

THE INDIAN RED CROSS SOCIETY BILL, 2023

A

BILL

to provide for the regulation of the Indian Red Cross Society and for administration of its operations across the territory of India as the National Society functioning as voluntary aid society, auxiliary to the public authorities, in the humanitarian field, having autonomy of action and decision making and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Indian Red Cross Society Act, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint, and different dates may be appointed for different provisions of the Act.

Definitions.

2. In the Act, unless the context otherwise requires,—

(a) “Branch” means a Branch of the Society at the State, Union territory, District or Sub-District level and includes all Branches of the existing society;

(b) “Council” means the National Governing Council constituted under section 15;

(c) “disaster” shall have the same meaning as assigned to it in clause (d) of section 2 of the Disaster Management Act, 2005; 53 of 2005.

(d) “District Managing Committee” means the District Managing Committee constituted under section 33;

(e) “District President” means President of the District Branch of the Society;

(f) “existing body” means any person having a separate legal entity under any law in force in India, including trust, society, body of individuals, association of persons or any other artificial juridical person whether incorporated or registered or not and using the word ‘Red Cross’ or ‘Red Crescent’ or ‘Red Crystal’ in its name;

(g) “existing Society” means the Indian Red Cross Society constituted and incorporated under the Indian Red Cross Society Act, 1920 and includes its Branches; 15 of 1920.

(h) “headquarters” means the National headquarters of the Society at New Delhi;

(i) “member” means a member of the Society whose name is entered in the register of members;

(j) “misconduct” means such wilful improper behavior, intentional wrongdoing or deliberate violation or contravention, including failure to exercise due diligence, in the conduct of one’s duties and responsibilities, as may be specified by regulations;

(k) “National Chairperson” means Chairperson of the Council;

(l) “National President” means National President of the Society;

(m) “National Vice-Chairperson” means Vice-Chairperson of the Council;

(n) “National Treasurer” means National Treasurer of the Society appointed under clause (b) of sub-section (1) of section 22;

(o) “notification” means a notification published in the

Official Gazette;

(p) “register” means the register of members of the Society maintained under section 12;

(q) “regulations” means regulations made by the Council under this Act;

(r) “Secretary General” means Secretary General appointed under clause (a) of sub-section (1) of section 22;

(s) “Society” means the Indian Red Cross Society and its Branches referred to in section 3;

(t) “State” means and includes the States and Union territories listed under the First Schedule to the Constitution of India;

(u) “State Chairperson” means Chairperson of the State Branch of the Society;

(v) “State Government” includes a Union territory Administration;

(w) “State Managing Body” means the State Managing Body constituted under section 26;

(x) “St. John Ambulance (India)” includes the national headquarter, branches, centers, units or wings of St. John Ambulance (India), St. John Ambulance Association and St. John Ambulance Brigade and any of its entities having a separate legal identity under any law in force in India;

(y) “State President” means President of the State Branch of the Society;

(z) “Sub-District Executive Committee” means the Sub-District Executive Committee constituted under section 34;

(za) “Sub-District President” means President of the Sub-District Branch of the Society;

(zb) “volunteer” means volunteer enrolled under this

Act.

CHAPTER II

THE INDIAN RED CROSS SOCIETY

Constitution and
incorporation of
Society.

3. (1) The Indian Red Cross Society constituted and incorporated under the Indian Red Cross Society Act, 1920, and all its members, shall be deemed to be constituted and incorporated for the purposes of this Act. 15 of 1920.

(2) The Society shall have its Branches at the State, District and Sub-District levels, to be known as the State Branch, District Branch and Sub-District Branch, respectively:

Provided that all Branches of the existing Society shall be deemed to be the Branches of Society for the purposes of this Act.

(3) The members of the existing society and all persons who may hereafter become members of the Society 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 acquire, hold and dispose of property and to contract, and shall, by the said name, sue or be sued.

(4) The headquarters of the existing Society at New Delhi shall be deemed to be the headquarters of the Society for the purposes of this Act.

Vesting of property,
etc., of existing society,
on Society.

4. On and from the commencement of this Act,—

(a) any reference to the existing Society in any law (other than this Act) or in any contract or other instrument shall be deemed as a reference to the Society under this Act;

(b) all property, movable or immovable, of or belonging to the existing Society, shall be the property of the Society;

(c) all the rights and liabilities of the existing society shall be transferred to, and be the rights and liabilities of, the Society under this Act;

(d) all volunteers enrolled by the existing Society shall be deemed to be enrolled under this Act;

(e) all affiliations given under the Indian Red Cross Society Act, 1920, shall be deemed to be affiliations given under this Act; 15 of 1920.

(f) every person employed by the existing society immediately before such commencement shall hold his office or service in the Society by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered under this Act:

Provided that if the alternation so made is not acceptable to such employee, his employment may be terminated by the Society in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Society of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Principles of Society.

5. The Society shall be guided in its work by the fundamental principles of the International Red Cross and the Red Crescent Movement to inculcate humanitarian ideals among the population, and in particular among children and youth.

Emblem of Society.

6. (1) The Society and its Branches shall use the emblem containing the heraldic sign of the Red Cross on a white background with vertical and horizontal arms of the same length designated as "*Red Cross*".

(2) The use of the emblem and designation referred to in sub-section (1) shall be governed by the provisions of the Geneva Conventions Act, 1960. 6 of 1960.

Objectives of Society.

7. The objectives of the Society shall be to provide humanitarian and charitable services including medical relief, healthcare, blood services, first aid and allied services, disaster risk

reduction and response, with other ancillary services to prevent and mitigate suffering of the people without any discrimination as to nationality, race, caste, sex, religious beliefs, language, class or political opinions.

Functions of Society.

8. The functions of the Society shall include any or all of the following, namely:–

(a) to act in case of armed conflict, and in peace time, to prepare to act in all the fields covered by the Geneva Conventions within the scope of international humanitarian law and on behalf of war victims, both civilian and military;

(b) to provide aid to the sick, wounded or demobilised members of the armed forces of the Union in accordance with the terms and spirit of the Geneva Conventions of 12th August, 1949 read with all the applicable protocols and discharge of other obligations of the Society under the said Conventions as the recognised auxiliary of the Armed Forces Medical Services;

(c) to provide blood services;

(d) to provide ambulance services;

(e) to contribute to the improvement of health, prevention of disease, maternity, childcare and elderly care in the country;

(f) to provide for and organise emergency relief services for the victims of disasters whether in India or outside and work towards mitigation of their sufferings;

(g) to enroll, train and develop volunteers as may be necessary for undertaking humanitarian responsibilities and undertake capacity building and provide them training on disaster risk reduction, principles and practices of first aid, nursing, public health education, hygiene and sanitation and other ancillary subjects and to prepare, publish, distribute, sell textbooks and other training or teaching material for imparting such training and conduct examinations for issuing certificates in such subjects;

(h) to promote the participation of children and youth of the country in the work of the Red Cross including through Junior or Youth Red Cross Committees and provide them

appropriate training;

(i) to serve the community within its jurisdiction, by initiating activities to address local needs and priorities as approved by respective State Managing Bodies;

(j) to represent the Society on or at International or other committees formed for furthering objects similar to those of the Society;

(k) to endeavor towards establishment and maintenance of global peace;

(l) to work for such other cognate objectives which are related or incidental to the objectives of the Society, or as may be approved by the Council, from time to time.

National President of Society.

9. The President of India shall be the National President of the Society.

Amalgamation of existing bodies with Society.

10. (1) All existing bodies shall, subject to the approval of the Council, be amalgamated with the Society, within such time and in such manner as may be specified by regulations, and upon amalgamation they shall cease to exist as separate legal entity.

(2) Upon amalgamation of an existing body with the Society,—

(a) all properties of the existing body, both movable and immovable, including any rights in or over such properties, all of its assets, liabilities, contracts, licenses, records, approvals, rights and commitments shall stand transferred to and vested in the Society, without any further act, instrument or deed;

(b) all bank accounts operated or entitled to be operated by an existing body shall be deemed to have been transferred and shall stand transferred to the Society and name of the existing body shall be substituted with the name of the Society in the bank's records;

(c) all benefits under various incentive schemes and policies that an existing body is entitled to, including tax credits, tax deferral, exemptions and benefits, tenancy rights, special status and other benefits or privileges

enjoyed or conferred upon or held or availed by the existing body and all rights or benefits that have accrued or which may accrue to it, shall be transferred to and vest in the Society and all benefits, entitlements and incentives of any nature whatsoever, shall be claimed by the Society as if the Society was originally entitled to all benefits under such incentive schemes or policies;

(d) the members of each of the existing bodies immediately before the amalgamation shall become members of the Society in the same or suitable category in which they stand allocated before the amalgamation;

(e) all pending suits or appeals or other proceedings including before any statutory or quasi-judicial authority, court or tribunal or any other proceeding of whatsoever nature relating to existing bodies, whether pending or may be instituted at any time in the future, shall not abate, be discontinued or in any way prejudicially affected by reason of the amalgamation of existing bodies, but the proceedings shall continue and any prosecution shall be enforced by or against the Society in the same manner and to the same extent as would or might have been continued, prosecuted or enforced by or against existing bodies.

(3) Any existing body not amalgamated or approved for amalgamation by the Council shall within six months from the expiry of the period specified under sub-section (1),—

(a) change the name of the entity; or

(b) wind up their operations and dissolve the entity as per the provisions of the applicable law in force; or

(c) be liable for action as may be specified by regulations.

Amalgamation of St.
John Ambulance (India)
with Society.

11. (1) The St. John Ambulance (India), an organisation functioning in close cooperation and having similar objectives and activities with that of the existing society, shall be amalgamated with the Society within such time and in such manner as may be specified by regulations.

(2) Upon amalgamation with the Society, the St. John Ambulance (India) shall cease to exist and all its members, movable or immovable properties, monies, assets and

liabilities shall stand transferred to the Society.

CHAPTER III

MEMBERS AND VOLUNTEERS

Register of members of Society.

12. (1) There shall be maintained a register of members of the Society in which shall be entered the details of the subscribed and honorary members of the Society including their categories, rights and duties and other incidental and connected matters in such manner as may be specified by regulations.

(2) Membership of the Society is open to,–

(a) all persons legally residing in India irrespective of their nationality, race, caste, sex, religious beliefs, language, class or political opinions as subscribing members;

(b) associations, clubs, firms, societies, trusts or organisations as institutional members.

(3) The Council may designate individuals as honorary members in recognition of their exceptional services rendered to the Society.

Removal from register of members.

13. (1) The name of a member may be removed from the register of members of the Society in any of the following cases, namely:–

(a) on information received regarding the death of a member; or

(b) on receipt of request from a member to that effect; or

(c) on account of non-payment of subscription fee for three consecutive years; or

(d) on being found to have been subject to any of the disqualifications as may be specified by regulations, or who for his misconduct or any other reason has

ceased to be entitled to have his name borne on the register of members.

(2) The respective State Managing Bodies shall handle complaints of misconduct against members from their State Branch concerned and may conduct disciplinary proceedings in such manner as may be specified by regulations.

(3) Any person aggrieved by an order of the State Managing Body may prefer an appeal to the Council in such manner as may be specified by regulations and the decision of the Council shall be final and binding.

Volunteers.

14. (1) All residents in India irrespective of their nationality, race, caste, sex, religious beliefs, language, class or political opinions, may enrol as volunteers of the Society.

(2) The Council shall specify by regulations, the manner of enrolment of volunteers along with their rights and duties, handling complaints of misconduct and other incidental and connected matters.

CHAPTER IV

NATIONAL GOVERNING COUNCIL

National Governing Council.

15. (1) There shall be constituted, within six months from the date of commencement of this Act, a Council, to be known as the National Governing Council, for the overall management, control, guidance and supervision of the Society.

(2) The Council shall consist of the following members, namely:—

(a) the Union Minister in charge of Health, Chairperson, *ex officio*;

(b) six persons to be nominated by the National

President for such term as he may deem fit;

(c) one person each to be elected by the respective State Managing Bodies for a term of three years, in such manner as may be specified by regulations.

(3) The Council shall at its first meeting, elect from amongst its members, a National Vice-Chairperson:

Provided that no member shall hold office as Vice-Chairperson for more than two terms.

Re-election to Council.

16. (1) A member of the Council elected under clause (c) of sub-section (2) of section 15, shall be eligible for re-election.

(2) Notwithstanding anything contained in sub-section (1), an elected member who immediately at the commencement of this Act,—

(i) is holding office for the first term, shall be eligible to contest for two more terms; or

(ii) has held or is holding office for more than one term, shall be eligible to contest for one more term.

Nomination to Council in special cases.

17. (1) If any State Managing Body fails to elect any of its member to the Council, or the person so elected is disqualified to remain as such member or resigns from the membership of the Council, or his position falls vacant for any other reason, whatsoever, the State President may nominate a person to fill the vacancy, and any person so nominated shall be deemed to be a member of the Council as if he had been duly elected.

(2) No act done by the Council shall be called in question merely on the ground of any vacancy or defect in, the constitution of the Council.

Powers and functions of Council.

18. (1) The Society shall function under the overall control, guidance and supervision of the Council.

(2) The Council may, for the purposes of discharging its duties or performing its functions under this Act,—

(a) frame policies for regulating the procedure of

the Society and its Branches;

(b) constitute or recognise Branches of the Society;

(c) issue orders, directions or guidelines to the Branches;

(d) enter into any memorandum or arrangement with any agency of any foreign country;

(e) enter into any memorandum or arrangement with any statutory authority or department of the Government;

(f) review periodic budget, cash flow, accounts, investments, compliances and other reports of the Society and its Branches;

(g) frame regulations;

(h) perform any other functions for effective guidance, control and supervision of the Society and its Branches.

Powers and functions of National Chairperson and National Vice-Chairperson of Council.

19. (1) The powers and functions of the National Chairperson shall be,—

(a) to preside over the meetings of the Council;

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

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

(d) to exercise such other powers and perform such other functions as may be specified by regulations.

(2) The National Chairperson shall have the power, if necessary, to institute disciplinary proceedings against the Secretary General or the National Treasurer, with the prior approval of the Council:

Provided that the final decision on the disciplinary proceedings so instituted shall be taken with the previous approval of the National President.

(3) The powers and functions of the National Vice-Chairperson shall be,—

(a) to exercise the powers and perform the functions conferred on the National Chairperson in absence of National Chairperson, or as may be delegated to him under sub-section (4), or for any other similar reasons;

(b) to act as *ex officio* Chairperson of the Executive Committee and the Finance Committee of the Council;

(c) to act as *ex officio* member of all other Standing Committees of the Council;

(d) to exercise such other powers and perform such other functions as may be specified by regulations.

(4) The National Chairperson and the National Vice-Chairperson shall, in addition to the powers exercisable by them under this section, exercise such other financial and administrative powers as may be delegated to them by the Council.

Meetings of Council.

20. (1) An ordinary meeting of the Council shall be held at least once in six months at such time and place as may be fixed by the National Chairperson.

(2) The annual budget of the Society for the succeeding year shall be considered at the ordinary meeting held during the second half of the financial year.

(3) The National Chairperson may either on his own motion or upon a requisition in writing made by at least one-third members of the Council, call an extraordinary meeting of the Council.

(4) The Secretary General shall give to every member fourteen days' notice for any meeting of the Council by post or e-mail or any other mode, specifying the place, date and time of meeting, including the general nature of the business to be transacted, and non-receipt of such notice by a member for reasons beyond the control of the Secretary General shall not render the proceedings invalid.

(5) The presence of at least one-third of the total members of the Council shall form the quorum at its meetings.

(6) The meetings of the Council may be conducted physically or through video conferencing and the manner of conducting the proceedings, maintenance of recordings and other procedures to be followed, shall be specified by regulations.

Standing Committees
and other committees of
Council.

21. (1) The Council shall constitute from amongst its members the following Standing Committees, namely:—

(a) Executive Committee;

(b) Finance Committee;

(c) Disciplinary Committee;

(d) Blood Services Committee;

(e) Junior or Youth Red Cross Committee.

(2) The National Vice-Chairperson shall be the *ex officio*,—

(a) Chairperson of the Executive Committee and the Finance Committee; and

(b) member of all other Standing Committees.

(3) The Executive Committee and the Finance Committee shall have a minimum of four and maximum of six members, excluding the Chairperson, to be elected by the Council from amongst its members.

(4) The Executive Committee and the Finance Committee shall meet at least once in a quarter.

(5) All other Standing Committees shall have a minimum of four and maximum of six members, excluding the *ex officio* member referred to in clause (b) of sub-section (2), but including a Chairperson to be elected by the Council, from amongst its members.

(6) The Standing Committees shall perform such functions subject to such conditions as may be specified by

regulations.

(7) The Council may also form such other committees as it considers necessary for the purpose of carrying out the provisions of this Act, with minimum of three and maximum of five members including a Chairperson to be elected by the Council from amongst its members.

(8) Any other committee so formed under sub-section (7) may, with the sanction of the Council, co-opt such other members, not exceeding one-third of the members of the committee as it deems fit, and any member so co-opted shall be entitled to exercise all the rights of a member of the committee.

Secretary General,
National Treasurer and
other officers and
employees.

22. (1) For the efficient performance of its duties, the Council shall, with the previous approval of the National President, appoint,—

(a) a Secretary General, who shall be responsible for the overall administrative functions of the Society.

(b) a National Treasurer, who under the supervision of the Secretary General, shall,—

(A) be responsible for the finances and accounts of the Society;

(B) advise the Council on all matters relating to finance, investments, income, expenditure or budget;

(C) maintain the registers of investments and properties of the Society in such form and manner as may be specified by regulations and exercise periodical checks over them through an officer appointed at the Branch level;

(D) be a custodian of all original documents pertaining to the contracts entered, investments made and properties held by the Society;

(E) present budget estimates of receipts and expenditure and annual audited consolidated accounts to the Finance Committee, the Council and at the National Annual General Meeting.

(2) The Council shall appoint such other officers and employees as it considers necessary, for the efficient discharge of the functions of the Council under this Act.

(3) The terms and conditions of service including the manner of appointment, term of office, powers, duties and functions of the Secretary General, National Treasurer and other officers and employees, their number, and other terms and conditions of their service shall be such as may be determined by regulations.

(4) The Executive Committee may engage such number of experts and professionals of integrity and outstanding ability, as may be specified by regulations.

National Annual
General Meeting of
Society.

23. (1) A National Annual General Meeting of the Society shall be held at least once a year at the headquarters of the Society or any other place, date and time as may be decided by the National President.

(2) The Secretary General shall give notice of the National Annual General Meeting at least twenty-one days before the date of meeting, by publication in the press or any other mode, specifying the business to be transacted at the meeting and no business other than so specified shall be transacted during such meeting.

(3) The following persons shall be entitled to attend the National Annual General Meeting and to vote on any question that may be brought before the meeting, namely:–

(a) the National President;

(b) the National Chairperson;

(c) the Presidents of the State Branches;

(d) members of the Council;

(e) two members each to be nominated by the respective State Managing Bodies;

(f) any other authority or person who in the opinion of the Secretary General is associated with the functions and activities of the Society, as special invitees, not

exceeding ten in number, but such invitees shall not be entitled to vote.

(4) At each National Annual General Meeting, the annual report, the audited annual accounts of the Society and the budget of the Society for the succeeding financial year shall be presented, considered and adopted.

(5) The National President may convene an extraordinary general meeting of the Society at any time for the purposes of the Society.

(6) The National President or in his absence, the National Chairperson or such other person appointed by the National President, shall preside over the National Annual or extraordinary general meetings of the Society.

(7) The Secretary General shall give at least seven days prior notice of the meetings referred to in sub-section (6), by way of publication in the press, or any other mode, specifying the business to be transacted at the meeting, and no business other than so specified, shall be transacted during such meeting.

(8) The resolutions before the Annual General Meeting shall be passed and decided by majority of members present and voting and in case of an equality of votes, the Chairperson of the meeting shall have a second or casting vote.

Powers of National President to supersede Council.

24. (1) If, at any time, the National President is of the opinion,—

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

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

the National President may, by order in writing, supersede the Council 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 National President shall give a reasonable opportunity to the Council to show cause as to why it

should not be superseded and shall consider the explanations and objections, if any, of the Council.

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

(a) all members of the Council 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 regulations made thereunder, be exercised, made or discharged by or on behalf of the Council, shall, until the Council is reconstituted, be exercised and discharged by such person or body or persons as the National 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 National 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 National 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 Council in accordance with this Act.

CHAPTER V

GOVERNANCE AT BRANCH LEVEL

President of State,
District and Sub-
District branches of
society.

25. (1) The Governor or its equivalent of the State shall be the President of the State Branch.

(2) The Deputy Commissioner or the District Collector or the District Magistrate shall be the President of the District Branch.

(3) Any person authorised by the District President shall be the President of the Sub-District Branch.

State Managing Body.

26. (1) There shall be constituted, within six months from the date of commencement of this Act, a State Managing Body which shall be responsible for the overall management, control, guidance and supervision of the State Branch of the Society.

(2) The State Managing Body shall consist of the following members, namely:—

(a) a person to be nominated by the State President on the recommendations of the State Managing Body, who shall be the State Chairperson, for such term as the State President may deem fit;

(b) upto five persons to be nominated by the State President, for such term, as he may deem fit;

(c) one person to be elected by each District Managing Committee for a term of three years, in such manner as may be specified by regulations.

(3) The State Managing Body shall at its first meeting, elect from amongst its members, a State Vice-Chairperson.

(4) No member shall hold office as Chairperson or Vice-Chairperson, or a combination of both, for more than two terms.

Re-election to State
Managing Body.

27. (1) A member elected under clause (c) of sub-section (2) of section 26 shall be eligible for re-election.

(2) Notwithstanding anything contained in sub-section (1), an elected member who immediately at the commencement

of this Act, –

(a) is holding office for the first term, shall be eligible to contest for two more terms; or

(b) has held or is holding office for more than one terms, shall be eligible to contest for one more term.

Nomination to State Managing Body in special cases.

28. (1) If any District Branch fails to elect one of its members to the State Managing Body or the person so elected is disqualified to remain as member or resigns from the membership of the State Managing Body, or his position falls vacant for any other reason whatsoever, the District President of the Branch may nominate a person to fill the vacancy and any person so nominated shall be deemed to be a member of the State Managing Body as if he had been duly elected.

(2) No act done by the State Managing Body shall be called in question merely on the ground of any vacancy, or defect in, the constitution of the State Managing Body.

Powers and functions of State Managing Body.

29. (1) The State Managing Body shall function within the overall guidance, control and supervision of the Council.

(2) The State Managing Body may, for the purposes of discharging its duties or performing its functions under this Act, enter into memorandum or arrangement with any statutory authority or department of the State Government with intimation to the Secretary General.

(3) The other powers and functions of the State Managing Body shall be such as may be specified by regulations.

Powers and functions of State Chairperson and State Vice-Chairperson.

30. (1) The powers and functions of the State Chairperson shall be,–

(a) to preside over the meetings of the State Managing Body and all other committees of the State Managing Body of which he is the Chairperson;

(b) to re-appropriate, on the advice of the State Branch Secretary, budgetary allocation from one major head of account to another major head of account;

(c) to authorise, on the advice of the State Branch

Secretary, expenditure on items not contemplated in the annual budget of the Society, subject to the availability of funds;

(d) to exercise such other powers and perform such other functions as may be specified by regulations.

(2) The State Chairperson shall have the power, if necessary, to institute, disciplinary proceedings against officers and employees of the State Branch:

Provided that the final decision on the disciplinary proceedings so instituted shall, in case of the State Branch Secretary, be taken with the previous approval of the State President.

(3) The powers and functions of the State Vice-Chairperson shall be,—

(a) to exercise the powers and perform the functions conferred on the State Chairperson in the absence of the State Chairperson, or as may be delegated to him under sub-section (4), or for any other similar reasons;

(b) to act as *ex officio* Chairperson of all the Standing Committees of the State Managing Body except the Executive Committee;

(c) to exercise such other powers and perform such other functions as may be specified by regulations.

(4) The State Chairperson and the State Vice-Chairperson shall, in addition to the powers exercisable by them under this section, exercise such other financial and administrative powers as may be delegated to them by the State Managing Body.

Meetings of State Managing Body.

31. (1) An ordinary meeting of the State Managing Body shall be held at least once in six months at such time and place as may be fixed by the State Chairperson.

(2) The annual budget of the State Branch for the succeeding year shall be considered at the ordinary meeting held during the second half of the financial year.

(3) The State Chairperson either on his own motion or upon a requisition in writing made by at least one-third members of the State Managing Body, may call an extraordinary meeting of the State Managing Body.

(4) The State Branch Secretary shall give to every member fourteen days' notice for any meeting of the State Managing Body by post or e-mail or any other mode, specifying the place, date and time of meeting, including the general nature of the business to be transacted, and non-receipt of such notice by a member for reasons beyond the control of the State Branch Secretary shall not render the proceedings invalid.

(5) The presence of at least one-third of the total members of the State Managing Body shall form the quorum at its meetings.

(6) The meetings of the State Managing Body may be conducted physically or through video conferencing and the manner of conducting the proceedings, maintenance of recordings and other procedures to be followed, shall be such as may be specified by regulations.

Standing Committees
and other committees of
State Managing Body.

32. (1) The State Managing Body shall constitute from amongst its members, the following Standing Committees, namely:—

(i) Executive Committee;

(ii) Finance Committee;

(iii) Disciplinary Committee;

(iv) Blood Services Committee;

(v) Junior or Youth Red Cross Committee.

(2) The Executive Committee shall have a minimum of four and maximum of six members to be elected by the State Managing Body from amongst its members.

(3) The State Chairperson shall be the *ex officio* Chairperson of the Executive Committee.

(4) All other Standing Committees except the Executive

Committee shall have the State Vice-Chairperson as its *ex officio* Chairperson, and minimum of two and maximum of four members to be elected by the State Managing Body from amongst its members.

(5) The Standing Committees shall perform such functions subject to such conditions as may be specified by regulations.

(6) The State Managing Body may also form such other committees as it considers necessary for the purpose of carrying out the provisions of this Act, with minimum of three and maximum of five members including a Chairperson to be elected by the State Managing Body from amongst its members.

(7) Any other committee so formed under sub-section (6) may, with the sanction of the State Chairperson, co-opt such other members, not exceeding one-third of the members of the committee as it deems fit, and any member so co-opted, shall be entitled to exercise all the rights of a member of the committee.

District Managing
Committee.

33. (1) Each State Managing Body shall constitute District Managing Committees for the District Branches of the Society, in such manner as may be specified by regulations.

(2) The District Managing Committee shall consist of the following members, namely:—

(a) two persons to be nominated by the District President for such term as he may deem fit;

(b) one person each to be elected by each Sub-District Executive Committee for a term of three years, in such manner as may be specified by regulations;

(c) a District Chairperson and District Vice-Chairperson to be elected from amongst the members of the District Managing Committee for such term and in such manner as may be specified by regulations:

Provided that no member shall hold office as Chairperson or Vice-Chairperson, or a combination of both, for more than two terms.

(3) The District Branch shall function under the overall control, guidance and supervision of the District Managing Committee.

(4) The powers and functions of the District Managing Committee shall be such as may be specified by regulations.

Sub-District Executive Committee.

34. (1) Each State Managing Body shall constitute Sub-District Executive Committees for the Sub-District Branches of the Society, in such manner as may be specified by regulations.

(2) The Sub-District Executive Committee shall consist of the following members, namely:—

(a) two persons to be nominated by the respective Sub-District President, for such term as he may deem fit;

(b) five persons to be elected by the members of the Society enrolled at the respective Sub-District level from amongst themselves, for a term of three years, in such manner as may be specified by regulations;

(c) one person to be elected from amongst the members of the Sub-District Executive Committee, at its first meeting, as the Sub-District Branch Head for such term and in such manner, as may be specified by regulations:

Provided that no member shall hold office as Sub-District Branch Head for more than two terms.

(3) The Sub-District Branch shall function under the overall control, guidance and supervision of the Sub-District Executive Committee.

(4) The powers and functions of the Sub-District Executive Committee shall be such as may be specified by regulations.

Secretary and other employees of Branch.

35. (1) For the efficient performance of its duties, each of the State Managing Body or District Managing Committee or Sub-District Executive Committee, with the previous approval of its respective President, shall appoint a Branch

Secretary, who shall carry out all the administrative functions of the Society.

(2) The State Managing Body or District Managing Committee or Sub-District Executive Committee may appoint such other officers and employees on need basis as may be specified by regulations.

Annual General Meeting of Branch.

36. (1) An Annual General Meeting of each of the Branches shall be held at least once a year at any place, date and time as may be decided by the respective Branch President.

(2) In case of Annual General Meeting of the State Branch, the following shall be entitled to attend and to vote on any question that may be brought before the meeting, namely:–

(a) the State President;

(b) the State Chairperson;

(c) the District Presidents;

(d) members of the State Managing Body;

(e) one member nominated by each District Managing Committee;

(f) any other authority or person who, in the opinion of the State Managing Body, is associated with the functions and activities of the Branch, as special invitees, not exceeding seven in number, but such invitee shall not be entitled to vote.

(3) In case of Annual General Meeting of the District Branch, the following shall be entitled to attend and to vote on any question that may be brought before the meeting, namely:–

(a) the District President;

(b) the District Chairperson;

(c) the Sub-District Presidents;

(d) members of the District Managing Committee;

(e) one member nominated by each Sub-District Executive Committee;

(f) any other authority or person who, in the opinion of the District Managing Committee, is associated with the functions and activities of the Branch, as special invitees, not exceeding five in number, but such invitee shall not be entitled to vote.

(4) In case of Annual General Meeting of the Sub-District Branch, the following shall be entitled to attend and to vote on any question that may be brought before the meeting, namely:–

(a) the Sub-District President;

(b) the Sub-District Branch Head;

(c) Sub-District Executive Committee;

(d) members of the Society enrolled with the Sub-District Branch.

(5) At each Annual General Meeting, the annual report, the audited annual accounts and the budget of the respective Branch for the succeeding financial year shall be presented, considered and adopted.

(6) The annual accounts for the financial year concluding prior to the Annual General Meeting shall be submitted to the headquarters.

(7) The respective Branch President may convene an extraordinary meeting of the Branch for any Branch at any time by for any purpose connected with its Branch.

(8) The respective Branch Secretary shall give to every member fourteen days' notice for any meeting of the Branch specifying the business to be transacted during such meeting, and no business other than so specified, shall be transacted during such meeting.

(9) All meetings, including Annual and extraordinary meetings, shall be presided over by the respective Branch President or in his absence, by the respective Branch

Chairperson or Branch Head or some other person appointed by the respective Branch President.

(10) The resolutions before the annual and extraordinary general meetings shall be passed and decided by the majority of members present and voting.

(11) In case of equality of votes, the Chairperson of the meeting shall have a second or casting vote.

Powers of State President to supersede State Managing Body or District Managing Committee or Sub-District Executive Committee.

37. (1) If, at any time, the State President is of the opinion that, –

(a) there has been gross failure in the management of the affairs of the Society by the State Managing Body or District Managing Committee or Sub-District Executive Committee; or

(b) the State Managing Body or District Managing Committee or Sub-District Executive Committee is acting in a manner which is prejudicial to carrying out the objectives of the Society,

the State President may, by an order in writing, supersede the State Managing Body or the District Managing Committee or the Sub-District Executive Committee, 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 State President shall give a reasonable opportunity to the State Managing Body or the District Managing Committee or the Sub-District Executive Committee to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the State Managing Body or the District Managing Committee or the Sub-District Executive Committee, as the case may be, and shall intimate the Council.

(2) Upon the issue of an order under sub section (1) superseding the State Managing Body or the District Managing Committee or the Sub-District Executive Committee,–

(a) all members of the State Managing Body or the District Managing Committee or the Sub-District Executive Committee shall, as from the date of supersession, vacate their offices as such;

(b) all powers, functions and duties which may, under the provision of the Act or the regulations made thereunder be exercised, made or discharged by or on behalf of the State Managing Body or the District Managing Committee or the Sub-District Executive Committee shall, until the State Managing Body or the District Managing Committee or the Sub-District Executive Committee, as the case may be, is reconstituted, be exercised and discharged by such person or body or persons, as the State 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 State 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) or sub-section (2):

Provided that the State 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 State Managing Body or the District Managing Committee or the Sub-District Executive Committee in accordance with this Act.

CHAPTER VI

ACCOUNTS AND AUDIT

Maintenance of books of account.

38. (1) The Society and every Branch shall keep proper

updated books of account with respect to—

(a) all sums of money received and expended by it and the matters in respect of which receipt and expenditure takes place;

(b) its assets and liabilities;

(c) the properties, movable and immovable of the Society.

(2) For the purposes of this section, if books of account give a true and fair view of the state of affairs of the Society, its Branches and its transactions, it shall be deemed as proper books of account with respect to the matters specified therein.

Consolidation of accounts.

39. (1) The accounting year shall be a financial year commencing from 1st April and ending on 31st March or as may be specified by regulations.

(2) All Branches and headquarters of the Society shall maintain proper accounts following generally accepted Indian accounting principles.

(3) Every District or Sub-District Branches shall prepare annual statements of accounts including the balance sheet, income and expenditure statements and a statement specifying investments and other relevant records in such form, within such time and as per such accounting standard as may be specified by regulations, and forward the same for consolidation to respective State Branch.

(4) The State Branch shall prepare consolidated annual accounts of all District and Sub-District Branches including the balance sheet, income and expenditure statements and a statement specifying investments and other relevant records in such form, within such time and as per such accounting standard as may be specified by regulations, and forward the same for consolidation to the headquarters.

(5) The headquarters shall prepare consolidated annual accounts of the headquarters and all State Branches including the balance sheet, income and expenditure statements and a statement specifying investments and

other relevant records in such form, within such time and in accordance with such accounting standard as may be specified by regulations.

(6) Where the consolidated statement of income and expenditure and the consolidated balance sheet of the Society do not comply with the accounting standards, the Society shall disclose in its statement of income and expenditure and balance sheet, the following, namely:—

(a) the deviation from the accounting standards;

(b) the reasons for such deviation; and

(c) the financial effect, if any, arising out of such deviation.

Audit of accounts.

40. (1) The Council and the State Managing Body shall, in the ordinary meeting held in the second half of the financial year, appoint such auditor including the internal auditor, on such remuneration as it deems appropriate, to audit its accounts and annual statement including, income and expenditure statements and a statement specifying investments and other relevant records:

Provided that the same auditor shall not be appointed for more than three years.

(2) The auditor appointed under sub-section (1) or any person employed by him shall not have any direct or indirect interest, whether pecuniary or otherwise, in any matter concerning or related to the administration or functions of the Society.

(3) The auditor and any person appointed by him in connection with the audit of the accounts of the Society shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers related to all or any of the transactions recorded in the books of accounts and to inspect the offices of the Society.

(4) The annual accounts of every Branch and consolidated annual accounts of the Society as certified by the auditor together with the audit report thereon shall be forwarded annually to the Council for consideration and presentation

to the Central Government.

(5) A person shall not be qualified for appointment as an auditor for the purposes of this Act unless he is a chartered accountant within the meaning of the Chartered Accountants Act 1949 and is empanelled with the Comptroller and Auditor General of India. 38 of 1949.

Furnishing of reports of Society to Central Government.

41. (1) The Society shall furnish to the Central Government in such form, within such time and manner as may be specified by regulations or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing measures for promoting, creating awareness and imparting training about the objects of the Society, as the Central Government may, from time to time, require.

(2) The Society shall prepare once every year, in such form and within such time as may be specified by regulations, an annual report giving a true and full account of its activities during the previous year and copies of the report along with audited annual accounts of the Society shall be forwarded to the Central Government.

CHAPTER VII

FUND OF SOCIETY

Funds of Society and its utilisation.

42. (1) The Society and its Branches shall maintain their respective funds to which shall be credited,—

(a) all monies provided by the Central Government;

(b) all monies provided by the State Government;

(c) all monies received by way of grants, gifts, donations, benefactions, bequests or transfers from within or outside India;

(d) all monies received from members;

(e) all accruals on the amounts invested by the Society;

(f) all monies received by the Society in any other manner or from any other source:

Provided that no Branch of the Society other than the headquarters shall be entitled to receive any monetary or non-monetary grants, gifts, donations and contributions directly from anyone outside the territory of India:

Provided further that the monetary or non-monetary grants, gifts, donations and contributions received from anyone outside the territory of India shall be subject to the provisions of the Foreign Contribution (Regulation) Act, 2010, the Foreign Exchange Management Act, 1999 or any other law in force in India. 42 of 2010.
42 of 1999.

(2) All moneys credited to the fund under this section shall be deposited in any public sector bank or invested in such manner as may be specified by regulations.

(3) The Society shall create a corpus fund for its long-term sustainability, to which shall be credited donations made specifically towards such corpus fund along with such per cent. of the annual net surplus of the Society as may be specified by regulations:

Provided that the Society may create multiple endowment funds for specific purposes to which donations may be specifically made.

(4) The Society may create such other funds, for such other purposes as it may consider necessary, for the purposes of this Act.

(5) All non-monetary gifts or donations shall be accounted for as may be specified by regulations.

(6) The funds and resources of the Society shall be applied—

(a) towards the attainment of the objectives of the Society;

(b) to meet the expenses, including capital expenditure of the Society and its Branches;

(c) for such other purposes in conformity with the objectives of the Society.

(7) where separate identity of the fund is specified or any other fund is created, a separate budget and statement of accounts shall be maintained for each of the fund, as long as it may, with the annual income by way of interest on the original corpus, be possible to support the specific purpose for which it is created or as may be decided by the Council;

(8) The Council shall specify by regulations, the procedure for administration and manner of management and utilisation of the fund created under sub-section (1) and sub-section (3).

Society to be a not for profit legal entity.

43. (1) The Society shall be a not-for-profit legal entity and no part of the surplus funds, if any, after meeting all expenditure in regard to its operations under this Act, shall be invested for any purpose other than for attainment of objectives of the Society.

Explanation.—For the purposes of this sub-section, “not-for-profit” means that no part of the profit or surplus shall be distributed in any manner whatsoever to any of member, office bearer or to any person as a dividend, profit, commission, incentive or in any manner which results in the distribution of profit.

(2) The Society shall strive to,—

(a) raise funds for self-sufficiency and sustainability; and

(b) undertake incidental and other ancillary activities for optimum utilisation of Society’s resources.

(3) No bequest, donation or transfer of any property shall be accepted by the Society, which in the opinion of the Council, involves conditions or obligations contrary to the spirit and objectives of the Society.

Grants by Government.

44. For the purpose of enabling the Society to discharge its functions efficiently under the Act, the Central Government or the State Governments or their Departments, or other Government bodies, after due appropriation made in this behalf, may make the grants of such sums of money and in such manner, as it may deem fit.

CHAPTER VIII

MISCELLANEOUS

- Affiliation. **45.** The Council may affiliate to the Society, any other society or body whether constituted in India or in any other country, having all or any of the objectives referred to in section 7, and may provide for the allocation and distribution of funds of the Society, through such society or body, to or for any object or purposes of this Act.
- Transitional provisions. **46.** (1) Notwithstanding anything contained in this Act,—
- (a) the Managing Body of the Society constituted under the repealed Act and functioning as such, immediately before the commencement of this Act shall be deemed to be constituted under this Act until the Council is constituted under this Act.
 - (b) the Managing Committee of the respective Branch under the repealed Act functioning as such immediately before the commencement of this Act shall be deemed to be constituted under this Act until the new State Managing Body or District Managing Committee or Sub-District Executive Committee, as the case may be, are constituted under this Act.
 - (c) the Committees constituted by the Managing Body of the Society or the Managing Committee of the respective Branch under the repealed Act functioning as such immediately before the commencement of this Act shall be deemed to be constituted under this Act until the new Committees are constituted under this Act.
 - (d) until the regulations are made under this Act, the rules of the existing Society, as in force immediately before the commencement of this Act, shall continue to apply to the Society in so far as they are not inconsistent with the provisions of this Act.
- (2) Without prejudice to the provisions of this Act, the Council may, during the transitional period, with the approval of the National President, if it considers necessary or expedient so to do, take such measures necessary for the smooth implementation of the provisions of this Act.
- Power of Council to **47.** (1) The Council shall, with the prior approval of the

make regulations.

National President, have power to make regulations under this Act to carry out the provisions of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for,—

(a) the manner and time within which existing bodies shall be amalgamated with the Society under sub-section (1) of section 10;

(b) the action for which the existing bodies shall be liable under clause (c) of sub-section (3) of section 10;

(c) the manner and time within which the St. John Ambulance (India) shall be amalgamated with the Society under sub-section (1) of section 11;

(d) the manner in which details of the subscribed and honorary members of the Society may be entered in the register of members under sub-section (1) of section 12;

(e) the disqualifications of members under clause (d) of sub-section (1) of section 13;

(f) the manner of conducting disciplinary proceedings against members under sub-section (2) of section 13;

(g) the manner of filing appeal to the Council against an order of the State Managing Body under sub-section (3) of section 13;

(h) the manner of enrolment of volunteers, their rights and duties, handling complaints of misconduct and other incidental and connected matters under sub-section (2) of section 14;

(i) the manner of election by the respective State Managing Bodies under clause (c) of sub-section (2) of section 15;

(j) the other powers and functions of National Chairperson under clause (d) of sub-section (1) and National Vice-Chairperson under clause (d) of sub-section (3), of section 19;

(k) the manner of conducting proceedings, maintenance of recordings, and other procedures to be followed in the meetings of the Council under sub-section (6) of section 20;

- (l) the functions and the conditions for the performance of functions by the Standing Committees of the Council under sub-section (7) of section 21;
- (m) the form and manner of maintaining the registers of investments and properties of the Society by the National Treasurer under sub-clause (C) of clause (b) of sub-section (1) of section 22;

- (n) the terms and conditions of service and functions of the Secretary General, National Treasurer and other officers and employees of the Council under sub-section (3) of section 22;

- (o) the number of experts and professionals to be engaged by the Executive Committee under sub-section (4) of section 22;

- (p) the manner of election by the respective District Managing Committees under clause (c) of sub-section (2) of section 26;

- (q) the other powers and functions of the State Managing Body under sub-section (3) of section 29;

- (r) the other powers and functions of the State Chairperson under clause (d) of sub-section (1), and the State Vice-Chairperson under clause (c) of sub-section (3), of section 30;

- (s) the manner of conducting proceedings, maintenance of recordings, and other procedures to be followed in the meetings of the State Managing Body under sub-section (6) of section 31;

- (t) the functions and the conditions for the performance of functions by the Standing Committees of the State Managing Body under sub-section (5) of section 32;
- (u) the manner of constituting District Managing Committee of the Society by the State Managing Body, under sub-section (1) of section 33;
- (v) the manner of election by each Sub-District Executive Committee under clause (b), and of the District Chairperson and District Vice-Chairperson and their term under clause (c), of sub-section (2) of section 33;
- (w) the powers and functions of the District Managing Committee under sub-section (4) of section 33;

- (x) the manner of constituting Sub-District Executive Committee of the Society by the State Managing Body under sub-section (1) of section 34;
- (y) the manner of election by members of the Society enrolled at the respective Sub-District level under clause (b), and of the Sub-District Branch Head and his term under clause (c), of sub-section (2) of section 34;
- (z) the powers and functions of the Sub-District Executive Committee under sub-section (4) of section 34;
- (za) the other officers and employees of the State Managing Body or District Managing Committee or Sub-District Executive Committee under sub-section (2) of section 35;
- (zb) the accounting year under sub-section (1) of section 39;
- (zc) the form, time and the accounting standard for preparing annual statements of accounts by the District or Sub-District Branches under sub-section (3) of section 39;
- (zd) the form, time and the accounting standard for preparing consolidated annual statements of accounts by the State Branch under sub-section (4) of section 39;
- (ze) the form, time and the accounting standard for preparing consolidated annual statements of accounts by the headquarters under sub-section (5) of section 39;
- (zf) the form, time and manner of furnishing returns and statements and such particulars to the Central Government by the Society under sub-section (1) of section 41;
- (zg) the form, time and manner of preparing annual report and forwarded to the Central Government by the Society under sub-section (2) of section 41;
- (zh) manner of investing money under sub-section (2) of section 42;
- (zi) the per cent. of the annual net surplus of the Society to be credited to the corpus fund under sub-section (3) of section 42;
- (zj) the non-monetary gifts or donations to be accounted for under sub-section (5) of section 42;
- (zk) the procedure for administration and manner of management and utilisation of the fund under sub-section (8) of section 42;

- (zl) such other matters which are to be or may be specified by regulations.

(3) Every regulation made under this Act shall be laid, as soon as may be after it 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 regulation, or both Houses agree that the regulation, should not be made, the regulation, 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 regulation.

Exemption from tax on income.

48. Notwithstanding anything contained in the Income-tax Act, 1961, or any other law for the time being in force relating to tax on income, profits or gains, the Society shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived.

43 of 1961.

Protection of action taken in good faith.

49. No suit, prosecution or other legal proceeding shall lie against any officer or employee of the Society for anything which is in good faith done or intended to be done under the Act or the regulations made thereunder.

Power to remove difficulties.

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

51. (1) Save as otherwise provided in this Act, the Indian Red Cross Society Act, 1920 is hereby repealed.

15 of 1920.

(2) Notwithstanding such repeal, anything done, any action taken, order or notification issued or rule or bye laws made under the Act so repealed shall, in so far, the same are not inconsistent with the provisions of this Act, be deemed to

have been done, taken, issued or made under the corresponding provisions of this Act.

(3) The repeal of the Indian Red Cross Society Act, 1920 shall, however, not affect,— 15 of 1920.

(a) the previous operation of the Act so repealed or anything done or suffered thereunder; or

(b) any right, privilege, obligation or liability accrued or incurred under the Act so repealed; or

(iii) any proceeding in respect of any such right, privilege, obligation or liability, and any such proceeding may be instituted, continued or enforced as if that Act had not been repealed.

(4) The mention of the particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal. 10 of 1897.