THE INDIAN RED CROSS SOCIETY ACT, 1920

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THE INDIAN RED CROSS SOCIETY ACT, 1920[1]

ACT No. 15 OF 19201

[20*th March*, 1920.]

An Act to constitute an Indian Red Cross Society.

WHEREAS it is expedient to provide for the future administration of the various monies and gifts received from the public for the purpose of medical and other aid to the sick and wounded, and other purposes of a like nature during the late war, and more especially for the administration of the monies and property held by a Committee known as the Joint War Committee, Indian Branch, of the Order of St. John of Jerusalem in England and the British Red Cross Society;

AND WHEREAS it is expedient to constitute an Indian Red Cross Society with a view to the continuation in peace time, on a wider basis and with a wider purpose, of the work carried on by the said Committee during the war, and to provide for the affiliation therewith of other societies and bodies having similar objects;

It is hereby enacted as follows:—

1. Short title.—(*1*) This Act may be called the Indian Red Cross Society Act, 1920.

[2]* * * * *

2. Constitution of Indian Red Cross Society.—There shall be constitued by this Act a Society to be known as the Indian Red Cross Society (hereinafter called the Society). The first members of the Society shall be nominated by persons who immediately before the commencement of this Act were members of the Joint War Committee, Indian Branch, of the Order of St. John of Jerusalem in England and the British Red Cross Society (hereinafter called the Committee) at a meeting to be summoned and held for that purpose in accordance with the usual practice of the Committee within three months from the commencement of this Act. The number of members to be so nominated shall not be less than twenty-five or more than fifty.

3. Appointment of Managing Body.—The Committee shall also at the same meeting appoint from among the members nominated under section 2 of the Managing Body of the Society (hereinafter called the Managing Body), the members of which shall hold office as such until a new Managing Body is appointed as hereinafter provided. The number of members of the Managing Body shall not be less than ten or more than thirty.

4. Incorporation.—The first members of the Society and all persons who may hereafter become members thereof so long as they continue so to be, are hereby constituted a body corporate under the name of the Indian Red Cross Society, and the said body shall have perpetual succession and a common seal with power to hold and acquire property, moveable and immoveable, and shall sue and be sued by the said name.

[3][**4A. President of the Society.—**The President of India shall be the President of the Society (hereinafter referred to as the President).

1. The Act has been extended with modifications to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch. (w.e.f. 28-1-1963) The Act has been extended in its application to the whole of the Union of the Union territory of Lakshadweep (w.e.f. 1-10-1967) *vide* Reg. 8 of 1965, s. 3 and the Schedule and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and Schedule.
2. Sub-section (*2*) omitted by Act 22 of 1956, s. 2.
3. Ins. by Act 14 of 1992, s. 2 (w.e.f. 23-1-1992).

4B. Composition of Managing Body.—(*1*) Notwithstanding anything contained in section 3, the Managing Body shall consist of the following members, namely:—

(*a*) a Chairman to be nominated by the President for such term as he may deem fit;

(*b*) six members to be nominated by the President for such term as he may deem fit;

(*c*) twelve members to be elected by the State Branch Committees for a term of two years in accordance with the rules made by the Managing Body under section 5:

Provided that not more than one member shall be elected by any State Branch Committee:

Provided further that no member, elected under this section shall hold office continuously for more than two terms.

(*2*) The Managing Body existing immediately before the commencement of the Indian Red Cross Society (Amendment) Act, 1992 (14 of 1992) shall case to exist and the Chairman and all the members of the said Body shall be deemed to have vacated their offices on such commencement and the Managing Body shall be reconstituted within a period of six months from such commencement in accordance with the provisions of sub-section (*1*) and until it is so reconstituted, the President may authorise any person or body of persons to exercise and discharge all the powers, functions and duties which may, under the provisions of this Act or the rules made thereunder, be exercised or discharged by or on behalf of the Managing Body.

4C. Secretary General and Treasurer of the Society.—(*1*) The Managing Body shall, with the previous approval of the President, appoint a Secretary-General and a Treasurer of the Society.

(*2*) The term of office and the conditions of service of the Secretary-General and the Treasurer shall be such as the Managing Body may determine by rules made under section 5:

Provided that a the term of office and conditions of service of the Secretary-General and the Treasurer may be varied in like manner by the Managing Body.

(*3*) Notwithstanding anything contained in any contract or agreement and notwithstanding any judgment, decree or order of any court, tribunal or authority or anything contained in any other provision of this Act or the rules made thereunder, the term of office and conditions of service of any persons appointed as the Secretary-General of the Society at any time before the commencement of the Indian Red Cross Society (Amendment) Act, 1992 (14 of 1992) may be varied by the Managing Body with the previous approval of the President.

4D. Powers and functions of the Chairman and Vice-Chairman.—(*1*) The powers and functions of the Chairman shall be—

(*a*) to preside over the meetings of the Managing Body and all other Committees set up by the Managing Body of which he is the Chairman;

(*b*) to re-appropriate on the advice of the Treasurer of the Society, budgetary allocation from the major head of account to another major head of account;

(*c*) to authorise, on the advice of the Treasurer of the Society, expenditure on items not contemplated in the annual Budget of the Society, subject to the availability of funds;

(*d*) to institute, if necessary, disciplinary proceedings against officers of and above the rank of Deputy Secretary of the Society:

Provided that the final decision on the basis of the disciplinary proceedings so instituted shall be taken,—

(*i*) in case of the Secretary-General of the Society, with the previous approval of the President;

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(*ii*) in other cases, with the previous approval of the Managing Body.

(*2*) The powers and functions of the Vice-Chairman shall be,—

(*a*) to exercise the powers and perform the functions conferred on the Chairman under sub-section (*1*) or delegated to him under sub-section (*3*), in the absence of the Chairman on leave or on tour abroad or for any other similar reasons;

(*b*) to act as *ex officio* member in all the Committees or Sub-Committees appointed by the Managing Body.

(*3*) The Chairman and the Vice-Chairman shall, in addition to the powers exercisable by them under sub-sections (*1*) and (*2*), exercise such other financial and administrative powers as may be delegated to them by the Managing Body in accordance with rules made by it under section 5.

4E. Powers of the President to supersede the Managing Body.—(*1*) If, at any time, the President is of opinion—

(*a*) that there has been gross failure in the management of the affairs of the Society by the Managing Body; or

(*b*) that the Managing Body is acting in a manner which is prejudicial to carrying out the objectives of the Society,

the President array, by order in writing, supersede the Managing Body for such period, not exceeding six months, as may be specified in the order:

Provided that before issuing an order under this sub-section, the President shall give a reasonable opportunity to the Managing Body to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Managing Body.

(*2*) Upon the issue of an order under sub-section *(1)* superseding the Managing Body,—

(*a*) all the members of the Managing Body shall, as from the date of supersession, vacate their offices as such;

(*b*) all the powers, functions and duties which may, under the provisions of this Act or the rules made thereunder, be exercised or discharged by or on behalf of the Managing Body shall, until the Managing Body is reconstituted, be exercised and discharged by such person or body of persons as the President may appoint in this behalf.

(*3*) On the expiration of the period of supersession specified in the order issued under sub-section (*1*), the President may extend the period of supersession for a further period not exceeding six months as may be recommended by the person or body of persons appointed under clause (*b*) of sub-section (2):

Provided that the President may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (*1*) or extended under this sub-section, take such steps as are necessary to reconstitute the Managing Body in accordance with the provisions of section 4B.]

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5. Power to make rules.—[1][(*1*)] The Managing Body [2][may, [3][with the previous approval of the President], make rules[4] for the management, functions, control] and procedure of the Society. The rules may provide among other matters for the following, namely:—

(*a*) the conditions of membership of the Society;

(*b*) the appointment and term of office of members of the Managing Body;

(*c*) the choice of representatives on international and other Committees;

[5][(*d*) the procedure of election of members by State Branch Committees;]

(e) the constitution of Finance, Medical and other Committees and the delegation of powers to them; [6]***

[7][(*f*) the powers exercisable by the Managing Body in supervising the activities of State Branch Committees;

(g) delegation of financial and administrative powers to the Chairman and the Vice-Chairman;

(h) disqualifications for membership of the Managing Body;

(*i*) the term of office and conditions of service of the Secretary-General and the Treasurer and other officers of the Society;

(*j*) the Tegulation of the procedure generally of the Society and Managing Body.]

[8][(*2*) The Central Government shall cause every rule made under this section to be laid as soon as may be after the rule is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

6. Dissolution and transfer of property of Joint War Committee.—Upon the nomination of the first members of the Society and the appointment of the Managing Body—

(*a*) the Committee shall be dissolved;

(*b*) all property, moveable or immoveable, of or belonging to the Committee shall vest in the Society and shall be applied by the Managing Body to the objects and purposes hereinafter set out; and

(*c*) all the debts and liabilities of the Committee shall be transferred to the Society, and shall thereafter be discharged and satisfied by it out of the aforesaid property, and each and every member of the Committee shall be wholly discharged therefrom.

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1. Section 5 renumbered as sub-section (*1*) thereof by Act 14 of 1992, s. 3 (w.e.f. 23-1-1992).
2. Subs. by Act 22 of 1956, s. 3, for "shall, within six months from the commencement of this Act and subject to the condition of previous publication, make rules for the management, control".
3. Subs. by Act 14 of 1992, s. 3, for certain words (w.e.f.23-1-1992).
4. For such rules, see Gazette of India, 1920, pt. I, p. 2055.
5. Subs. by Act 14 of 1992, s. 3, for clause (*d*) (w.e.f.23-1-1992).
6. The word "and" omitted by Act 22 of 1956, s. 3.
7. Subs. by Act 14 of 1992, s. 3, for clauses (*ee*) and (*f*) (w.e.f. 23-1-1992).
8. Ins. by s. 3, *ibid*. (w.e.f. 23-1-1992).

7. Purposes to which funds of Society may be applied.—Notwithstanding anything contained in any appeal for subscriptions or gifts to or for the purposes of the Committee, the Managing Body may in its discretion apply—

(*a*) either the corpus of the income or any part of such corpus or income of any property vested in it under clause *(b)* of section 6 for the relief of sickness, suffering or distress caused by tile operation of war in India or in any other country in which Expeditionary Forces from India- may, from time to time, be employed and for purposes cognate to that object and in maintaining Red Cross Depots for military purposes;

(*b*) in accordance with the provisions of section 8 the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in India, whether due to the operation of war or not, or in pursuance of any of the objects set forth in the First Schedule.

8. Constitution of Branch Committees.—[1][(*1*)] If Branch Committees consisting of members of the Society arc constituted in [2][any of the States in India [3]***] specified in the Second Schedule, then, subject to the requirements of the Managing Body for the purposes of clause (*a*) of section 7 [4][and section 13] and any provision for expenses of management, the income of the property which has been vested in the Society under clause (*b*) the section 6 shall be distributed annually among such Branch Committees in the proportion shown in the said Schedule, to be expended by them and at their discretion upon all or any of the objects referred to in clause (*b*) of section 7.

[5][(*2*) The [6][Central Government] may, by notification in the Gazette of India, direct that [7][any part of India] [8]***specified in the first column of the Second Schedule shall be excluded therefrom or that [7][any part of India] [8]*** not specified therein shall be included therein and that the percentages specified in the [9][second column] of the said Schedule shall be varied as required by any such exclusion or inclusion.

(*3*) On the issue of a notification under sub-section (*2*) the Second Schedule shall be deemed to be amended in accordance with such notification.

(*4*) No notification under sub-section (*2*) shall be made without the consent of every Branch Committee constituted in [10][any State in India 11***] for the time being included in the Second Schedule.]

9. Affiliation of other Societies.—The Managing Body may also affiliate to the Society any other society or body [12][whether constituted in India or in any other country] having all or any of the objects and purposes referred to in section 7, and may provide for the allocation and distribution of funds, through such society or body, to or for any such objects or purposes.

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1. Section 8 was renumbered as sub-section (*1*) of that section by Act 17 of 1937, s. 2.
2. Subs. by the A. O.1950, as amended by the Adaptation of Laws (Third Amendment) Order, 1951, for "any of the Provinces, States and other parts of India and Pakistan".
3. The words "or in any part of Pakistan" omitted by Act 22 of 1956, s. 4.
4. Ins. by s. 4, *ibid.*
5. Sub-sections (*2*) to (*4*) added by Act 17 of 1937, s. 2.
6. Subs. by the A. O. 1948, for "G. G. in C."
7. Subs. by the A. O. 1950 as amended by the Adaptation of Laws (Third Amendment) Order, 1951, for "any Province, State or other part of India".
8. The words "or Pakistan" omitted by Act 22 of 1956, s. 4. Earlier inserted by the A.O. 1948,
9. Subs. by Act 22 of 1956, s. 4, for "third column".
10. Subs. by the A. O. 1950, for "the Provinces, States and other part of India and Pakistan".
11. The words "or any part of Pakistan" omitted by Act 22 of 1956, s. 4.
12. Ins. by s. 5, *ibid*.

10. Decision of Managing Body as to purposes final.—The Managing Body shall have authority to determine in all cases what matters properly fall within the scope of clause (b) of section 7, and its decision in all such matters shall be binding on all Branch Committees and affiliated societies or bodies.

11. Receipt and use of gifts.—The Managing Body may also receive and hold gifts of whatsoever description either for the general purposes of the Society or for any particular purpose, [1]*** and on receipt of such gifts may, subject to the provisions of rules made under section 5, apply the same to such purposes, either directly or through Branch Committees or societies or bodies affiliated under section 9.

12. Powers of Branch Committees.—Subject to the provisions of rules made under section [2][and the powers of supervision exercisable by the Managing Body thereunder], each Branch Committee shall have all power [3]*** to receive gifts and expend all monies received by it for its purposes, either directly or through other societies or bodies.

[4][**13. Transfer of property to Pakistan**.—(*1*) Notwithstanding anyting contained in this Act, the Managing Body, may, from out of the funds specified in column 1 of the Third Schedule, transfer to the Pakistan Red Cross Society the amounts specified in that Schedule as being the share of the Pakistan Red Cross Society which that Society has agreed to receive for being applied to the purposes for which they were held by the Society.

(*2*) Upon the transfer of such amounts to the Pakistan Red Cross Society under sub-section (*1*), the Society shall be freed and discharged from all obligations imposed upon it by or under this Act as in force before the commencement of the Indian Red Cross Society (Amendment) Act, 1956 (22 of 1956), or under any trust or other document in respect of anything to be done in Pakistan or in any part thereof.]

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1. The expression "for which the corpus or income of the property vested in it under clause (*b*) of section 6 may be applied under the provisions of section 7" omitted by Act 22 of 1956, s. 6.
2. Ins. by s. 7, *ibid*.
3. Certain words omitted by Act 14 of 1992, s. 4 (w.e.f.23-1-1992).
4. Ins. by Act 22 of 1956, s. 8.

[1][THE FIRST SCHEDULE

(See section *7)*

Objects to which the funds of the Society may be applied

(*1*) Aid to the sick and wounded members of the Armed Forces of the Union in accordance with the terms and spirit of the Geneva Conventions of 12th August, 1949 and discharge of other obligations devolving upon the Society under the Conventions as the recognised auxiliary of the Armed Forces Medical Services.

(*2*) Aid to the demobilised sick anti wounded members of the Armed Forces of the Union.

(*3*) Maternity and Child Welfare.

(*4*) Junior Red Cross.

(*5*) Nursing and ambulance work.

(*6*) Provision of relief for the mitigation of suffering caused by epidemics, earthquakes, famines, floods and other disasters, whether in India or outside.

(*7*) The establishment and maintenance of peace among all nations in accordance with the decisions of the International Red Cross Organisation.

(*8*) Work parties to provide comforts and necessary garments, etc., for hospitals and health institutions.

(*9*) The expenses of management of the Society and its branches and affiliated societies and bodies.

(*10*) The representation of the Society on or at International or other Committees formed for furthering objects similar to those of the Society.

(*11*) The improvement of health, prevention of disease and mitigation of suffering and such other cognate objects as may be approved by the Society from time to time.]

1. Subs. by Act 22 of 1956, s. 9, for the Schedules.

[1][THE SECOND SCHEDULE
(See section 8)

Statement showing the approximate percentage of the claim of the States and Union territories to the income of the property vested in the Society under clause (b) of section 6.

Name of the States and Union territories	Approximate percentage
Andhra Pradesh	5.92
Assam	1.49
Bihar	6.25
[2][Gujarat	5.63]
[3][Haryana	3.20]
Kerala	1.03
Madhya Pradesh	10.58
[4][Tamil Nadu]	4.52
[5][Maharashtra	11.07]
[6][Karnataka]	4.62
Orissa	2.02
Punjab	[7][4.70]
Rajasthan	6.11
Uttar Pradesh	23.69
West Bengal	5.84
Jammu and Kashmir	1.35
[8][Chandigarh	0.05]
Delhi	0.68
Himachal Pradesh	[7][1.19]
Tripura	0.06]

1. Subs. by the Adaptation of Laws (No. 4) Order, 1957, for the Second Schedule (w.e.f.1-11-1956).
2. Subs. by the Bombay Reorganisation (Adaptation of Laws on Union Subjects) No. 2 Order, 1961, for the entry relating to Bombay (w.e.f.1-5-1960).
3. Ins. by the Punjab Reorganisation and Delhi High Court (Adaptation of Laws on Union Subiects) Order, 1968 (w.e.f.1-11-1956).
4. Subs. by the Madras State (Alteration of Name) (Adaptation of Laws on Union Subjects) Order, 1970, for "Madras" (w.e.f.14-1-1969).
5. Ins. by the Bombay Reorganistation (Adaptation of Laws on Union Subjects) No. 2 Order, 1961 (w.e.f.1-5-1960).
6. Subs. by the Mysore State (Alteration of Name) (Adaptation of Laws on Union Subjects) Order, 1974 (w.e.f.1-111973).
7. Subs. by the Punjab Reorganisation and Delhi High Court (Adaptation of Laws on Union Subjects) Order, 1963, for the former entry (w.e.f.1-11-1966).
8. Ins., *ibid*. (w.e.f.1-11-1966).

THE THIRD SCHEDULE

(See section 13)

Statement showing the share of Pakistan Red Cross Society in the funds specified in column 1.

Name of the Fund from which transfer is to he made	Share of Pakistan Red Cross Society as on 30-6-48			Amount advanced to Pakistan Red Cross Society up to 31-12-52			Balance payable to Pakistan Red Cross Society in securities at cost and cash as agreed upon		
1	2			3			4		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Indian Red Cross Society	41,74208	6	3	4,04,348	13	5	37,69,859	8	10
Indian Forces' Medical After-Care Fund	4,81,232	14	0	1,30,000	0	0	3,51,232	14	0
Lady Chelmsford All-India Maternity and Child Welfare Bureau-Army Child Welfare Fund	91,225	0	0	8,186	13	0	83,038	3	0
Victoria Memorial Scholarships Fund	1,83,669	4	0	18,395	8	0	1,65,273	12	0
Total	49,30,335	8	3	5,60,931	2	5	43,69,404	5	10
Add-Amount due from Assam Red Cross Branch							36,351	0	0
							44,05,755	5	10
Deduct-Amount due from West Punjab Branch of the Pakistan Red Cross									
Net amount payable to Pakistan Red Cross Society…….							5,543	0	0
							44,00,212	5	10

Add—Interest earned on the securities in the share of the Pakistan Red Cross Society from 1-7-48 to the date of transfer after adjusting interest on the amount due from the West Punjab Branch of the Pakistan Red Cross Society.]

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