



The Indian Red Cross Society (Bengal Branch) Act, 1920

Act 8 of 1920

Keyword(s):

The Act, The Chairman, The Managing Body, The President, The Society

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Bengal Act VIII of 1920

[THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) ACT, 1920.]¹

AMENDED

West Ben. Act XLVII of 1950.
West Ben. Act XIII of 1958.
West Ben. Act XXXI of 1963.

ADAPTED

(a) The Government of India
(Adaptation of Indian Laws)
Order, 1937.
(b) The Indian Independence
(Adaptation of Bengal and
Punjab Acts) Order, 1948.
(c) The Adaptation of Laws
Order, 1950.

[3rd November, 1920.]

An Act to constitute a Bengal Provincial Branch of the Indian Red Cross Society.

WHEREAS it is expedient to provide for the future administration of various moneys, properties and gifts received in Bengal from the public during the late war, for the purpose of medical and other aid to sick and wounded and for comforts to troops and other purposes, and now held by or in trust for "The Lady Carmichael's Bengal Women's War Fund and 'Our Day' Fund (Bengal Branch)";

AND WHEREAS it is expedient to constitute a Bengal Provincial Branch of the Indian Red Cross Society to continue and extend the work carried on during the war by "The Lady Carmichael's Bengal Women's War Fund and 'Our Day' Fund (Bengal Branch)";

It is hereby enacted as follows:—

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

¹For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1920, Pt. IV, pages 83 and 84; and for Proceedings in Council, see *ibid.* Pt. IV A, pages 678-679, and page 802 and pages 943-944.

(Sections 2-5.)

Constitution
of Society ²

2. There shall be constituted in ¹[West Bengal] by this Act a society known as the Bengal Provincial Branch of the Indian Red Cross Society (hereinafter called the Society). The first members thereof shall be appointed either by name or by office, by the ²[State Government] of ¹[West Bengal]. They shall be in number not less than twenty-five or more than fifty.

Incorporation.

3. The first members of the Society so appointed 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 Bengal Provincial Branch 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, movable and immovable, and shall sue and be sued by the said name.

Appointment
of Managing
Body.

4. As soon as conveniently may be after their appointment, the first members of the Society shall, at a meeting to be summoned by the ²[State Government] of ¹[West Bengal] and held for that purpose, appoint persons from among themselves to be the first members of the Managing Body.

* * * * *

Dissolution
and transfer
of property
of Lady
Carmichael's
Bengal
Women's
War Fund
and "Our
Day" fund
(Bengal
Branch).

5. Upon the appointment of the Managing Body,—
- (a) the Committees of the Lady Carmichael's Bengal Women's War Fund and "Our Day" Fund (Bengal Branch) shall be dissolved;
 - (b) all property, movable or immovable, of, or belonging to the said Funds or held in trust for them, shall vest in the Society, and be applied by the Managing Body of the Society to the objects and purposes hereinafter set out: and
 - (c) all the debts and liabilities of the said Funds shall be transferred to the Society and shall thereafter be discharged and satisfied by it out of the aforesaid property, and each and every member of the Committee of the said Funds shall be wholly discharged therefrom.

¹The words "West Bengal" were substituted for the word "Bengal" by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

²The words "Provincial Government" were originally substituted for the word "Governor" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937. Thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

³The words "The number of members of the Managing Body shall not be less than six or more than thirteen." were omitted by s. 2 of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

of 1920.]

(Sections 6-6B.)

¹6. Subject to the provisions of this Act, the Managing Body shall be in charge of the management of the affairs of the Society and of the administration of the properties and assets thereof.

Management and control.

6A. [Position after the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950.]—Omitted by s. 4 of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

²6B. The Managing Body shall consist of the following members, namely:—

Composition of the Managing Body.

- (a) Chairman of the Managing Body appointed by the President of the Society from among the members of the Society;
- (b) Treasurer of the Society appointed by the President of the Society from among the members of the Society;
- (c) the Vice-Chancellor of the University of Calcutta, *ex-officio*, or a person nominated by him;
- (d) the Mayor of the Corporation of Calcutta, *ex-officio*, or a person nominated by him;
- (e) the Director of Health Services, West Bengal, *ex-officio*;
- (f) a representative of the State Government, not being the Director of Health Services, West Bengal, appointed by the State Government;
- (g) the Chairman of the St. John Ambulance Association, West Bengal State Centre, *ex-officio*;
- (h) the President of the Bengal Chamber of Commerce, *ex-officio*;
- (i) the President of the Bengal National Chamber of Commerce, *ex-officio*;
- (j) the President of the Indian Chamber of Commerce, *ex-officio*;
- (k) the President of the Bharat Chamber of Commerce, *ex-officio*;
- (l) three representatives from among the members of the Society in the districts, appointed by the State Government;
- (m) one representative from among the members of the Society in Calcutta, appointed by the State Government.

¹Section 6 was substituted for the existing section 6 by s. 3, *ibid.*

²Sections 6A, 6B, 6C, 6D, 6E and 6F were originally inserted by s. 3 of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1950 (West Ben. Act XLVII of 1950). Thereafter sections 6A and 6D were omitted by s. 4 and s. 7, respectively, and sections 6B and 6F were substituted by ss. 5 and 9, respectively, of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

(Sections 6C-6E.)

President.
v.

¹6C. (1) The Governor of West Bengal shall be the President of the Society.

²(2) * * * * *

²(3) * * * * *

¹6D. [Vacancies.]—Omitted by s. 7 of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

Power to
make rules
and power to
act
notwith-
standing
vacancy.

¹6E. (1) The Managing Body may, subject to other provisions of this Act, make rules for the administration, management and control of the Society and for all matters ancillary or incidental to those purposes, and such rules may, *inter alia*, make provisions for all or any of the following, namely:—

(a) the grades of members and the terms and conditions of different grades of membership;

(b) the appointment of associates and the terms and conditions of associateship;

(c) the powers to be exercised by the Managing Body;

(d) the procedure of the Society and the Managing Body;

(e) the constitution of Committees and the delegation of powers to them;

(f) the constitution of Branches of the Society and the delegation of powers to them;

(g) the acquisition and the disposal of properties on behalf of the Society;

(h) entering into agreements and contracts on behalf of the Society and executing documents on its behalf and the affixing of the seal of the Society;

(i) investing the funds of the Society;

(j) the audit and the accounts of the funds of the Society;

(k) the relations with the Indian Red Cross Society and contribution of sums to that Society;

(l) the interpretation of rules made under this sub-section.

³(2) Rules made under sub-section (1) shall not come into force unless assented to by the President of the Society and shall be published in the *Official Gazette* after such assent is obtained.

¹See foot-note 2 on page 33, *ante*.

²Sub-sections (2) and (3) of section 6C were omitted by s. 6 of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

³Sub-section (2) of section 6E was substituted for the existing sub-section (2) by s. 8, *ibid*.

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(Sections 6F, 7.)

(3) The Managing Body shall be deemed to be duly constituted and shall have power to act, to meet, to transact business and exercise its powers under sub-sections (1) and (2), notwithstanding any vacancy among its members.

6F. Notwithstanding anything contained in this Act,—

- (a) the rules in Schedule I shall continue to be in force as if they were made under sub-section (1) of section 6E until they are amended or rescinded under that section,
- (b) all standing orders made under any rule which were in force immediately before the commencement of the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950 and are not inconsistent with the provisions of this Act shall continue to be in force, and
- (c) all appointments made under any such rule shall be deemed to have been validly made under this Act and the rules framed thereunder.

Transitory provisions and savings.

West Ben. Ord. VIII of 1950.

7. Notwithstanding anything contained in any appeal for subscriptions or gifts to or for the purposes of the said Funds, 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 5 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 maintaining Red Cross Depots for military purposes;
- (b) the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering ¹[in India or anywhere else] whether due to the operation of war or not, or in pursuance of any of the following objects, namely:—
 - ²(1) aid to the sick and wounded members of the Armed Forces of the Union of India;
 - ²(2) aid to the demobilized sick and wounded members of the Armed Forces of the Union of India;
 - ³(3) care of those suffering from tuberculosis;
 - ³(4) maternity and child welfare;
 - ³(5) Junior Red Cross;
 - ³(6) nursing and ambulance work;

Purposes to which the funds of the Society may be applied.

¹Section 6F, as was originally inserted as per foot-note 2 on page 33, *ante*, was substituted by s. 9 of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

²Substituted for the words "in India" by s. 10(a), *ibid*.

³Clauses (1) to (9) were substituted for the existing sub-clauses (1) to (8) by s. 3(a) of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1958 (West Ben. Act XIII of 1958).

(Sections 8, 9.)

- ¹(7) provision of relief for the mitigation of suffering caused by ²{distress}, epidemics, earthquakes, famines, floods or other calamity;
- ¹(8) work parties to provide comforts and necessary garments, etc., for hospitals and health institutions;
- ¹(9) the improvement of health, prevention of disease and mitigation of suffering and such other cognate objects as may be approved by the Society from time to time;
- ²(10) the expenses of management of the Society; and
- ²(11) the representation of the Society on or at Committees formed for furthering objects similar to those of the Society;

Provided that nothing contained in this section shall prevent the Managing Body from applying and sums received by the Society for a specific purpose to that purpose.

Power to receive other gifts and to distribute funds through other societies.

8. Nothing in this Act shall prevent the Society from—

- (a) receiving gifts of whatever nature to or for all or any of the purposes to which the funds vested in the Society under this Act may be applied under the provisions of section 7;
- (b) allocating any funds in its hands to other societies or associations to be spent by them in furtherance of all or any of the purposes to which the funds vested in the Society under this Act may be applied under the provisions of section 7.

Managing Body may transfer the balance amount due to East Pakistan Red Cross Society through the Indian Red Cross Society.

⁴9. (1) Notwithstanding anything contained in this Act, the Managing Body may transfer to the East Bengal Provincial Branch of the Pakistan Red Cross Society (hereinafter referred to as the East Pakistan Red Cross Society), through the Indian Red Cross Society, the sum of rupees forty-eight thousand, five hundred and sixty-seven, being the balance amount due to the East Pakistan Red Cross Society, as shown in Schedule II.

(2) Upon the transfer of the amount referred to in sub-section (1) to the East Pakistan Red Cross Society, the Society shall be freed and discharged from all obligations in respect of anything to be done in East Pakistan or any part thereof.

¹See foot-note 3 on page 35, *ante*.

²This word was inserted by s. 10(b) of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

³Existing sub-clauses (9) and (10) were re-numbered as sub-clauses (10) and (11) by s. 3(b) of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1958 (West Ben. Act XIII of 1958).

⁴Section 9 was inserted by s. 4, *ibid*.

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(Schedule I.)

[SCHEDULE I.]

[See section 6F(1).]

Rules under sub-section (1) of section 6F of the Indian Red Cross Society (Bengal Branch) Act, 1920.

CHAPTER I

Introductory.

1. These rules may be called the Rules of the Bengal Provincial Branch of the Indian Red Cross Society. Citation.

2. In these rules, unless the context requires otherwise,— Definitions.

- (a) "the Act" means the Indian Red Cross Society (Bengal Branch) Act, 1920;
- (b) "the Chairman" means the Chairman of the Managing Body;
- (c) "the Managing Body" means the Managing Body of the Society;
- (d) "the Ordinance" means the Indian Red Cross Society (Bengal Branch) (Amendment) Ordinance, 1950;
- (e) "the President" means the President of the Society;
- (f) "the Society" means the Bengal Provincial Branch of the Indian Red Cross Society.

Ben. Act VIII of 1920.

West Ben. Ord. VIII of 1950.

CHAPTER II

Members and Associates.

3. In addition to *ex-officio* members, there shall be the following grades of members of the Society, namely:— Grades of members.

- (a) Honorary Vice-Presidents,
- (b) Patrons,
- (c) Vice-Patrons,
- (d) Ordinary members.

4. A person shall be an Honorary Vice-President if he subscribes a sum of Rs. 10,000 or more to the funds of the Society. Honorary Vice-Presidents.

5. A person shall be a Patron if he subscribes a sum less than Rs. 10,000 but not less than Rs. 2,000 to the funds of the Society. Patrons.

6. A person shall be a Vice-Patron if he subscribes a sum less than Rs. 2,500 but not less than Rs. 500 to the funds of the Society. Vice-Patrons.

¹Substituted for the words "THE SCHEDULE" by s. 5 of the Indian Red Cross Society

*(Schedule 1.)*Ordinary
members.

7. A person shall be an ordinary member if he signifies his intention to become a member and pays an annual subscription to the funds of the Society of Rs. 12 or a consolidated subscription of Rs. 150.

Power to
elect
members.

8. The Managing Body may elect any person for services rendered to the Society to be a member of any grade referred to in clauses (a), (b), (c) or (d) of rule 3.

Existing
members to
continue.

9. A person who immediately before the commencement of the Ordinance was a Honorary Vice-President, a Patron, a Vice-Patron or a member of the Society shall continue to be a Honorary Vice-President, a Patron, a Vice-Patron or an ordinary member, as the case may be.

Associates.

10. (1) A person shall be an associate if he signifies his intention to become an associate and pays an annual subscription of Rupee one or a consolidated subscription of Rs. 50 to the funds of the Society.

(2) No associate shall be a member of the Society.

(3) A person who was an associate immediately before the commencement of the Ordinance shall continue to be an associate.

CHAPTER III

General Meetings.Annual and
extraordi-
nary general
meetings.

11. (1) An annual general meeting of the Society shall be held every year at the headquarters of the Society upon a date to be fixed by the Chairman.

(2) An extraordinary general meeting of the Society may be convened at any time by the President for any purpose connected with the Society.

Notice.

12. Notice of every general meeting of the Society, whether annual or extraordinary, shall be given to all members of the Society at least fifteen days before the date fixed for the meeting and the business to be transacted at such meeting shall be specified in the notice.

Business
which may
be transacted
at general
meetings and
quorum.

13. (1) (a) At each annual general meeting of the Society—

¹(i) * * * * *

¹(ii) * * * * *

(iii) the annual report, the annual accounts and the budget shall be presented and considered; and

(iv) any other business specified in the notice may be transacted with the assent of the President.

¹Sub-clauses (i) and (ii) were omitted by s. 11(a) of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1962 (West Bengal Act XXVI of 1962).

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(Schedule I.)

(b) The annual accounts shall be circulated to all members of the Society along with the notice for the annual general meeting and, after being passed at the annual general meeting, shall be published in the Press.

(2) At an extraordinary general meeting of the Society no business not specified in the notice for the meeting, shall be transacted.

(3) The quorum for a general meeting of the Society, whether annual or extraordinary, shall be ten.

14. The President shall preside at every general meeting of the Society, whether annual or extraordinary, and in the absence of the President, the Chairman or some other person appointed by the Chairman shall preside over such general meeting.

Presiding officer.

15. (1) [At every general meeting] of the Society, whether annual or extraordinary, all questions shall be decided by votes of the members of the Society present, taken by show of hands.

Voting.

(2) In case of an equality of votes, the person presiding at the meeting shall have a casting vote.

CHAPTER IV

Managing Body.

16. The Managing Body shall every year, at the first meet held after annual general meeting of the Society, elect from among themselves a Vice-Chairman, who in the absence of the Chairman shall conduct the duties of the Chairman and exercise his power.

Vice-Chairman.

17. An ordinary meeting of the Managing Body shall be held at least once a quarter at such time and at such place as may be fixed by the Chairman. At the meeting held in the first quarter of the year the annual budget of the Society shall be dealt with.

Quarterly meetings.

18. An extraordinary meeting of the Managing Body may be called at any time by the Chairman.

Extraordinary meeting.

19. Upon a requisition in writing made by any three members of the Managing Body, the Chairman shall call an extraordinary meeting.

Requisition for meetings.

20. Seven days' clear notice of any meeting of the Managing Body, specifying the place, day and hour of the meeting and the general nature of the business to be transacted, shall be given to every member of the Managing Body, by notice sent by post; provided that the accidental omission to give such notice to any of the members shall not invalidate any resolution passed at such meeting.

Notice of meeting.

¹The words within square brackets were substituted for the words "Subject to the provisions of clause (i) of section 6B of the Act, at every general meeting" by s. 11(b) of the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 (West Ben. Act XXXI of 1963).

(Schedule I.)

- Quorum. 21. At meetings of the Managing Body three members shall form a quorum.
- Adjourned meetings. 22. If no quorum is present within ten minutes of the time fixed for a meeting of the Managing Body, the meeting shall be adjourned for one week to the same time and place. At such adjourned meeting the business for which the meeting was called may be transacted, whether a quorum is present or not.
- Casting vote. 23. In the event of an equality of votes at any meeting of the Managing Body, the Chairman shall have a casting vote.
- General powers of the Managing Body. 24. (1) The Managing Body may, subject to the provisions of the Act, exercise all such powers and do all such things as may be exercised or done by the Society, except in so far as express provision is made otherwise by these rules.
- (2) In particular and without prejudice to the provisions of sub-rule (1), the Managing Body shall have the power—
- (a) to acquire whether by purchase or lease any immovable property;
 - (b) to sell, lease or otherwise dispose of any immovable property vested in the Society on such terms as the Managing Body may consider beneficial to the Society; and
 - (c) to invest the funds of the Society and from time to time as they may think expedient to change such investments.
- Seal. 25. The seal of the Society shall not be affixed to any instrument except in pursuance of a resolution of the Managing Body and at least two members of the Managing Body shall sign every instrument to which the seal is affixed.
- Officers. 26. (1) The Managing Body shall appoint the Director and the General Secretary.
- (2) All other appointments shall be made by the Chairman, subject to the control of the Managing Body.
- Standing orders. 27. The Managing Body shall have power to make standing orders regulating its own procedure, the procedure of Committees appointed by it, and the duties of the Officers of the Society.
- Representation on Indian Red Cross Society. 28. The Managing Body may, from time to time, appoint one or more members of the Society to represent the Society at meetings of the Indian Red Cross Society or to serve on Committees convened by that Society for the consideration of objects which concern the Society, and may sanction all reasonable expenditure for such purposes.

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(Schedule I.)

29. The Managing Body shall pay to the Managing Body of the Indian Red Cross Society towards the general expenses of that Society 10 per cent. of all subscriptions or consolidated subscriptions received from members and associates, subject to the limitation that the amount so payable on account of any single subscription shall not exceed Rs. 1,000. This rule shall not apply to gifts or payments other than subscription received by the Society.

Contribution to Indian Red Cross Society.

CHAPTER V

Committees.

30. The Managing Body shall from among the members of the Society annually constitute a Medical Committee, consisting of such members of the Society as it may determine and may, in its discretion, constitute such other Committees with such powers as it may think necessary.

Appointment of Committees.

31. The Medical Committee shall advise upon all technical questions which may be referred to it either by the Managing Body or the General Secretary.

Duties of Medical Committee.

32. The proceedings of all Committees shall be laid before the Managing Body.

Proceedings of Committees.

CHAPTER VI

Interpretation.

33. If any doubt arises about the interpretation of these rules, the question may be referred to the President and the decision of the President shall be final.

Interpretation.

[Ben. Act VIII of 1920.]

SCHEDULE II.
(See section 9.)

*Statement showing the share of the East Pakistan Red Cross Society
in the Funds specified in column 2.*

Serial No.	Name of the Fund.	Divisible amount.	Percentage.	East Pakistan's share.	Interest from 15th August, 1947 to 31st December, 1953.	Total.	Balance amount due to East Pakistan Red Cross Society.
1	2	3 Rs.	4	5 Rs.	6 Rs.	7 Rs.	8
1.	Red Cross Branch—Capital.	6,94,411	64.8	4,49,978	1,46,288	5,96,266	
2.	Maternity and Child Welfare Building Fund—						
	(i) Contributions from Dacca and Jessore	42,000	100.00	42,000	..	42,000	
	(ii) Appeal Fund	1,75,081	1.44	2,521	..	2,521	
3.	Appeal Fund	19,74,337	1.44	28,430	2,716	31,146	
4.	Headquarters' Grant from 15th August, 1947 to the 31st December, 1947	9,311	64.8	6,033	..	6,033	
5.	St. John Ambulance Association	23,491	64.8	15,222	1,818	17,040	
	Total	29,18,631		5,44,184	1,50,822	6,95,006	

Deduct—

- (i) Total expenses incurred for East Pakistan after 14th August, 1947—
Rs. 1,57,996.
- (ii) Advance paid by way of adjustment—
Rs. 4,88,443 .. 6,46,439

Balance Rs. 48,567.