

AS PASSED BY LOK SABHA ON

18TH MARCH, 1992

Bill No. 30-C of 1992

THE INDIAN RED CROSS SOCIETY (AMENDMENT) BILL, 1992

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BILL

further to amend the Indian Red Cross Society Act, 1920.

BE it enacted by Parliament in the forty-third Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Indian Red Cross Society (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on the 23rd day of January, 1992.

Insertion of new sections 4A to 4B.

2. After section 4 of the Indian Red Cross Society Act, 1920 (herein after referred to as the principal Act), the following sections shall be inserted, namely:-

President of the Society.

"4A. The President of India shall be the President of the Society (hereinafter referred to as the President).

Composition of Managing Body.

4B. (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) to be nominated by the President for such term as he may deem fit;

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(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.

Secretary General and Treasurer of the Society.

4C. (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.

Powers and functions of the Chairman and Vice Chairman.

4D. (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 the 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 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.

Powers of the President to supersede the Managing Body.

4E. (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 of

discharged by or on behalf of the Managing Body shall until the Managing Body is re-constituted be exercised and person or body of as the President in this behalf.

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(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 re-constitute the Managing Body in accordance with the provisions of section 4D."

Amendment of section 5.

3. Section 5 of the principal Act shall be renumbered as sub-section (1) thereof and--

(a) in sub-section (1) as so re-numbered,-

(i) in the opening portion, for the words " subject to the condition of previous publication", the words "with the previous approval of the President" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:-

"(d) the procedure of election of members by State Branch Committees;"

(iii) for clauses (e) and d(f), the following clauses shall be substituted, namely:-

"(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.";

(b) after sub section (1) as so re-numbers the following sub section shall be inserted. namely:-

"(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."

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Amendment of section 12.

4. In section 12 of the principal Act, the words "to regulate its own procedure and constitution," shall be omitted.

Repeal and savings.

5. (1) The Indian Red cross Society (Amendment) Ordinance, 1992 (Ord. 3 of 1992.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.