so elected shall also be the office bearers of the General Body.
- (xviii) If, an account of any ineligibility or proven misbehaviour or misconduct, 3/4<sup>th</sup> members, present in the annual general meeting of the Society pass resolution for the removal of the President or the Secretary or any office bearer. Such President or the Secretary or office bearer shall stand removed from their respective office with immediate effect.
- (xix) The decision of the President, as to the procedure of the Society, the Annual General Meeting and the election meeting shall be final unless contested by 3/4<sup>th</sup> members present in that meeting.
- (xx) All proceeding shall be duly recorded and signed by the President and Secretary.

**9. THE MANNER OF MAKING, ALTERNING AND RESCINDING REGULATIONS:**

No, proposal for the amendment in the memorandum of Association or regulations thereto shall be done, if such provisions have not been approved by a majority of three-fifth Members present in the general meeting called specially for such purpose and in accordance of provisions laid down under Section-9 of the H.P. Societies Registration Act, 2006.

**10. MANAGEMENT OF THE SOCIETY:**

**(a) General Body**

The general body of the society shall consist of all type of members and the meeting of such body shall be held once in a year. The following business shall be transacted in the annual General Meeting of the Society and decisions shall be taken by majority of votes:-

- (i) To receive, consider and adopt the annual report of the Governing Body on the working and affairs of the society in the preceding financial year; and
- (ii) To receive, consider and adopt the Annual Audited Account for the preceding financial year along with the Audit Report thereon: and
- (iii) To elect members of the Governing Body and announce result; and
- (iv) To appoint auditors and fix their remuneration;
- (v) To consider any other business with permission of the President including consideration of Annual Budget, Constitution and appointment of standing sub-committees approval of any excess in expenditure over the sanctioned budget of the year, consideration of the schemes, polices and annual plan prepared by the Governing Body for the ensuing year and amendments in the constitution of the society.

**(b) Governing body:-**

- (i) The society shall elect a governing body, consisting of at least three members, by resolution passed by a majority of the members present and entitled to vote at an annual general body meeting of the society held in accordance with its bye-laws and provisions of Himachal Pradesh Societies Registration Act, 2006.
- (ii) The general body of the society may increase the number of governing body members as specified in sub-clause-(ii) of clause (8).
- (iii) The term of the governing body or its members so elected shall be three years.
- (iv) The constitution of the governing body shall be as under:-
  - (1) President
  - (2) Vice-President
  - (3) Secretary
  - (4) Treasurer
  - (5) Executive Member
- (v) The management of the affairs of the society shall be vested with the governing body of the society and shall exercise such powers and perform such functions as may be imposed or conferred by these bye-laws or the Himachal Pradesh Societies Registration Act, 2006.

**11. DISQUALIFICATION FOR GOVERNING BODY**

A person shall be disqualified for being a member of the governing body on the date of elections, if he/she:-

- (a) is disqualified for such appointment by an order of a Court or Registrar for causing loss to the society or retaining property or for any other reasons detrimental to the interest of society; or
- (b) is in arrears of prescribed subscription fee and a period of 45 days is over after delivering notice to such members to such effect.
- (c) has been convicted of a cognizable offence and sentenced to a term exceeding three months; or
- (d) has incurred any of the disqualification's as may be prescribed by the bye laws and the Act and Rules made thereunder.

**12. POWERS AND FUNCTIONS OF THE GOVERNING BODY**

- (i) To admit new members and to remove or expel existing members subject to approval of general body.
- (ii) To raise funds as per provisions of its bye-laws and Himachal Pradesh Societies Registration Act, 2006.

- (iii) To invest funds for furtherance of the objectives of the society.
- (iv) To appoint salaried or non-salaried officers for the conduct of working of the society in accordance with the rules framed by society for the purpose and to define their duties.
- (v) To institute, defend or compromise legal proceedings etc. subject to approval of general body.
- (vi) To dispose off applications of membership.
- (vii) To maintain true accounts of money received and expended, and accounts of the assets and liabilities.
- (viii) To prepare for submissions to the annual general meeting:-
  - (a) Balance Sheet
  - (b) Receipt and disbursement statement.
  - (c) Details of movable and immovable property acquired by the society.
  - (d) Details of money received and source there of and money expended and the object or purposes for which sums/money are expended.
  - (e) Prepare annual budget and annual report of the society for approval.
  - (f) Amendment of bye-laws, if any, and annual work programme for approval.
- (ix) To prepare statements of accounts required at audit and place them before the auditors
- (x) To prepare and submit all statements and returns required by Registrar in such form as required.
- (xi) To maintain register of members up to date.
- (xii) To facilitate inspection of books and audit of accounts of the society by those entitled to inspect/audit them.
- (xiii) To convene annual general meeting in due times.
- (xiv) To examine and take prompt action in cases of all arrears and defaults of the society.
- (xv) In general to carry out the management of the society in accordance with its byelaws.

### **13. OFFICERS OF THE SOCIETY:-**

#### **(1) PRESIDENT**

- (i) To preside over the periodical/quarterly meetings of the governing body/general body of society and to exercise general supervision over the activities of the Society and to regulate the proceedings of the meeting to set-out the aims and objects of the Society and shall also permit for discussion, if necessary, any other subject items moved before him by the Members.

- (ii) He shall be treated as the ‘**Head of Society**’ and shall decide any matter by casting his decisive vote in case of tie. The President shall convene Meeting of the Society in the event of resignation, insolvency or insanity of any Officer/Bearer/Member within the period of a week of all or 2/3<sup>rd</sup> Members of the Society along with all other Executives of the Society shall also be invited for the Meeting.
- (iii) He shall give necessary directions and instructions to the General Secretary and Treasurer for the proper and smooth working, management, supervision, and administration of the society.
- (iv) He may authorize for the expenditure upto ----- (Say Rupees Five Thousand only) for social benefits/activities and the expenditure so incurred should be got approved by the Society at its next meeting and the receipt of such expenditure must be present in the meeting for the record of society.
- (v) He shall keep copies of all official records and documents related to the members of the society and the copies of all other important records and documents of the society.
- (vi) If, in the opinion of the President, any emergency has arisen which require immediate action, he can take such action as he deems fit and necessary, and inform the same to the members of the Governing Body and get it ratified in the next meeting in due course.

**The Functions, Powers and Duties of the President:**

The function , powers and duties of the President are as follow:-

- (i) The President of the Society shall be the President of the Governing Body, who shall act as the Chief executive Officer of the Society and will be assisted by a Governing Body and such staff appointed for the purpose to discharge his administrative and financial functions.
- (ii) Subject to the regulation and the general control and supervision of the General Body and the Governing Body, the entire executive, administrative and financial authority to manage the affairs of the Society shall vest in the President.
- (iii) To preside over all the meetings of the General Body and the Governing Body and of all other committees and sub-committees of which she/he is a member, to take votes, to declare the result of voting, to determine the order in which the several proposal should be laid before General Body / Governing Body and generally to supervise the conduct of business.
- (iv) To countersign cheques issued by the Secretary/Treasurer or other authorized officers of the Society.
- (v) To control, supervise, advise and direct all establishment belonging to the Society and Departments under the control of the Society.
- (vi) To carry out day-to-day administration and all affairs of the society.
- (vii) To grant such scholarship awards, honours and commendation as she/he is empowered by the society to do so by the condition of the award.

- (viii) To suspend or to fine, take suitable action against any member of the ministerial or officer staff of the Society as prescribed from time to time, being appointing authority of the Society.
- (ix) To perform such other functions /duties as may, from time to time, be entrusted to him by the Society / Governing Body.
- (x) The President may, sanction all expenditure within the budget or as per delegation by the Governing Body in consultation with the Secretary and in anticipation of the approval of the Governing Body, incur/sanction all or any such expenditure in case of urgency or otherwise, not covered by the sanctioned budget.
- (xi) In case of office bearers leaving the station or otherwise being unable to attend to her/his work .The President will make necessary arrangements for the performance of her/his duties, till the return of the office-bearer or till the next meeting of the Governing Body.
- (xii) In addition to powers mentioned above, the Governing Body, may by rules, guidelines, instructions etc. delegate additional powers to the President, who may make such further delegation, if considered necessary, to any office bearer/Head of the department or any officer, as deem necessary by her/him.
- (xiii) The decision of the President on any question relating to the conduct of business at any meeting shall be final unless it is dissented from by 3/4<sup>th</sup> of the members present at the meeting. But votes shall not be taken on any such question by the President unless a prior requisition is made in writing by at least five members present for such voting.

**(2) VICE-PRESIDENT:**

In the absence of president, the vice-president shall use all the powers of president and perform all such duties assigned to him by the president or governing body from time to time.

**(3) SECRETARY:**

- (i) The Secretary shall be overall In-charge of entire administrative records of the society and carry out the all correspondence of the Society.
- (ii) He shall administer the affairs of the Society in consultation with the President.
- (iii) He shall convene and arrange the all-periodical and other meetings of the society in consultation with the President.
- (iv) He shall prepare and present the Annual Report together with audited statements of the Accounts of the Society before the General Body meeting of the Society.
- (v) He shall maintain a register containing the names and addressed of the all Members of the Society, issue notice of the meeting in consultation with the President and record the minutes of the meeting. He will be responsible for

assigning the work of all activities of the Society and shall conduct correspondence on behalf of the society.

- (vi) He has authority to incur expenditure not exceeding **Rs.\_\_\_\_\_ ( Say Rs.1000/- Rupees one Thousand Only)**] in accordance with the regulation of the Society, such expenditure should be reported in the next meeting of the Society for its approval.
- (vii) To submit a report pertaining to the working of Society for the preceding year at the annual General Meeting and execute contracts on behalf of the Society as and when authorised to do so by the Governing Body.
- (viii) To keep and maintain all records (excluding cash transactions and accounts) and perform all correspondence on behalf of the Society.

#### **(4) TREASURER:**

The treasure shall be over all In-charge of the cash transactions and accounts of the society.

- (i) He shall be responsible for the proper maintenance of the Accounts of the Society i.e. prepare and finalize the **Annual Statements** of accounts at the end of every financial year and submit it in the annual general body meeting of the society after its approval from the society and duly audited (along with the Auditor's report and comments thereof, if any).
- (ii) To keep and update the accounts of the Society on regular basis pertaining all transactions of money received and paid; and he shall be responsible for the proper maintenance of the accounts of the society and for this purpose he shall record all the receipts/payments of income and expenditure regularly in the cash book and shall placed it before the governing body of the society in its next meeting.
- (iii) Shall deal with the Bank(s) and all financial institutions according to the directions of the governing body of the society.
- (iv) Shall be responsible for making all collections, receipts of cash/cheque from members of society as subscription/registration fees, fines, penalties and other payments and receipts of any other financial and non-financial assistance from the Center or State Government/N.G.O./National or International Agencies/Bank/ Company and any other legal entity or individual and issue receipts thereof on behalf of the society.
- (v) The Treasurer may keep cash in hand as prescribed by the governing body of the society and deposit the remaining or surplus amount in the bank..

#### **14. THE APPOINTMENT AND REMOVAL OF STAFF OF THE SOCIETY**

All persons who are paid out of funds of the society, regular, or part time/contractual/target based or any other salaried persons shall be the employees of the



Society. Such rules, instructions, and guidelines as are framed/ issued by the Society or Governing Body or the President from time to time shall govern them. The Governing Body, may appoint such administrative, technical, ministerial or any kind of staff as is required to run the office or offices or other establishments run under or by the Society and to fix such term and conditions of service including pay, allowances benefits etc. as is determined either by regulations, instructions, guidelines or other appropriate way as well the classification, control, conduct and appeal mechanism of the employees from time to time. Provided that the normal age of superannuation of the staff is fifty eight years but President, in the interest of the Society, and with the approval of General Body, may grant extension in service to deserving employees, from time to time, as considered necessary and appropriate by her/him. No extension shall be granted to any employee beyond the age of 60 years. Provided further that the President may delegate his/her all or specific powers to such officers of the Society, for the control of the administration of the staff, as deems fit. The competence for removal of staff and officers shall vest in the governing body after affording adequate opportunity of being heard, on the following grounds if he/she is found guilty:-

- (i) For misconduct, violation of the Rules and Regulations and misappropriation/embezzlement of funds/properties of the society.
- (ii) On conviction for a cognizable offence and sentenced to a term exceeding 3 months.
- (iii) For in-discipline and breach of trust etc.

The society shall provide for in the service rules of employees the provisions prohibiting sexual harassment against women and for appropriate penalties against the offender. The society shall also constitute a committee for redressal of complaints regarding sexual harassment of women at workplace as per guidelines and norms issued by the Hon'ble Supreme Court in the case titled Vishakha and others v/s State of Rajasthan and others (JT 1997(7) SC 384 and strictly adhere to the provisions of Sexual Harassment of Women at Workplace Act, 2013.

## **15. FUNDS**

The President/Governing Body shall have full power of supervision and control over the receipts and expenditures, and entire funds of the Society shall be used solely and only for the purpose of the aims and objects of the society.

## **16. PROPERTY**

The property, moveable or immovable, belonging to the society shall be deemed to be vested in the general body by their proper title. No immovable property shall be acquired or transferred by way of sale, gift or otherwise without the previous approval of general house and such information shall be passed on and got recorded with the Registrar within a period of 15 days.

## **17. BANKING OPERATIONS**

The society shall open its account in a Nationalized/Cooperative Bank and such account shall be operated under the joint signatures of President and any one out of the Secretary or the Treasurer.

## **18. BOOKS OF ACCOUNTS**

- (1) The Society shall keep its head office proper books of accounts in which following shall be entered accurately:-
  - (a) all sums of money received and the source thereof, and all sums of money expended by the society and the objects or purposes for which such sums are expended;
  - (b) the assets and liability of the society; and
  - (c) details of immovable property acquired by the society
- (2) The books so maintained shall be open to inspection by the office-bearers or members of the society or the Registrar or the person authorized by him in his behalf during the office hours.

## **19. ACCOUNTS AND AUDIT**

- (a) The financial year of the Society shall start from 1<sup>st</sup> day of April to 31<sup>st</sup> day of March of the following year.
- (b) An auditor appointed by the President/Governing Body shall audit the accounts of the Society and subordinate offices at least once in a year.
- (c) Chartered Accountant appointed by the President and approved by General Body meeting will do auditing of accounts. The report shall be submitted to the Registrar Cooperative Societies within a period of 15 days of the audit.

## **20. DISSOLUTION**

The 3/5 members of the Society may, by a special resolution , determine that it shall be dissolved of and thereupon , with prior intimation to the Registrar, it shall be dissolved at the time specified in the resolution. The disposal and settlement of the property, claims and its liabilities shall be made in accordance with the provisions of section 44 of the H.P. Societies Registration Act ,2006.

## **21. NO DISTRIBUTION OF PROFIT/SURPLUS UPON DISSOLUTION**

If upon the dissolution of Society, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to, or distributed among, the members of the society or any of them, but shall be given to some other society, to be determined by the votes of not less than 3/5 of the members present personally at the time of dissolution or in default, thereof, by the court specified in section 44 of the H.P. Societies Registration Act ,2006.

## **22. DETERMINATION AFTER DISSOLUTION**

The society dissolved under section-44 any property what so ever remaining after satisfaction of all its debts and liabilities shall be given to government to be utilized in the event of cancellation of the registration of society for the purposes referred in section 1 (3) of the H.P. Societies Registration Act ,2006. All the moveable and immovable assets of society or its institutions or centers shall vest in the State Govt. to the extent of assistance, grant, aid or donation may have received from central or State Govt. or any statutory body.

### **23. LEGAL PROCEEDINGS**

The society may sue or be sued in the name of the President or the Secretary as the case may be and determined and appointed by the governing body.

### **24. DISPUTE**

Any dispute of the society shall be dealt in accordance with the provisions of H.P. Societies Registration Act, 2006

### **25. MATTERS TO BE PROVIDED BY BYE-LAWS**

The bye-laws of the society may provide for the regulations as envisaged in section 8 of the H.P. Societies Registration Act, 2006 and society shall, deliver a copy of its bye-laws, to each member of the Society at the time of admission as per provisions laid down in section 17 of the H.P. Societies Registration Act ,2006. All the members shall have to abide by the provisions of the bye-laws.

### **26. SURPLUS/PROFIT**

The Society shall not distribute surplus/profit, if any, among members. The same shall be utilized for the furtherance of the aims and objectives of the society.

### **27. APPLICATION OF ACT:-**

All the provisions of the Himachal Pradesh Societies Registration Act, 2006 shall be applicable to the society.

Certified to be true copy of original, which is in safe custody of the General Secretary of the society.

(President)

(General Secretary)

(Treasurer)

**Note (not to be appeared, only guideline):** This is only a sample of guidelines. The bye laws are to be drafted in simple language subject to the condition that the provisions of the H.P. Societies Registration Act, 2006 and Rules made there under shall be necessarily inserted in the proposed bye- laws. The proposed society can make addition and deletion in the bye laws keeping in view the aims and objective of the society.

**Note:-** The Himachal Pradesh Societies Registration Act, 2006 and Rules made there-under are available on departmental site [www.coophp.gov.in](http://www.coophp.gov.in)

**.Joint Declaration from the promoter members**

We the following persons namely ----- have joined together and formed ourselves into a society namely ----- and intend to get it registered under Himachal Pradesh Societies Registration Act, 2006. We affirm and declare as under:-

- i) that we the members are from different families and not running any other NGO with similar name.
- ii) that we are not convicted from any court of law and eligible to contract under section 11 of the Indian Contract Act, 1872.
- iii) that we shall have no objection to change or amend the above mentioned name, if in case any other society is found in existence with the similar name prior to this registration.
- iv) that the society shall abide by Himachal Pradesh Societies Registration Act,2006 and Rules made there-under and shall work on charitable or welfare basis.
- v) that we the members shall be liable or responsible for all the consequences concerned to the society.
- vi) that we further declare that the contents of our above declaration are true and correct to the best of our knowledge and if the contents of above declaration are found incorrect/wrong or misleading, the authorities shall have the right to take appropriate action against us as per the provisions of law.

**Signatures of all the deponents**

In the presence of following witness:-

1. Name : ..... Signature : .....  
Address : .....

2. Name : ..... Signature : .....  
Address : .....

**DECLARATION /NOC**  
(to be given by the owner of premises)

I----- Village ----- PO-----  
Tehsil----- District ----- H.P.do hereby solemnly affirm and declare as  
under:-

1. That I am the legal owner and in possession of premises at -----  
-----
2. That I shall have 'no objection' if registered office of the proposed society -----  
----- is established at  
my above said premises and validly used by the society to operate its activities from the  
date of the registration.
3. that I further declare that the contents of my above declaration are true and correct to  
the best of my knowledge and if the contents of above declaration are found  
incorrect/wrong or misleading, the authorities shall have the right to take appropriate  
action against me as per the provisions of law.

**DEPONENT**

In the presence of following witness:-

1. Name : .....  
Address : .....

Signature : .....

2. Name : .....  
Address : .....

Signature : .....

**CHECK-LIST FOR REGISTRATION OF SOCIETIES UNDER HIMACHAL PRADESH  
SOCIETIES REGISTRATION ACT, 2006.**

The association of seven or more persons being members of different families intending to work for literary, scientific, educational, religious, charitable or other purposes and desirous to be registered under the provisions of Himachal Pradesh, 2006 (Act No. 25 of 2006) and Rules made there-under shall require to submit memorandum of association alongwith following documents:-

1. Proposed name of the Society;
2. Objectives of the society as per section-1(3) of the Act;
3. Location & Head Office of the Society duly supported by some documentary proof such as electricity/water bill and declaration that the premises shown in the memorandum of association will be validly used by the society to operate its activities ;
4. Area of operation with full justification;
5. Name, age, addresses & occupation of the office bearers as well as subscribers to the memorandum of association as per format –I prescribed in the H.P. Societies Registration Rules, 2006; as well as duly certified two copies of regulations of the proposed society necessarily narrating therein the following points :-

- Pre-requisites for admission as members ;
- the liability of members to fines and certain circumstances of forfeitures;
- the consequences of non-payment of any subscription or fine, the resignation and expulsion of members;
- the appointment and removal of staff and officers and their powers;
- the manner of electing and removing the governing body and the powers of such body;
- the time and place of annual general meeting and, its powers , special general meeting and other meetings of the society;
- the manner in which notice of such meetings may be given;
- the quorum necessary for the transaction of business at meetings of the society;
- the manner of making altering and rescinding regulations of the society;
- the investments of funds, keeping of accounts and for an annual or periodical audit of accounts
- the manner of dissolving society
- the condition that the society will have neither profit motive nor its profit shall be distributed among members;
- Dissolution as per section-44;
- the determination after dissolution that property shall be utilized by the Government in the event of cancellation to the extent of grant might have received from the Government.
- supply of copy of bye-laws to all the members;
- legal proceedings;
- property of the society how vested
- authorization for joint banking operations;
- custodian of records;
- such other matters as may be considered expedient having regard to the nature and objects of the society .

6. Resolution regarding adoption of Rule-Regulations/Bye-laws duly signed by all the promoter members;
7. Joint declaration of promoter members to the effect that the society shall perform only charitable & welfare activities and the members shall be liable /responsible for all the consequences concerning society;
8. Two Copies of memorandum of association in original signed by three authorized signatories, containing identity proof of all the promoter members such as driving license, voter identity card, a copy of the proceedings of the first meeting. The signatures of the subscribers to the memorandum of association on format-I shall require to be attested by any competent authority;
9. The society shall get the proposed name and proposed bye laws approved from the Registrar Office at the first instance to avoid duplicacy. Thereafter registration fee of Rs. 500/- as prescribed in the Rules shall be deposited into Government Treasury;
10. Any other document or information as Registrar of Societies deems fit.

**Note:- The Himachal Pradesh Societies Registration Act, 2006 and Rules made there-under are available on departmental site [www.coophp.gov.in](http://www.coophp.gov.in)-**

#### **Check list for incorporating amendments in the regulations/bye-laws**

Every registered society working for literary, scientific, educational, religious, charitable or other purposes and desirous to amend its byelaws under the provisions of Himachal Pradesh, 2006 (Act No. 25 of 2006) and Rules made there-under shall require to submit following documents:-

1. Memorandum in duplicate and annotated form duly signed by three authorized signatories on the following format:-

<u>Clause/Article No</u>	<u>Existing provision</u>	<u>Proposed amendment</u>	<u>Reasons</u>
1.	2.	3.	4.
2.	Resolution of the general body passed by 3/5 <sup>th</sup> majority of the members in a special general meeting.		
3.	Form –IV duly signed by the president.		
4.	Submission of original record.		
5.	Submission of audited account returns, update list of members as well as office bearers accompanied by their identity proofs.		
6.	Location & Head Office of the Society supported by some documentary proof such as electricity/water bill and declaration that the premises shown in the memorandum of association as registered office is being validly used by the society.		
7.	NOC from the original registering authority on the following format.		

“It is to certify that the -----society is registered with this office vide registration number ---dated--- The said society is functional and the undersigned has no objection, in case, its area of operation is extended from -----to the State of Himachal Pradesh”.