

IndiaCode

The African Development Fund Act, 1982

(ACT NO. 1 OF 1982)

[*As on the* 1*st August*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

IndiaCode

THE AFRICAN DEVELOPMENT FUND ACT, 1982

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Payments to Fund.
4. Reserve Bank to be depository for Fund.
5. Conferment of status and certain immunities, exemptions and privileges on Fund and conferment of certain immunities, exemptions and privileges on its officers and employees.
6. Power to make rules.
7. Notifications issued under section 5 and rules made under section 6 to be laid before Parliament.

THE SCHEDULE.

IndiaCode

THE AFRICAN DEVELOPMENT FUND ACT, 1982

ACT NO. 1 OF 1982

[4*th March*, 1982.]

An Act to implement the African Development Fund Agreement and for matters connected therewith.

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

1. Short title, extent and commencement.—(*1*) This Act may be called the African Development Fund Act, 1982.

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

(*3*) It shall come into force on such 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 African Development Fund Agreement;

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

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

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

(*b*) any sums payable by the Central Government to the Fund under Article 13 of the Agreement; and

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

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

4. Reserve Bank to be depository for Fund.—The Reserve Bank of India shall be the depository of the Indian currency holdings of the Fund.

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

Provided that nothing in Article 49 of the Agreement shall be construed as—

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

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

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

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

---

1. 25thAugust, 1986, *vide* Notifn. No. G.S.R. 1035(E), dated 25th August, 1986, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

IndiaCode

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

7. Notifications issued under section 5 and rules made under section 6 to be laid before Parliament.—Every notification issued under sub-section (*2*) of section 5 and every rule made under section 6 shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or, as the case may be, in the rule or both Houses agree that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

IndiaCode

THE SCHEDULE

(*See* section 5)

PROVISIONS OF THE AGREEMENT WHICH SHALL HAVE FORCE OF LAW

CHAPTER VIII

STATUS, IMMUNITIES, EXEMPTIONSAND PRIVILEGES

ARTICLE 41

PURPOSE OF CHAPTER

To enable the Fund effectively to fulfil its purpose and carry out the functions entrusted to it, the status, immunities, exemptions and privileges set forth in this Chapter shall be accorded to the Fund in the territory of each State participant, and each State participant shall inform the Fund of the specific action which it has taken for such purpose.

ARTICLE 42

STATUS

The Fund shall possess full judicial personality and, in particular, full capacity:

(*i*) to contract;

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

(*iii*) to institute legal proceedings.

IndiaCode

ARTICLE 43

LEGAL PROCESS

1. The Fund shall enjoy immunity from every form of legal process, except in cases arising out of or in connection with the exercise of its power to receive loans in accordance with Article 8, in which case actions may be brought against the Fund in a court of competent jurisdiction in the territory of a country in which the Fund has its office, or has appointed an agent for the purpose of accepting service or notice of process, or has otherwise agreed to be sued.

2. Notwithstanding the provisions of paragraph 1, no action shall be brought against the Fund by any participant, or by any agency or instrumentality of a participant, or by any entity or person directly or indirectly acting for or deriving claims from a participant or from any agency or instrumentality of a participant. Participants shall have recourse to such special procedures for the settlement of disputes between the Fund and its participants as may be prescribed in this Agreement, in the bye-laws and regulations of the Fund, or in contracts entered into with the Fund.

3. The Fund shall also make provision for appropriate modes of settlement of disputes in cases which do not come within the provisions of paragraph 2 and of Articles 52 and 53 and which are subject to the immunity of the Fund by virtue of paragraph 1 of this Article.

4. Where by virtue of any of the provisions of this Agreement the Fund does not enjoy immunity from legal process, the Fund, and its property and assets wherever located and by whomsoever held, shall nevertheless be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Fund.

ARTICLE 44

IMMUNITY OF ASSETS

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 taking or foreclosure by executive or legislative action.

ARTICLE 45

IMMUNITY OF ARCHIVES

The archives of the Fund, and, in general, all documents belonging to it or held by it, shall be inviolable, wherever located.

ARTICLE 46

FREEDOM OF ASSETS FROM RESTRICTION

To the extent necessary to carry out the purpose and function of the Fund, and subject to the provisions of this Agreement, all property and other assets of the Fund shall be free from restriction by financial controls, regulations, or moratoria of any kind.

ARTICLE 47

PRIVILEGE FOR COMMUNICATIONS

Official communications of the Fund shall be accorded by each State participant the same treatment as it accords to the official communications of other international financial institutions of which it is a member.

ARTICLE 48

IMMUNITIES AND PRIVILEGES OF OFFICIALS AND PERSONNEL

All governors and directors, and their alternates, the President and personnel, including experts performing missions for the Fund:

(*i*) shall be immune from legal process with respect to acts performed by them in their official capacity;

(*ii*) when they are not local nationals, shall be accorded no less favourable immunities from immigration restrictions, alien registration requirements and national service obligations, and no less favourable facilities as regards exchange regulations, than are accorded by the State participant concerned to the representatives, officials and employees of comparable rank of any other international financial institution of which it is a member; and

(*iii*) shall be granted no less favourable treatment in respect of travelling facilities than is accorded by the State participant concerned to representatives, officials and employees of comparable rank of any other international financial institution of which it is a member.

ARTICLE 49

EXEMPTION FROM TAXATION

1. The Fund, its assets, property, income, operations and transactions, shall be exempt from all direct taxation, and from all customs duties, or taxes having equivalent effect, on goods imported or exported for its official use. The Fund shall also be exempt from any obligation for the payment, withholding or collection of any tax or duty.

2. Notwithstanding the provisions of paragraph 1, the Fund shall not claim exemption from taxes which are no more than charges for services rendered.

3. Articles imported under an exemption provided for by paragraph 1 shall not be sold in the territory of the State participant which granted the exemption except under conditions agreed with that participant.

4. No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to the President and personnel including experts performing missions for it.

IndiaCode

ARTICLE 50

WAIVER BY THE FUND

1. The immunities, exemptions and privileges provided in this Chapter are granted in the interests of the Fund. The Board of Directors may waive, to such extent and upon such conditions as it may determine, the immunities, exemptions and privileges provided in this Chapter in cases where its action would in its opinion further the interests of the Fund.

2. Regardless of the provisions of paragraph 1, the President shall have the right and the duty to waive the immunity of any of the personnel, including experts performing missions for the Fund, in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Fund.

IndiaCode

STATEMENT OF OBJECTS AND REASONS

India has become a member of the African Development Fund by acceding to the Agreement establishing the African Development Fund, on the 11th May, 1981. Chapter VIII of the Articles of Agreement provides for granting to the Fund, its officials and other personnel certain status, immunities, exemptions and privileges in the territory of each State participant. Article 41 of the Agreement stipulates that to enable the Fund to effectively fulfil its purpose and to carry out the functions entrusted to it, the status, immunities, exemptions and privileges set forth in Chapter VIII shall be accorded to the Fund in the territory of each State participant and each State participant shall inform the Fund of the specific action which it has taken for such purpose.

The Bill seeks to give effect to the provisions of the said Chapter VIII of the Agreement. Provision has also been made in the Bill to empower the Central Government to make payments to the Fund towards subscriptions and other charges and for matters connected therewith.

R. VENKATARAMAN.

NEW DELHI;
The 28*th October*, 1981.

IndiaCode