



THE GENEVA CONVENTION IMPLEMENTING ACT, 1936



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THE GENEVA CONVENTION IMPLEMENTING ACT, 1936.

¹ACT No. XIV OF 1936

[27th October, 1936]

An Act to implement Article 28 of the Geneva Convention of the 27th day of July, 1929.

WHEREAS India was a signatory to the International Convention for the Amelioration of the Conditions of the Wounded and Sick in Armies in the Field, drawn up in Geneva and dated the 27th day of July, 1929 ;

²[AND WHEREAS Pakistan is a party to the Geneva Red Cross Conventions, 1949, and has ratified Article 53 of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, dated the twelfth day of August, 1949 ;]

AND WHEREAS it is necessary to provide for the discharge of the obligations imposed by Article 28 of ³[the aforesaid Convention dated the twenty-seventh day of July, 1929, and the aforesaid Article 53 of the Convention dated the twelfth day of August, 1949,] in so far as provision has not been made by the Geneva Convention Act, 1911 (1 & 2 Geo. 5., c. 20) ; It is hereby enacted as follows :—

1. Short title and extent.—(1) This Act may be called the Geneva Convention Implementing Act, 1936.

⁴[(2) It extends to the whole of Pakistan.]

¹For Statement of Objects and Reasons, see Gazette of India, 1936, Pt. V, page 310.

This Act has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950, (G. G. O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

²New paragraph ins. by the Geneva Convention Implementing (Amdt.) Act, 1954 (3 of 1954), s. 2 (with effect from the 7th April, 1955).

³Subs. by the Geneva Convention Implementing (Amdt.) Act, 1954 (3 of 1954), s. 2 for "that Convention" (with effect from the 7th April, 1955).

⁴Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960,) s. 3 and 2nd Sch., (with effect from the 14th October, 1955), for sub-section (2) as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

2. Prohibition of use of emblems “Red Cross”, “Red Crescent”, etc. ¹[2. No person other than a person entitled thereto under the Geneva Convention shall use, or in any manner exhibit, whether for the purpose of trade or business or for any other purpose or object whatsoever, the emblem or the designation “Red Cross”, “Red Crescent”, “Red Lion and Sun” or “Sun” or any sign of designation constituting an imitation thereof, irrespective of the date of the adoption of any such emblems or designation by such person:

Provided that the emblem “Red Cross” may, with the permission in writing of the Society, be used in time of peace to identify vehicles used as ambulances or to mark the position of aid stations set up exclusively for giving free medical treatment to the wounded or sick.

Explanation.—In this section,—

(i) “Geneva Convention” means the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, dated the twelfth day of August, 1949 ; and

²[(ii) “the Society” means the Pakistan Red Crescent Society constituted under the Pakistan Red Crescent Society Act.]

3. Prohibition of use of emblem of white cross on red ground or imitations thereof. No person shall use for the purposes of his trade or business the heraldic emblem of the white cross on a red ground, being the federal colours of Switzerland, or any sign constituting a colourable imitation of that heraldic emblem.

4. Penalty. Any person contravening the provisions of section 2 or section 3 shall be punishable with fine which may extend to fifty rupees, and when such contravention is committed by a company, association or body of individuals, then, without prejudice to the liability of such company, association or body, every member thereof who is knowingly a party to the contravention shall be liable to the like penalty.

5. Previous sanction for prosecution. No criminal Court shall take cognizance of any offence punishable under this Act except with the previous sanction of the ³[Federal Government] ⁴* * *.

6. [Saving.] *Omitted by the Geneva Convention Implementing (Amdt.) Act, 1954 (III of 1954), s. 4 (with effect from the 7th April, 1955).*

¹Subs. by the Geneva Convention Implementing (Amdt.) Act, 1963 (21 of 1963), s. 2, for section 2, which was subs. by Act 3 of 1954, s. 2 (with effect from the 7th April, 1955).

²Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Sch.II, for clause (ii).

³Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was subs. by A.O., 1937, for “G.G. in C.”.

⁴The words “or the L.G.” omitted *ibid*.

