
AFRICAN DEVELOPMENT FUND ACT, 1982

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STATEMENT OF OBJECTS AND REASONS. India has become a member of the African Development Fund by acceding to the Agreement establishing the African Development Fund, on the 11th

May, 1981. Chapter VIII of the Articles of Agreement provides for granting to the fund, its officials and other personnel certain status, immunities, exemptions and privileges in the territory of each State participant. Article 41 of the Agreement stipulates that to enable the fund to effectively fulfil its purpose and to carry out the functions entrusted to it, the status, immunities, exemptions and privileges set forth in Chapter VIII shall be accorded to the fund in the territory of each State participant and each State participant shall inform the fund of the specific action which it has taken for such purpose. The Bill seeks to give effect to the provisions of the said Chapter VIII of the Agreement. Provision has also been made in the Bill to empower the Central Government to make payments to the fund towards subscriptions and other charges and for matters connected therewith. -Gaz. of Ind., 30-11-1981, Pt. II, S. 2, Ext., p. 780.

1. Short title, extent and commencement :-

(1) This Act may be called The African Development Fund Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

1. 25-8-1986 - See Gaz. of Ind., 25-8-1986, Pt. II, S. 3(i), Ext., p. 2 (No. 390).

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Agreement" means the African Development Fund Agreement;

(b) "Fund" means the African Development Fund established under the agreement.

3. Payments to Fund :-

(1) There shall be paid out of the Consolidated Fund of India, after due appropriation made by Parliament by law in this behalf, all such sums as may, from time to time, be required for the purpose of paying,- ^ \\

(a) the subscription payable by the Central Government to the Fund under Articles 6, 7, 8 and 9 of the Agreement;

(b) any sums payable by the Central Government to the Fund

under Article 13 of the Agreement; and

(c) any charges payable by the Central Government to the Fund under Article 16 of the Agreement.

(2) The Central Government may, if it thinks fit so to do, create and issue to the Fund, in such form as it thinks fit any such non-interest bearing and non-negotiable note or other obligations as are provided for by Article 9 of the Agreement.

4. Reserve Bank to be depository for Fund :-

The Reserve Bank of India shall be the depository of the Indian currency holdings of the Fund.

5. Conferment of status and certain immunities, exemptions and privileges on Fund and conferment of certain immunities, exemptions and privileges on its officers and employees :-

(1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Agreement set out in the Schedule shall have the force of law in India: Provided that nothing in Article 49 of the Agreement shall be construed as-

(a) entitling the Fund to import into India goods free of any duty of customs without any restriction or their subsequent sale therein; or

(b) conferring on the Fund any exemption from duties or taxes which form part of the price of goods sold; or

(c) conferring on the Fund any exemption from duties or taxes which are in fact no more than charges for services rendered.

(2) The Central Government may, by notification in the Official Gazette amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the Agreement set out therein.

6. Power to make rules :-

The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

7. Notifications issued under section 5 and rules made under section 6 to be laid before Parliament :-

Every notification issued under sub-section (2) of section 5 and every rule made under section 6 shall be laid, as soon as may be, after it is issued or 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 notification or, as the case may be, in the rule or both Houses agree that the notification or rule should not be issued or made, the notification or 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 notification or rule.

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