

FREQUENTLY ASKED QUESTIONS

Registration of Society

Q 1	What is meant by a Society or an Association? Why should it be registered?	
Ans	A Society / Association is an organized group of people with the sole aim and objectives of non-profitable service. Registration of such an association will have legal recognition. It will be possible to run society legally with discipline. Society can sue and be sued.	
Q 2	Who will register a Society/Association and where it can be registered?	
Ans	Registrar of Societies i.e., District Registrar of a District is appointed under Karnataka Societies Registration Act 1960 is the authority to register the societies. Society can be registered in the office of the Registrar in which District the society is intended to be established.	
Q 3	What is the minimum number of people to form a society or an Association?	
Ans	A minimum 7 persons who have attained the age of 18 years can form a society or an Association.	
Q 4	For what purpose a society/association be formed?	
Ans	Association could be formed for the following purposes: 1. Religious; 2. Educational, art and religious; 3. Sports; 4. Knowledge of commerce and industry; 5. Political education training; 6. Maintaining Library; 7. Collection/preservation of historical monuments, technical and philosophical research.	
Q 5	What are the differences between `Trust' and `Society' registered under Karnataka Societies Registration Act 1960?	
Ans	Society	Trust
	District Registrar and Registrar of Societies is competent authority to register.	Trust deed can be registered in Office of the Sub Registrar.
	Aims and objectives are for the development/welfare of the whole society without restriction	There are two kinds of Trusts. Public and Private. The latter is a private trust for the beneficiaries.
	Minimum of 7 persons are required to form Society.	Any body can form Trust without restriction as to the number of persons.
	Executive committee runs it.	Managing trustee runs it.
	Executive committee manages, subject to approval of general body.	Management is under the control of management of Trustees and Managing Trustees.
	Accounts shall be filed to the Registrar of Societies.	Does not apply.
	There is provision to admit members.	Does not apply.
	In order to cancel an association action can be taken only after enquiry under Sec.27	Author of Trust can cancel Trust if he so wishes. If the provision is made in the deed.
	Profit cannot be distributed among the members. It can be used only for development of society.	Trustees cannot share. Beneficiaries may be allowed to use the profit.
Q 6	What are the documents to be filed for registration of a society?	
Ans	(a) Application	

	(b) Proceedings of the first meeting (c) Memorandum of Association (d) List of members of Executive Committee with name, address, occupation, age and signature. (e) Bye-laws of the Association.
Q 7	What should not be there in the name of the society?
Ans	The name shall not be 1. Similar to one already existing 2. Name prohibited or registered by State or Central Government 3. Indian Institute or University
Q 8	What is the fee for registration of Society?
Ans	1. In Bangalore MRDA 1000-00 2. Other places 500-00 3. Women's Association/SC/ST Associations shall pay half of the fee mentioned at 1&2 above.
Q 9	What are the follow up actions after registration of society?
Ans	1. First General Body meeting should be held within 18 months; 2. Society should get accounts audited by the Chartered Accountant and get it approved by the General Body every year and file it with the registrar within 14 days from the General Body meeting; 3. Society shall elect Executive Committee members as per its bye law.
Q 10	What is the fee to be paid for filing of accounts for approval?
Ans	1. For every One lakh rupees of the amount of income and expenditure or part thereof Rs.100/- 2. Half of the fees mentioned above is payable for Associations belonging to SC/St and women.
Q 11	Is there provision to condone delay to file accounts on payment penalty? If so what is Quantum of penalty?
Ans	1. If delay does not exceed one year, Rs.50 2. Where the delay exceeds one year, for each year of delay or part thereof; Rs.100/-
Q 12	Can memorandum, byelaws of society be amended? If so, what is the procedure?
Ans	Memorandum can be amended by approval in a special General Body Meeting called for the purpose after giving due notice and by approval another special General Body Meeting called after 30 days again. Byelaws can be amended by approval of majority of members in Special General Body Meeting. Such amended byelaws shall be filed with the Registrar within one month.
Q 13	Can Registrar refuse to accept amendments if he feels they are against provisions of the Karnataka Societies Registration Act?
Ans	Yes. However, there is a provision to appeal to the Karnataka Appellate Tribunal.
Q 14	Can a registered Society be cancelled or amalgamated with another Society?
Ans	1. Amalgamation (Sec.21): Proposal for amalgamation should be approved in specially called General Body meeting called after giving minimum of 21 days notice twice in a span of 30 days at a time. 2. Cancellation/Dissolution (Sec.22): Society can be cancelled or dissolved by approval of majority of members present in a specially called General Body Meeting. If there are any disputes within the members or with executive body, transactions etc., it can be resolved by approaching Civil Court.

Q 15	Can anybody other than member of Society inspect records of the Society and get copy of it ?
Ans	Yes, since records of the Society are deemed to be public records. Under section 24 any person can get copy and produce as evidence.
Q 16	Can Registrar enquire into the affairs of a Society? If so on what account and occasion?
Ans	Under section 25 of the Act, Registrar may make suo moto enquiry or on application by 2/3 of the executive committee members or 1/3 of total members. Such inquiries are held with reference to constitution, working or financial condition of the Society. The Registrar himself or any person appointed by him may hold inquiry.
Q 17	Can Registrar take action to recover the loss/misappropriation made by the members? Is there appeal against such action?
Ans	Registrar can pass order to recover such loss or damage caused by members after giving opportunity to explain.
Q 18	Can registered societies be cancelled? Who can cancel? Is there provision for appeal?
Ans	Yes. If a society is engaged in illegal activity, Registrar may enquire under Section 25 and cancel under Sec.27 after giving notice about such cancellation. Dissolution held as per Sec.22. Appeal may be preferred within 60 days from the date of order.
Q 19	Can an administrator be appointed to manage affairs of an Association? What is the procedure?
Ans	If a society is unable to function and executive committee is unable to hold general body meeting or if there are serious allegations against the governing body, administrator can be appointed by the Government on recommendation by the Registrar.
Q 20	Can a member be held as guilty and be fined for illegal activity?
Ans	A member can be fined under Sec.28 for an illegal act.
Q 21	Do ordinary members have right to urge for holding Special General Body for a specific purpose?
Ans	Yes. Special general body may be convened not later than 40 days after receipt of requisition by 1/3 of the members for specific purpose.