

## NGO REGISTRATION PROCESS IN KERLA

### **The criteria/pre-requisites to be fulfilled by the NGO's is as follows.**

1. The NGO's must be registered under Travancore Societies Registration Act and should have at least three years experience of working in Science, Technology and Environment related subjects.
2. The NGO's/professional organizations having proven credential and experience in Science, Technology and Environment field may only be considered.
3. The credentials of the office bearers of the NGO's should be verified.
4. NGO's must produce their audited account statements for preceding three years along with their proposals.
5. The bye laws of the NGO's must contain Science, Technology and Environment components in their activities.
6. For financial assistance for research projects the applicant should have proven research experience. Such NGO's should have their own R&D infrastructure.
7. The NGO's must submit details of earlier grants received from KSCSTE with pending statements, if any, at least for a period of preceding two years.
8. NGO's must submit details of collaborating institutions with their written consent. (such as name of the collaboration, nature of the collaboration, facilities and infrastructure status available.
9. In the case of Seminar/Workshop/Training programme only one proposal may be considered for financial assistance from an NGO in a particular financial year. Similarly **only one R&D research proposal may be considered at a time.**
10. The Seminar/workshop/conference proposals should focus on topics relating to the main theme of the NGO and organization should have in house expertise in that subject area.
11. The grants if sanctioned from the KSCSTE should be deposited in a separate bank account accruing interests in the name of the institution.
12. The MoU may be signed in Rs.50 stamped paper and in case of default of any of the conditions, such NGO's may not be considered and steps may be taken to recover the grant amount.

## **Kerala Societies (NGO) Registration Act**

The British passed the Societies Registration Act in India in 1860. The Act was based on The Literary and Scientific Institutions Act, which was passed in England in 1854.

The main Act is simple enough. However, the states have power (Charitable and Religious institutions fall under state list) to amend the main Act for their own state. Many states have amended the main Act, These amendments create confusion in section references, such as Section 4A for Bihar is different from section 4A for Goa. Others have passed their own independent Act.

It has proved very complex task to get the latest amendments for each state. Therefore, please reconfirm the information presented here before taking any important decisions.

In the state of Kerala, two Acts are applicable:

Malabar Region: Societies Registration Act, 1860 as amended by the Madras Act No. 24 of 1954.

Rest of the state: The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955.

### **Malabar Region**

[Societies Registration Act, 1860 as amended by Madras Act No. 24 of 1954]

Malabar Region includes six districts of present Kerala state. These are Kasaragod, Kannur, Wayanad, Kozhikode, Malappuram, and Palakkad.

### **Registration**

By filing Memorandum of Association and certified copy of Rules and Regulations (Sec. 3). All documents to be filed with the Inspector General of Registration.

## **Alteration**

You are allowed to alter the objects of the society, change its name or merge with another society. For this, you have to convene two general body meetings and three-fifths of the members have to approve the change (Sec. 12).

## **List of Governing Body Members**

To be filed every year within fourteen days of annual general meeting. This should be filed in January, if general meetings are not held (Sec. 4).

## **Accounts**

No specific provisions.

## **Dissolution**

Three-fifths of the members or more may decide in a general meeting to dissolve the society (Sec. 13). The Government's consent is required for dissolving the society, if it is a member or a contributor or interested in the society. However, the government can neither dissolve a society on its own, nor can it take over the society.

## **Disposal of property upon dissolution**

A society's property cannot be distributed among its members. However, three-fifths of the members present at the time of dissolution can give the property (left after satisfaction of all debts and liabilities) to another society (Sec. 14).

## **Others**

All documents of the society are open to public for inspection on payment of Re.1. Copies can be taken and also can be certified by Inspector General of Registration (Sec. 19).

## **Rest of the State of Kerala**

[The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955]

The remaining districts i.e. Thrissur, Eranakulamm, Idukki, Kottayam, Alappuzha, Pathanamititta, Kollam and Thiruvananthapuram are covered under the Travancore Act.

## **Registration**

By filing Memorandum of Association and certified copy of Rules and Regulations (Sec. 3). All documents to be filed with the Registrar of Societies along with a fee of Rs.100.

## **Alteration**

You are allowed to alter the objects of the society, or merge with another society. For this, you have to convene two general body meetings and three-fifths of the members have to approve the change (Sec. 18).

For any change to memorandum or rules and regulations of a society, a resolution has to be passed at a general meeting. A certified copy of such resolution effecting the amendment has to be filed with the Registrar within 14 days of the meeting (Sec. 22). There is no special provision for change of name under the Act.

## **Annual General Meeting**

The governing body of the society should hold the first general meeting of the society within 18 months from the date of registration. After that, the general meeting should be held in every calendar year within 15 months of the previous meeting [Sec. 7(1)].

## **List of Governing Body Members**

The society should have a minimum of three persons in the governing body. The list is to be filed every year within fourteen days of annual general meeting [Sec. 7(3)].

## **Accounts**

The governing body of the society has to maintain proper books of accounts (Sec. 12).

An audited Balance Sheet and Income and Expenditure Account signed by at least three members of the governing body should be filed every year with the registrar within 21 days of the general meeting (Sec. 13).

The state government has power to call upon the governing body to periodically submit Balance Sheet and Income and Expenditure Account of the society.

The registrar can examine the book of the society periodically, and submit a report (of the inspection) to the government. It is the duty of the governing body to assist the inspecting officer [Sec. 19(1)].

Such Inspecting Officer can enter the premises of the society. He can also search any other place and may seize the account books or documents [Sec. 19(2)].

The State Government can pass any order that it deems fit after reviewing the report [Sec. 19(3)].

## **Dissolution**

Three-fourths of the members or more may decide in a general meeting to dissolve the society (Sec. 23). Government's consent is required for dissolving the society, if it is a member or a contributor or interested in the society (Sec. 23).

Alternatively, 10% of members on the rolls of a society can apply to the District Court<sup>83</sup> for dissolution of the society (Sec. 25). The State Government can also

make this application to the District Court. However, it can neither dissolve a society on its own, nor can it take over a society.

### **Disposal of property upon dissolution**

A society's property cannot be distributed among its members. However, three-fifths of the members present at the time of dissolution can decide to give the property (left after satisfaction of all debts and liabilities) either to the State Government or to another society with similar objects (Sec. 24).

### **Others**

All documents of the society are open to public for inspection on payment of Re.1. Copies can be taken and also can be certified by the Registrar (Sec. 3)