

## RED CROSS SOCIETY ACT, 1920

15 of 1920

[20th March, 1920]

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STATEMENT OF OBJECTS AND REASONS At the outbreak of the great war no Red Cross organisation existed in India, nor does any now exist on a formal basis. Red Cross work was carried on, in addition to its own normal activities, by the St. John Ambulance Association in India until August, 1916, when the India Branch of the Joint War committee was established, as a subordinate branch of the British organization, with a view to co-ordinating effect on model of the Joint War Committee in England, which was a combination of the British Red Cross Society and Order of St. John of Jerusalem in England. At the time of its inception the Indian Branch of the Joint War Committee had not separate funds and was assisted in its early stages by the receipt of the balances then remaining from the funds collected by the St. John Ambulance Association in India for Red Cross Work, and by grants made by the Joint War Committee in England. Its main function was the administration on Red Cross lines of the funds supplied to it by the Joint War Committee in England and of such other funds as were raised by local donations, etc. The success which attended the Indian Branch of the Joint War Committee enabled it to build up a position of considerable administrative importance but this position was not formally established until, at the end of 1917, the collections resulting from the "Our Day" appeal placed it in a position of financial independence of the Headquarters of the Joint War Committee organization in England. The inception of "Our Day", with magnificent response which it elicited, may be said for the first time to have established in India that vital interest in Red Cross activities which has enabled the Indian Branch for the past two years to extend relief, on its own initiative and under its own control, to various theatres of war in which forces from India have been employed, e.g. Mesopotamia. East Africa, Egypt and India lately on the North-West Frontier of India. The substantial balance of funds remaining to the credit of the Indian Branch of the Joint War Committee, chiefly as a response to the "Our Day" appeal, made it possible to hope that after the war came to an end work for the relief of sickness and suffering might be perpetuated in civil life, and proposals with this end in view were discussed in the winter of 1918-19. Simultaneously the Joint War Committee in England (to whom, it should be noted, the Indian Branch were still subordinate) were addressed to ascertain whether it would be considered legitimate if funds which had been collected for the relief of suffering arising directly out of the war, were utilised for medical relief in time of peace with a view to raising the general standard of comfort and efficiency of civil as well as of military hospitals, In England two most important steps have been taken which the Joint War Committee in India may well regard as a starting point in considering their future organization, and which incidentally, furnish a reply to the enquiry referred to in the last paragraph. In the first place, the British Red Cross Society has secured a new charter under which they are authorised to devote their funds to the alleviation of distress in civil life and for the amelioration of hospital conditions throughout the United Kingdom. In the second place, the British Red Cross Society has entered upon an agreement with the Order

of St. John of Jerusalem in England, under which it is hoped that co-ordinated action will be taken for the utilisation of the resources of both institutions for the common relief of suffering. Moreover, as a result of plans which had been developed by the Committee of Red Cross Societies during the early part of 1919, and by a conference of some of the leading medical experts of the world, held at Cannes (France) in April 1919, and with the approval of the Governments of five great powers, viz., Great Britain, France, Italy, Japan and the United States, an International League of Red Cross Societies was constituted for the purpose of associating the various Red Cross Societies of the world in a systematic effort to anticipate, diminish and relieve misery produced by disease and calamity. An invitation to become a member of the League was issued to the Indian Red Cross Society (which, as explained, does not yet formally exist) and has been provisionally accepted. The Indian Red Cross Society, when it comes into being, will under these circumstances occupy a status and position exactly corresponding to that of the British Red Cross Society in the Council of the International League of Red Cross Societies; and it will be entitled to the same representation upon that body as the British or any of the Dominion Red Cross Societies. As a result of these events we have now reached a position which throws upon the Indian Branch of the Joint War Committee with its affiliated Provincial Branches, a very great responsibility. It is now incumbent upon the Joint War Committee with, it is hoped, the backing of all assets of responsible Indian opinion, to establish an Indian Red Cross Society with branches in every province, and with functions extending beyond war work in co-operation with the work of St. John. Ambulance Association and Brigade. Concurrently with the establishment of an Indian Red Cross Society on a formal basis, it is also necessary to vest in it legal power, on this wider basis, to administer the funds of the Joint War committee in India, which were collected for the relief of suffering occasioned by the war and such other sums as may hereafter be collected and credited to it. The present surplus funds of the Joint War Committee in India will, under the proposals in the draft Bill become the chief capital fund in reserve for the relief of the sickness, suffering or distress, caused by the operations of war in India or in any other of the countries in which Expeditionary Forces from India may from time to time be employed, and for purposes cognate to that body. The first charge on the interest of the invested capital will be the maintenance of Red Cross Depots for military purposes and, after allowing for the above the remaining available sums together with such other sums as may from time to time be received in aid of the work of the new Society may, in conformity with what has been decided in England, be devoted to the relief of civil suffering generally, in raising the standard of comfort of civil as well as military hospitals and their administration and generally in the interest of hygiene. It is proposed that the arrangements be elaborated on a provincial basis and that all allotments to those sums and finally that provincial branches should have complete discretion in the disposal of these allotments of interest, and in the disposal of such other sums as may be collected and credited to the provincial branch within the province. With a view to widening as far as possible the field of useful work opening to the Indian Red Cross Society and to the provincial branches, it is proposed to legalise the affiliation with those bodies of societies and bodies having cognate aims and objects." -Gazette of India. 1920, Pt. V, page 83 - Amending Act 22 of 1956 - For S.O.R. -See under section 13. Act 14 of 1992.- The Indian Red Cross Society Act, 1920 governs the functioning of Red Cross Society all over the country. The working of the Act during the past 70 years has shown many loopholes. The Act does not contain sufficient provisions relating to appointment of President of the Society, composition of the Managing Body. appointment of Secretary-General and Treasurer. The entire management structure has been left to be decided by the Managing Body by rules made by it. As a result, even the President and Chairman of the Society are unable to exercise proper, supervision and control. On account of internal wranglings, the Society has not been able to discharge the statutory responsibilities like holding the Annual General Meeting, passing of Annual Accounts and approval of the budget. It has also not been possible to appoint a regular Secretary-General in view of several litigations. 2. The Indian Red Cross Society (Amendment) Ordinance, 1992 was, accordingly, promulgated by the President on 23rd day of January, 1992 to correct the above-mentioned distortions and to amend the Act suitably to plug loopholes therein, so that the affairs of the Society are managed and regulated properly to achieve the objectives for which the Society was established. The Ordinance made provisions relating to composition of the Managing Body and provided that the Managing Body existing immediately before the promulgation of the Ordinance shall cease to exist and a new Managing Body be re-constituted within a period of six months from the date of the Ordinance. Provisions were also made for empowering the Managing Body to appoint a Secretary-General and a Treasurer of the Society and laid-down their conditions of service in the rules to be made by it. It also provided for delegation of financial and administrative powers to the Chairman and Vice-Chairman, laying down the qualifications and disqualifications of the members of the Managing Body, It also empowered the President of the Society to supersede the Managing Body if there is gross failure in the management of the affairs of the Society or in other cases where the Managing Body acts in a manner which is prejudicial to carrying out the objectives of the Society. 3. The Bill seeks to replace the said Ordinance. -Gaz. of Ind., 28-2-92, Pt. II, section 2, Ext., p. 8 (No. 5).

### **1. Short title :-**

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

**1** [ \* \* \* ]

1. Sub-section (2) was omitted by the Red Cross Society (Amendment) Act, 1956 (22 of 1956), section 2 (21-5-1956).

### **2. Constitution of India Red Cross Society :-**

There shall be constituted 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 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 used by the said name.

#### **4A. President of the Society :-**

<sup>1</sup> [- The President of India shall be the President of the Society (hereinafter referred to as the President).

1. Ss. 4A to 4E inserted by Indian Red Cross Society (Amendment) Act (14 of 1992), section 2 (w. r. e. f. 23-1-92).

#### **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 shall cease 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 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 person appointed as the Secretary-General of the Society at any time before the commencement of the Indian Red Cross Society (Amendment) Act, 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 one 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;

(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 may, 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 .]

#### **5. Power to make rules :-**

<sup>1</sup>[(1)] The Managing Body <sup>2</sup>[may, <sup>1</sup>[with the approval of the President] make rules<sup>4</sup> 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;

<sup>5</sup>[(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: <sup>3</sup>[\* \* \*].

<sup>7</sup>[(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 regulation of the procedure generally of the Society and Managing Body.]

<sup>8</sup> [(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".

1. S. 5 re-numbered and sub-section (1) and in sub-section (1) so renumbered words "subject to the condition of previous publication" substituted, by the Red Cross Society (Amendment) Act, 1956 (14 of 1992), section 3

(w.r.e.f. 23- 1-92).

2. Substituted for the words "shall, within six months from the commencement of this Act and subject to the condition of previous publication, make rules for ;he management, control", by the Red Cross Society (Amendment) Act, 1956 (21 of 1956), section 3 (21-5-1956).

4. Word "and" omitted, Substituted for the words "shall, within six months from the commencement of this Act and subject to the condi- tion of previous publication, make rules for the management, control", by the Red Cross Society (Amendment) Act, 1956 (21 of 1956), section 3 (21-5-1956).

5. Substituted for cls. (ee) and (f), Substituted for cl. (d), S. 5 re-numbered and sub-section (1) and in sub-section (1) so renumbered words "subject to the condition of previous publication" substituted, by the Red Cross Society (Amendment) Act, 1956 (14 of 1992), section 3 (w.r.e.f. 23- 1-92).

7. Inserted, Substituted for cls. (ee) and (f), Substituted for cl. (d), S. 5 re-numbered and sub-section (1) and in sub-section (1) so renumbered words "subject to the condition of previous publication" substituted, by the Red Cross Society (Amendment) Act, 1956 (14 of 1992), section 3 (w.r.e.f. 23- 1-92).

8. For rules, see Gaz. of Ind., 1920, Pt. I, p. 2055.

#### **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 immovable, 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 trnasferred to the Society, and shall there- after be discharged and satisfied by it out of the aforesaid property, and each and every member of the Committee shall be wholly discharged therefrom.

#### **7. Purposes to which funds of Society may be applied :-**

Notwithstanding anything contained in any appeal for subscriptions of gifts to or for the purposes of the Committee, the Managing Body may in its discretion apply-

(a) either the corpus or 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 the 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 maintain- ing 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 :-**

<sup>1</sup>[(1) If Branch Committees consisting of members of the Society are constituted in <sup>2</sup>[any of the States in India <sup>3</sup>[\* \*]] specified in the Second Schedule, then, subject to the requirements of the Managing Body for the purposes of clause (a) of section 7 <sup>4</sup>[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) of 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 .

<sup>5</sup>[(2) The <sup>6</sup>[Central Government] may, by notification in the Gazette of India, direct that <sup>7</sup>[any part of India] <sup>8</sup>[\* \* \*] specified in the first column of the Second Schedule shall be excluded therefrom or that <sup>7</sup>[any part of india] <sup>8</sup>[\* \* \* \*] not specified therein shall be included therein and that the percentages specified in the <sup>11</sup>[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 <sup>12</sup>[any State in India <sup>13</sup> [\* \* \*]] for the time being included in the Second Sched- ule.]

1. The original Section 8 was renumbered as sub-section ( 1 ) of that section by the Red Cross Society (Amendment) Act, 1937 (17 of 1937), section 2.

2. Substituted for "any of the Provinces, States and other parts of India and Pakistan" by A. L. O., 1950, as amended by the Adaptation of Laws (Third Amendment) Order, 1951 (with retrospective effect from 26-1-1950).

3. The words "or in any part of Pakistan" were omitted by the Red Cross Society (Amendment) Act, 1956 (22 of 1956), section 4 (21-5-1956).

4. Inserted, The words "or in any part of Pakistan" were omitted by the Red Cross Society (Amendment) Act, 1956 (22 of 1956), section 4 (21-5-1956).

5. Added by the Red Cross Society (Amendment) Act, 1937 (22 of 1937), section 2.

6. Substituted for the words "Governor-in-Council", by A.C.A.O., 1948 (23-3-1948).

7. Substituted for the words "any Province, State or other part of India", by A.O.L., 1950, as amended by the Adaptation of Laws (Third Amendment) Order, 1951, (with retrospective effect from 26-1 -1950).

8. The words "or Pakistan" inserted by A.C.A.O., 1948, was omitted by Act (22 of 1956), section 4 (21-5-1956).

11. Substituted for the words "third column", The words "or Pakistan" inserted by A.C.A.O., 1948, was omitted by Act (22 of 1956), section 4 (21-5-1956).

12. Substituted for the words "the Provinces, States and other parts of India and Pakistan" by A.L.O., 1950 (26-1-1950).



