

**IN THE HIGH COURT OF Himachal PRADESH, SHIMLA**

CWP No.4526 of 2025
Reserved on: 17.11.2025
Decided on: 28.11.2025

Sh. Joginder Singh ... Petitioner

Versus

State of Himachal Pradesh & others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹Yes

For the petitioner : Mr. Abhay Kant Mishra, Advocate.

For the respondents : Mr. Rahul Thakur, Deputy Advocate General.

Ajay Mohan Goel, Judge

By way of this petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

"1. Issue a writ in the nature of certiorari quashing the impugned orders/communications dated 16.02.2024, and 24.10.2024, refusing N.O.C. and registration of Association;

2. Issue a writ in the nature of mandamus directing the Respondents to process and grant the registration of the Petitioner's Association under the Himachal Pradesh Societies Registration Act, 2006."

2. The case of the petitioner is that he is serving as Home Guard and is the President of a proposed Society of Home Guards,

¹ Whether reporters of the local papers may be allowed to see the judgment?



i.e. Home Guards Welfare Association, Himachal Pradesh. According to the petitioner, he alongwith his colleagues in a General Meeting held on 28.06.2024, through a Resolution, proposed to form an Association in the name and style of Home Guards Welfare Association, Himachal Pradesh. The objective of the Association was promoting welfare, addressing grievances and representing the legitimate interests of the Home Guards in Himachal Pradesh. The application for registration was submitted in the Office of Registrar of Societies on 04.08.2023. Vide letter dated 16.02.2024 (Annexure P-3), the request for registration of the Society was refused. It was further mentioned in the communication that subscribers of the Memorandum of Association, who were intending to form and register the Association had stated their occupation as agriculturists, which was inappropriate as services of Home Guards in the State are generally utilized for maintaining law and order. It was further mentioned in the communication that objections were raised by the Police Department in a similar case regarding the registration of Himachal Pradesh Police Welfare Association, citing that such Association was not permissible under the Police Act. It was also mentioned in the communication that in order to avoid any potential complication and litigation at a later stage, the subscribers



of the Memorandum of Association were advised to take No Objection Certificate/ permission from the concerned Administrative Department to become elective office bearers of the proposed Association, provided there is no restriction in the Himachal Pradesh Home Guards Act, 1968 to form an Association by the Home Guard, as stated by the Police Department. It was also mentioned in the communication that clarifications regarding the status of the subscribers as to whether they were serving Government servants or agriculturists shall also be obtained.

3. According to the petitioner, feeling aggrieved by Annexure P-3, he through a Lawyer obtained information under the Right to Information Act whether the Home Guards were volunteers or Government servants. Said information was sought on 10.03.2024. In response thereto, though copies of rules and instructions were provided, but no reply was given to the query. In the petition, a reference has also been given of previous writ petition filed by the petitioner for registration of the Association as a Society and the representations made by the petitioner in this behalf to the Registrar of Societies on 23.08.2024 as well as representations submitted to Additional Director General-cum-Commandant General, Home Guards, Himachal Pradesh for issuance of a No



Objection Certificate. The No Objection Certificate was sought, as Registrar, Co-operative Societies insisted upon the No Objection Certificate from the Administrative Department. It is further mentioned in the petition that the No Objection Certificate was refused by the concerned Authority on the ground that in terms of Para-1.22 (1 of the Compendium of Instructions on Home Guards by Ministry of Affairs, Government of India), it stands mandated that in the States where Home Guards Associations have not yet been recognized, no recognition shall be given (See: Annexure P-1).

4. Learned Counsel for the petitioner vehemently argued that the act of the respondents of not registering the Association as a Society is not sustainable in the eyes of law. He submitted that in light of the fact that Home Guards is a voluntary organization and the serving Home Guards like the petitioner are not employees of the Department, but are volunteers, the refusal to register the Society is *per se* bad. He therefore, argued that the present petition be allowed and a mandamus be issued to the Registrar concerned to register the Association as a Society under the provisions of the Himachal Pradesh Societies Registration Act, 2006.

5. On the other hand, learned Deputy Advocate General relied upon the reply filed by the respondents and submitted that in



light of the fact that the Ministry of Home Affairs, Government of India has mandated that in the States where Home Guards Associations have not yet been registered, no recognition shall now be given and, therefore, the Department cannot be forced to issue any No Objection Certificate to the petitioner and further, the act of the Registrar of not registering the Society can be faulted with.

6. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as well as documents appended therewith.

7. This Court is of the considered view that there is in fact a complete mis-appreciation of the issue, both at the end of the petitioner as well as the respondents. This Court is making this observation for the reason that there is a difference between a group of employees in a Department or volunteers serving in an organization, intending to form an Association by whatever nomenclature, to have a platform to raise their grievances with their employer/ Department concerned and the registration of a Society under the provisions of the Himachal Pradesh Societies Registration Act, 2006. Though usually even Associations of employees or volunteers like petitioner, ordinarily are loosely termed as a 'Society', but the same is not to be confused with a 'Society' registered under



the Himachal Pradesh Societies Registration Act, 2006.

8. There are two primary Statutes governing the registration of Societies in Himachal Pradesh, i.e. the Himachal Pradesh Societies Registration Act, 2006 and the Himachal Pradesh Co-operative Societies Act, 1968. The latter Act deals with the registration of Co-operative Societies, which is not the subject matter of this petition and the Act of 2006 deals with registration of Societies under the 2006 Act.

9. The preamble of the 2006 Act provides that the 2006 Act is an Act to re-enact the Law to provide for registration of working of literary, scientific, educational, religious, charitable or other Societies in the State of Himachal Pradesh.

10. Section 1 (3) of Himachal Pradesh Societies Registration Act, 2006 reads as under:-

“1(3) This Act shall apply to Societies formed for all or any of the following purposes, namely:-

(i) promotion of science, education, literature or fine arts;

(ii) diffusion of useful knowledge;

(iii) diffusion of political knowledge;

(iv) foundation or maintenance of libraries or reading rooms for general use among the members or open to the public;

(v) establishment and maintenance of galleries of paintings and other works of art;



(vi) establishment and maintenance of public museums;
(vii) collection of natural history, mechanical and philosophical inventions, instruments or designs;
(viii) promotion of social welfare;
(ix) promotion of religious or charitable purpose including establishment of funds for welfare of military orphans, welfare of political sufferers and welfare of the like;
(x) promotion and implementation of different schemes sponsored by the State Government or the Central Government;
(xi) promotion of Commerce, Industries and Khadi; and
(xii) promotion of Rural Development.”

11. This Court shall deal with the above mentioned statutory provisions for the purposes of adjudication of this petition.

12. A perusal of the contents of writ petition demonstrates that in Para-2 of the petition, it is stated that the petitioner alongwith other colleagues in a General Meeting held on 28.06.2024, through a Resolution proposed to form an Association under the name and style of the Himachal Pradesh Home Guards Association, with the objective of promoting welfare, addressing grievances and representing the legitimate interests of the Home Guards in Himachal Pradesh.

13. Therefore, what this Court has to examine is as to whether the kind of Association which the petitioner and his



colleagues are intending to register under the 2006 Act, is contemplated under the provisions of the Act or not.

14. The objective of forming the Association, as per the petitioner is for promoting the welfare, addressing the grievances and representing legitimate interest of Home Guards in Himachal Pradesh, obviously with the employer or who had engaged them alongwith other objectives.

15. The proposed Memorandum for registration of the Societies is also appended with the petition as Annexure P-1. The aims and objects of the Society are mentioned therein, which *inter alia* include the general welfare of the personnel and families of the Home Guards serving with the State Government across Himachal Pradesh; taking necessary steps for representation and redressal of grievances regarding service conditions and basic fundamental rights of Home Guard Personnel throughout the State of Himachal Pradesh; making arrangements for a dialogue with the State Government and Central Government for providing pensionary, medical and other related benefits to the Home Guard Personnel at par with Central and Para Military Forces; approaching the State Government and Central Government for procuring adequate contingency funds for the families and wards of Home Guard



Personnel, in case of physical impairment or death due to accident, mishap or otherwise during the service period etc.

16. Now, all these aims and objects are directly related to the engagement/ employment of the Home Guards with their employer. Therefore, the intent of the petitioner and his colleagues is to form an Association with the objective of, *inter alia*, espousing the issues relating to the service conditions of the Home Guards with the employers.

17. In this backdrop, if one peruses the provisions of Section 1 (3) (i) to (xii) of the 2006 Act, one finds that the provisions of this Act apply to a Society, which is formed *inter alia* for the purposes mentioned therein, but not beyond it.

18. The purposes mentioned therein which stand quoted hereinabove, do not contain the purposes for which the petitioner intends to constitute the Association alongwith his colleagues, registration of which is sought by him under the 2006 Act with aims and objects, which are beyond the provisions of Section 1 (3) of the 2006 Act.

19. Irrespective of the fact whether a 'No Objection Certificate' is granted by the Administrative Department or not, such a Society otherwise also cannot be registered under the 2006 Act.



Registrar concerned is not appreciating this aspect of the matter while asking the proposal of the Organization to obtain a No Objection Certificate. The Registrar is not appreciating that for the purposes of registration of the Society which fulfills the criteria laid down in the Act and which is formed for the purposes as mentioned in Section 1 (3) of the 2006 Act, no No Objection Certificate of any kind is required because obviously formation of such a Society, has nothing to do with issues between an employer and employees. The provisions of Section 1 (3) of the 2006 Act do not allow that a Society with the aims and objects of espousing, highlighting and propagating the service causes of its member, with its employer can be registered under the 2006 Act.

20. This Court again reiterates that herein the petitioner as well as the respondents are mesmerised with the word “Society” without appreciating that a group of people who constitute together as an Association or otherwise to put-forth their issues regarding their service conditions etc. with the employer, even if termed as a Society, is neither a Society as is envisaged under the 2006 Act nor it can be registered under the provisions of the 2006 Act.

21. Similarly, this Court would also like to observe that if a group of employees intend to constitute an Association, which has



got nothing to do with their service issues, but for the purposes which are otherwise mentioned in Section 1 (3) of the 2006 Act, the Statute does not require that any No Objection Certificate for the purpose of its registration.

22. With regard to Annexure P-9, dated 24.10.2024, this Court would like to make an observation that the recognition, as is referred to in this communication qua Home Guard Association, obviously is a recognition to be given by the employer to the Association, if any, formed by the Home Guards. It has got nothing to do with the 2006 Act.

23. This Court is of the considered view that the Associations of employees stand at a totally different footing as compared to the Societies registered under the provisions of 2006 Act and their recognition or non- recognition is dependent upon the Rules or Regulations that may be in force in the Department concerned which has got nothing to do with the 2006 Act. The 2006 Act only relates to the registration of the Societies which fulfill the parameters laid down under Section 1 (3) of the Himachal Pradesh Societies Act, 2006.

24. In light of above observations, this petition is disposed of with the direction that if the petitioner and his colleagues want to



have a Society registered under the Himachal Pradesh Societies Act, 2006, they may approach the Registrar concerned, but then the aims and objects of the Society should be strictly in-consonance with the provisions of Section 1 (3) of the Himachal Pradesh Societies Act, 2006, which does not contemplate raising of service issues, as the aims and objects of the Society. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

November 28, 2025
(Rishi)