THE INTERNATIONAL DEVELOPMENT ASSOCIATION (STATUS, IMMUNITIES AND PRIVILEGES) ACT, 1960

ACT NO. 32 OF 1960

[9*th September,* 1960.]

An Act to implement the international agreement for the establishment and operation of the International Development Association in so far as it relates to the status, immunities and privileges of that Association, and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(*1*) This Act may be called the International Development Association (Status, Immunities and Privileges) Act, 1960.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

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

(*a*) "Agreement" means the Agreement for the establishment and operation of the international body known as the International Development Association;

(*b*) "Association" means the International Development Association established under the Agreement.

3. Conferment of status and certain immunities and privileges on the Association and conferment of certain immunities and privileges on its officers and employees.—(*1*) Notwithstanding anything to the contrary contained in any other law, the provisions of Article VIII of the Agreement set out in the Schedule shall have the force of law in India:

Provided that nothing in section 9 thereof shall be construed as—

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

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

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

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

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

5. Notifications under section 3 and rules under section 4 to be placed before Parliament.—Every notification issued under sub-section (*2*) of section 3 and every rule made under section 4 shall be laid as soon as may be after it is issued or made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or [2][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 for making any modification in the notification, or as the case may be, in the rule, or both Houses agree that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

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1. 15th October, 1960, *vide* notification No. S.O. 2474A, dated 11th October, 1960, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
2. Subs. by Act 20 of 1983, s. 2 and the Schedule, for certain words (w.e.f. 15-3-1984).

THE SCHEDULE

(*See* section 3)

Provisions of the agreement which shall have force of law

ARTICLE VIII

STATUS, IMMUNITIES AND PRIVILEGES

Section 1.—*Purposes of Article.*

To enable the Association to fulfil the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

Section 2.—*Status of the Association.*

The Association shall possess full juridical personality and, in particular, the capacity:—

(*i*) to contract;

(*ii*) to acquire and dispose of immovable and movable property;

(*iii*) to institute legal proceedings.

Section 3.—*Position of the Association with regard to Judicial Process.*

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

Section 4.—*Immunity of Assets from Seizure.*

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—*Immunity of Archives.*

The archives of the Association shall be inviolable.

Section 6.—*Freedom of Assets from Restrictions.*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7.—*Privilege for Communications.*

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8.—*Immunities and Privileges of Officers and Employees.*

All Governors, Executive Directors, Alternates, Officers and employees of the Association,

(*i*) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;

(*ii*) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regard exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(*iii*) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—*Immunities from Taxation.*

(*a*) The Association, its assets, property, income and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(*b*) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(*c*) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held,

(*i*) which discriminates against such obligation or security solely because it is issued by the Association; or

(*ii*) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(*d*) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held,

(*i*) which discriminates against such obligation or security solely because it is guaranteed by the Association; or

(*ii*) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held :

(i) which discriminates against such obligation or security solely because it is issued by the Corporation ; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held :

(i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation ; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

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Section 11.—Waiver.

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

THE INTERNATIONAL MONETARY FUND AND BANK ACT, 1945.

CONTENTS.

[24th December, 1945.

An [1][Act] to implement the International Monetary Fund and Bank Agreements.

WHEREAS at the United Nations Monetary and Financial Conference held at Bretton Woods, New Hampshire, in July, 1944, Articles of the following agreements were drawn up, and set out in the Final Act of the said Conference that is to say,—

(a) an agreement (hereinafter referred to as the Fund Agreement) for the establishment and operation of an international body to be called the International Monetary Fund (hereinafter referred to as the International Fund), and

(b) an agreement (hereinafter referred to as the Bank Agreement) for the establishment and operation of an international body to be called the International Bank for Reconstruction and Development (hereinafter referred to as the International Bank) ;

[2][BE it enacted as follows:—]

1. **Short title extent and commencement.**—(1) This [1][Act] may be called the INTERNATIONAL MONETARY FUND AND BANK [1][Act], 1945.

(2) It extends to [3][the whole of India [4][* * *].]

(3) It shall come into force at once.

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1. Substituted by the International Monetary Fund and Bank (Amendment) Act (XXV of 1959), for "Ordinance".
2. Substituted *ibid.*, for the last paragraph of preamble and the enacting formula.
3. Substituted by A.O., 1950, for "all the provinces of India".
4. The words and letter "except Part B States" omitted by Act (III of 1951).

2. **Payments to International Fund and Bank.**—(1) [1][There shall be paid, after due appropriation made by Parliament by law in this behalf, out of the Consolidated Fund of India] all such sums as may from time to time be required for the purpose of paying—

(a) the subscriptions payable by the Central Government, to the International Fund under paragraph (a) of section 3, and paragraph (a) of section 4, of Article III of the Fund Agreement and [2][to the International Bank under paragraphs (a) and (c)] of section 3 of Article II of the Bank Agreement ;

(b) any sums payable by the Central Government to the International Fund under paragraph (b) of section 8 of Article IV of the Fund Agreement, and to the International Bank under section 9 of Article II of the Bank Agreement ;

(c) any charges payable by the Central Government to the International Fund [3][or under section 2, section 3 or section 5 of Article XXVI] of the Fund Agreement ;

(d) any sums required for implementing the guarantee of the Central Government referred to in section 3 of Article XIII of the Fund Agreement ;

[4][(dd) any assessments required to be paid by the Central Government to the International Fund under section 4 or section 5 of Article XXVI of the Fund Agreement ;]

(e) any compensation required to be paid by the Central Government to the International Fund or to any member thereof under Schedule D or Schedule E to the Fund Agreement.

(2) The Central Government may, if it thinks fit so to do, create and issue to the International Fund or International Bank, in such form as it thinks fit any such non-interest bearing and non-negotiable notes or other obligations as are provided for by section 5 of Article III of the Fund Agreement and section 12 of Article V of the Bank Agreement.

3. **Reserve Bank to be depository for International Fund and Bank.**—The Reserve Bank of India (hereinafter referred to as the Reserve Bank) shall be the depositor of the [5][*] Indian currency holdings of the International Fund and Internationaly Bank.

[4][3-A. *Reserve Bank to use, receive acquire, etc., special drawing rights on behalf of Central Government.*—The Reserve Bank may, on behalf of the Central Government use, receive, acquire, hold, transfer or operate the special drawing rights of that, Government in the International Fund and perform all acts supplemental or incidental thereto]

4. **Power to call for information.**—(1) Where under section 5 of Article VIII of the Fund Agreement, the International Fund requires the Central Government to furnish it with any information, the Central Government, or if generally or specially authorised by the Central Government in this behalf, the Reserve Bank, may by order in writing require any person to furnish to such officer or other person as may be specified in the order such detailed information as the Central Government or the Reserve Bank, as the case may be, may determine to be essential for the purpose of complying with the request of the International Fund ; and any person to required shall be bound to furnish such information.

(2) Every officer or person to whom any information is required to be furnished under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

1. Substituted by the Amendment Act (XLI of 1969) for the words "There shall be paid out of the Consolidated Fund of India".
2. Substituted by Act (XXV of 1950) for "to the International Bank under paragraph (a)".
3. Substituted by the Amendment Act (XLI of 1969) for "under S. 8 of Article V".
4. Inserted, *Ibid*.
5. The word "British" omitted by the Repealing and Amending Act (XLVIII of 1952).

(3) No information obtained under this section shall be furnished to the International Fund in such detail as to disclose the affairs of any person, and the provisions of sub-sections (1), (2) and (3) of section 54 of the Indian Income-tax Act, 1922[1] shall apply in relation to information obtained under this section as they apply to the particulars referred to in that section.

(4) A determination of the Central Government or the Reserve Bank under sub-section (1) as to the extent of detail in which information is to be furnished shall be final, and in any prosecution under section 176 or section 177 of the Indian Penal Code in respect of any information required to be furnished under this section, it shall not be a defence to assert that the information was required to be furnished in greater detail than was essential for the purpose of complying with the request of the International Fund.

(5) No prosecution for an offence in respect of any information required to be furnished under this section shall be instituted except with the previous sanction of the Central Government.

5. **Certain provisions of Agreements to have force of Law.**—Notwithstanding anything to the contrary contained in any other law, the provisions of the Fund and Bank agreements set out in the Schedule shall have the force of law in [2][India]:

Provided that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed as—

(a) entitling the International Fund or International Bank to import into [2][India] goods free of any duty of customs without any restriction on their subsequent sale therein, or

(b) conferring on the International Fund or International Bank any exemption from duties or taxes which form part of the price of goods sold or which are in fact no more than charges for services rendered.

6. **[Amendment of section 17, Act II of 1934].** [Repealed by the Repealing and Amending Act XLVIII of 1952).

7. **Power to make rules.**—[3][(1)] The Central Government may, by notification in the Official Gazette, make rules for giving effect to the Provisions set out in the Schedule and generally for carrying out the purposes of this [4][Act].

[5][(2) Every rule made under this section 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 priod of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the 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.]

THE SCHEDULE.

(*See* section 5.)

PROVISIONS OF AGREEMENTS WHICH SHALL HAVE FORCE OF LAW.

PART I.

FUND AGREEMENT.

Paragraph (b) *of section* 2 *of Article VIII.*

Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed consistently with this Agreement shall be unenforceable in the territories of any member ....

1. *See* now Income-tax Act (XLIII of 1961), S. 137.
2. Substituted by Act (III of 1951) for "Part A States & Part C States".
3. Section 7 re-numbered as sub-S. (1) of that section by Act (XXV of 1959).
4. Substituted *ibid.*, for "Ordinance",
5. Inserted, *ibid.*

ARTICLE IX.

STATUS, IMMUNITIES AND PRIVILEGES.

Section 1.—Purpose of Article.

To enable the fund to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

Section 2.—State of the Fund.

The Fund shall possess full juridical personality, and, in particular, the capacity—

(*i*) to contract ;

(*ii*) to acquire and dispose of immovable and movable property ;

(*iii*) to institute legal proceedings.

Section 3.—Immunity from judicial process.

The Fund, its property and its assets, wherever located and by whom soever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4.—Immunity from other action.

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—Immunity of archives.

The archives of the Fund shall be inviolable.

Section 6.—Freedom of assets from restrictions.

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7.—Privilege for communications

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8.—Immunities and privileges of officers and employees.

All governors, executive directors, alternates, officers and employees of the Fund —

(*i*) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity ;

(*ii*) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;

(*iii*) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—Immunities from Taxation

(*a*) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(*b*) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(*c*) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon by whomsoever held

(*i*) which discriminates against such obligation or security solely because of its origin ; or

(*ii*) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

PART II.

BANK AGREEMENT.

ARTICLE VII.

STATUS, IMMUNITIES AND PRIVILEGE

Section 1.—Purpose of Article.

To enable the Bank to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2.—Status of the Bank.

The Bank shall possess full juridical personality, and, in particular, the capacity—

(*i*) to contract ;

(*ii*) to acquire and dispose of immovable and movable property ;

(*iii*) to institute legal proceedings.

Section 3.—Position of the Bank with regard to judicial process.

Actions may be brought against the Bank only in a Court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4.—Immunity of assets from seizure.

Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—Immunity of archives.

The archives of the Bank shall be inviolable.

Section 6.—Freedom of assets from restrictions.

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from any restrictions, regulations, controls and moratoria of any nature.

Section 7.—Privilege for communications

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8.—Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Bank—

(*i*) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity ;

(*ii*) not being local nationals, shall be accorded the same immunities from immigration restrictions on registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;

(*iii*) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—Immunities from taxation.

(*a*) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(*b*) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.

(*c*) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held :

(*i*) which discriminates against such obligation or security solely because it is issued by the Bank ; or

(*ii*) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(*d*) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held :

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank ; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

THE INTER-STATE CORPORATIONS ACT (XXXVIII OF 1957).

CONTENTS.

[20th September, 1957.

An Act to provide for the reorganisation of certain corporations functioning in two or more States by virtue of Section 109 of the States Reorganisation Act, 1956, [1] [or of any other enactment relating to re-organisation of States] and for matters connected therewith.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called The Inter-State Corporations act, 1957.

2. **Definition.**—In this Act, " Inter-State Corporation " means any body corporate constituted under any of the Acts specified in the Schedule and functioning in two or more States by virtue of section 109 of the States Re-organisation Act, 1956, [1][or of any other enactment relating to re-organisation of States.]

3. **Power of State Governments to frame schemes.**—If it appears to the Government of a State in any part of which an inter-State corporation is functioning that the inter-state corporation should be re-constituted and re-organised as one or more inter-State corporations or that it should be dissolved, the State Government many frame a scheme for such re-constitution and re-organisation or such dissolution, as the same may be, including proposals regarding the transfer of the assets, rights and liabilities of the inter-State corporation to any other corporations or State Governments and the transfer or re-employment of employees of the inter-State corporation and forward the scheme to the Central Government.

4. **Re-organisation of certain Inter-State Corporations.**—(1) On receipt of a scheme forwarded to it under section 3, the Central Government may, after consulting the State Governments concerned, approve the scheme with or without modifications and give effect to the scheme so approved by making such order as it thinks fit.

(2) An order made under sub-section (1) may provide for all or any of the following matters, namely :—

(a) the dissolution of the inter-State corporation ;

(b) the re-constitution and re-organisation in any manner whatsoever of the inter-State corporation including the constitution, where necessary, of new corporations ;

(c) the area in respect of which the reconstituted corporation or new corporation shall function and operate ;

(d) the transfer, in whole or in part, of the assets, rights and liabilities of the inter-State corporation (including the rights and liabilities under any contract made by it to any other corporations or State Governments and the terms and conditions of such transfer ;

1. Inserted by the Bombay Re-organisation Act (XI of 1960).