The Geneva Conventions Act, 1960

Act 6 of 1960. 20 sections. Bare Act with the official footnotes.

Source: India Code, Legislative Department, Ministry of Law and Justice, as updated to 24 August 2026. This is the official text as held in Law Maker's Bare Acts library, checked against the official file; for use in court or an exam hall, check the Gazette or India Code copy.

Official file: https://indiacode.gov.in/server/api/core/bitstreams/ec8a15db-1702-4743-9522-49878b16b73c/content

Every section online, with the old and new law side by side and exam questions:
https://www.lawmaker.in/bare-acts/geneva-conventions-act-1960

Contents

CHAPTER I PRELIMINARY (Sections 1 to 2)
CHAPTER II PUNISHMENT OF OFFENDERS AGAINST CONVENTIONS (Sections 3 to 7)
CHAPTER III LEGAL PROCEEDINGS IN RESPECT OF PROTECTED PERSONS (Sections 8 to 11)
CHAPTER IV ABUSE OF THE RED CROSS AND OTHER EMBLEMS (Sections 12 to 16)
CHAPTER V MISCELLANEOUS (Sections 17 to 20)
Schedules (4): see the end of this PDF

[12th March, 1960.]

An Act to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith.

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

CHAPTER I PRELIMINARY

Section 1. Short title, extent and commencement

(1) This Act may be called the Geneva Conventions 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.

[1] 14th August, 1961, vide notification No. S.R.O. 222(E), dated 2nd August, 1961, see Gazette of India, Extraordinary, Part II, sec. 4(ii).

Section 2. Definitions

In this Act, unless the context otherwise requires,-

(a) "Conventions" means the Conventions set out in the Schedules; and the First Convention, the Second Convention, the Third Convention and the Fourth Convention mean the Conventions set out in the First, Second, Third and Fourth Schedules, respectively;

(b) "court" does not include a court-martial or military court;

(c) "protected internee" means a person protected by the Fourth Convention and interned in India;

(d) "protecting power", in relation to a protected internee or a protected prisoner of war, means the power or organisation which is carrying out, in the interests of the power of which he is a national or of whose forces he is or was at any material time a member, the duties assigned to protecting powers under the Third Convention or, as the case may be, the Fourth Convention;

(e) "protected prisoner of war" means a person protected by the Third Convention.

CHAPTER II PUNISHMENT OF OFFENDERS AGAINST CONVENTIONS

Section 3. Punishment of grave breaches of conventions

(1) If any person within or without India commits or attempts to commit, or abets or procures the commission by any other person of, a grave breach of any of the Conventions he shall be punished,-

(a) Where the offence involves the wilful killing of a person protected by any of the Conventions, with death or with imprisonment for life; and

(b) in any other case, with imprisonment for a term which may extend to fourteen years.

(2) Sub-section (1) applies to persons regardless of their nationality or citizenship.

(3) For the purposes of this section,-

(a) a grave breach of the First Convention is a breach of that Convention involving an act referred to in article 50 of that Convention committed against persons or property protected by that Convention;

(b) a grave breach of the Second Convention is a breach of that Convention involving an act referred to in article 51 of that Convention committed against persons or property protected by that Convention;

(c) a grave breach of the Third Convention is a breach of that Convention involving an act referred to in article 130 of that Convention committed against persons or property protected by that Convention; and

(d) a grave breach of the Fourth Convention is a breach of that Convention involving an act referred to in article 147 of that Convention committed against persons or property protected by that Convention.

Section 4. Liability of persons for offences committed outside India

When an offence under this Chapter is committed by any person outside India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found.

Section 5. Jurisdiction of court

No court inferior to that of a chief presidency magistrate or a Court of Session shall try any offence punishable under this Chapter.

Section 6. Proof of application of Convention

If in any proceeding under this Chapter in respect of a grave breach of any of the Conventions a question arises under Article 2 of that Convention (which relates to the circumstances in which the Convention applies), a certificate under the hand of a Secretary to the Government of India certifying to any matter relevant to that question shall be conclusive evidence of the matter so certified.

Section 7. Jurisdiction of courts martial

The Army Act, 1950 (46 of 1950), the Air Force Act, 1950 (45 of 1950), or the Navy Act, 1957 (62 of 1957), relating to trial by court-martial of persons who commit civil offences shall have effect for the purposes of the jurisdiction of courts-martial as if this Chapter had not been passed.

CHAPTER III LEGAL PROCEEDINGS IN RESPECT OF PROTECTED PERSONS

Section 8. Notice of trial of protected persons to be served on protecting power, etc

(1) The court before which-

(a) a protected prisoner of war is brought up for trial for any offence; or

(b) a protected internee is brought up for trial for an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more,

shall not proceed with the trial until it is proved to the satisfaction of the court that a notice containing the particulars mentioned in the next following sub-section, so far as they are known to the prosecutor, has been served not less than three weeks previously on the protecting power (if there is a protecting power) and, if the accused is a protected prisoner of war on the accused and the prisoners representative.

(2) The particulars referred to in the foregoing sub-section are-

(a) the full name and description of the accused, including the date of his birth and his profession or trade, if any, and if the accused is a protected prisoner of war, his rank and arm, regimental, personal or serial number;

(b) his place of detention, internment or residence;

(c) the offence with which he is charged; and

(d) the court before which the trial is to take place and the time and place appointed for the trial.

(3) For the purposes of this section a document purporting-

(a) to be signed on behalf of the protecting power or by the prisoners representative or by the person accused, as the case may be; and

(b) to be an acknowledgment of the receipt by that power, representative or person on a specified day of a notice described therein as a notice under this section, shall, unless the contrary is shown, be sufficient evidence that the notice required by sub-section (1) was served on that power, representative or person on that day.

(4) In this section, the expression "prisoners representative" in relation to a particular protected prisoner of war at a

particular time means the person by whom the functions of prisoners representative within the meaning of article 79 of the Third Convention were exercisable in relation to that prisoner at the camp or place at which that prisoner was, at or last before that time, detained as a protected prisoner of war.

(5) Any court which adjourns a trial for the purpose of enabling the requirements of this section to be complied with may, notwithstanding anything in any other law, authorise the detention of the accused in such custody as it may think fit for the period of the adjournment.

Section 9. Legal re-presentation of certain persons

(1) The court before which-

(a) any person is brought up for trial for an offence under section 3 of this Act; or

(b) a protected prisoner of war is brought up for trial for any offence,

shall not proceed with the trial unless-

(i) the accused is represented by a legal practitioner; and

(ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the legal practitioner,

and if the court adjourns the trial for the purpose of enabling the requirements of this sub-section to be complied with, then, notwithstanding anything in any other law, the Court may authorise the detention of the accused in such custody as it may think fit for the period of the adjournment.

(2) Where the accused is a protected prisoner of war, in the absence of a legal practitioner accepted by the accused as representing him, the legal practitioner instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of clause (ii) of the foregoing sub-section, be regarded for the purposes of that sub-section as representing the accused.

(3) If the court adjourns the trial in pursuance of sub-section (1) by reason that the accused is not represented by a legal practitioner, the court shall direct that a legal practitioner be assigned to watch over the interests of the accused at any further proceedings in connection with the offence, and at any such further proceedings, in the absence of a legal practitioner either accepted by the accused as representing him or instructed as mentioned in the last foregoing sub-section, the legal practitioner assigned in pursuance of this sub-section shall, without prejudice to the requirements of clause (ii) of sub-section (1), be regarded for the purposes of that sub-section as representing the accused.

(4) A legal practitioner shall be assigned in pursuance of sub-section (3) in such manner as may be provided in the rules made under this Act or, in the absence of provisions in the rules, as the court directs, and the legal practitioner so assigned shall be entitled to such fees as may be provided in the rules made under this Act.

Section 10. Appeals by protected prisoners of war and internees

(1) Where a protected prisoner of war or a protected internee has been sentenced by a court to death or to imprisonment for a term of two years or more, any time allowed in relation to the institution of an appeal against the conviction or sentence shall be deemed to continue to run until the day on which the convicted person receives a notice given,-

(a) in the case of a protected prisoner of war-by an officer in the Armed Forces; or

(b) in the case of a protected internee-by or on behalf of the governor or other person in charge of the prison or place in which he is confined,

that the protecting power has been notified of his conviction and sentence, and for such further time as would have been within the time allowed if the conviction or sentence had taken place or been pronounced on that day.

(2) Where, after an appeal against the conviction or sentence by a court of a protected prisoner of war or a protected internee has been decided, the sentence remains a sentence of death, or remains or has become a sentence of imprisonment for a term of two years or more, any time allowed in relation to a further appeal in respect of the conviction or sentence as confirmed or varied upon the previous appeal shall be deemed to continue to run until the day on which the convicted person receives a notice given by a person referred to in clause (a) or clause (b) of the last preceding sub-section, as the case may require, that the protecting power has been notified of the decision of the court upon the previous appeal, and for such further time as would have been within the time allowed if that decision had been pronounced on that day.

(3) Where sub-section (1) applies in relation to a convicted person, then, unless the court otherwise orders, an order of the court relating to the restitution of property or the payment of compensation to an aggrieved person shall not

take effect, and a provision of any law relating to the revesting of property on conviction shall not take effect in relation to the conviction, while an appeal by the convicted person against his conviction or sentence is possible without an extension of time other than the extension provided by the last preceding sub-section.

(4) Sub-sections (1), (2) and (3) shall not apply in relation to an appeal against a conviction or sentence, or against the decision of a court upon a previous appeal, if, at the time of the conviction or sentence, or of the decision of the court upon the previous appeal, as the case may be, there is no protecting power.

Section 11. Reduction of sentence and custody of protected prisoners of war and internees

(1) When a protected prisoner of war or a protected internee is convicted of an offence, the court shall,-

(a) in fixing a term of imprisonment in respect of the offence, deduct from the term which it would otherwise have fixed any period during which the convicted person has been in custody in connection with that offence before the trial; and

(b) in fixing any penalty other than imprisonment in respect of the offence, take that period of custody into account.

(2) Where the Central Government is satisfied that a protected prisoner of war accused of an offence has been in custody in connection with that offence, while awaiting trial, in a place other than a camp or place in which protected prisoners of war are detained, for an aggregate period of not less than three months, the Central Government may direct that the prisoner shall be transferred from that custody to the custody of an officer of the Armed Forces of the Union and thereafter remain in military custody at a camp or place in which protected prisoners of war are detained, and be brought before the court at the time appointed for his trial.

CHAPTER IV ABUSE OF THE RED CROSS AND OTHER EMBLEMS

Section 12. Prohibition of use of Red Cross and other emblems

No person shall, without the approval of the Central Government, use for any purpose whatsoever-

(a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross";

(b) the emblem of a red crescent moon on , and completely surrounded by, a white ground, or the designation "Red Crescent";

(c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lions back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun";

(d) the emblem of a white or silver cross with vertical and horizontal arms of the same length on, and completely surrounded by, a red ground, being the heraldic emblem of the Swiss Confederation; or

(e) any design or wording so nearly resembling any of the emblems or designations specified in the preceding clauses of this section as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.

Section 13. Penalty

If any person contravenes any of the provisions of section 12, he shall be punishable with fine which may extend to five hundred rupees, and be liable to forfeit any goods upon or in connection with which the emblem, designation, design or wording was used by that person.

Section 14. Offences by companies

(1) If the person committing an offence under this Chapter is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Chapter has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other

officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm means a partner in the firm.

Section 15. Saving

In the case of a trade mark registered before the coming into force of this Act, the foregoing provisions of this Chapter shall not apply by reason only of its consisting of or containing a design or wording which reproduces or resembles an emblem or designation specified in clause (b) or clause (c) of section 12; and where a person is charged with using such a design or wording for any purpose and it is proved that he used it otherwise than as, or as part of, a trade mark so registered, it shall be a defence for him to prove-

(a) that he lawfully used that design or wording for that purpose before the coming into force of this Act; or

(b) in a case where he is charged with using the design or wording upon goods, that the design or wording had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade and who lawfully used the design or wording upon similar goods before the coming into force of this Act.

Section 16. Use of Red Cross and other emblems on Indian ship or aircraft

The provisions of this Chapter extend to the use in or outside India of any emblem, designation, design or wording as is referred to in section 12 on any Indian ship or aircraft.

CHAPTER V MISCELLANEOUS

Section 17. Cognizance of offences

No court shall take cognizance of any offence under this Act except on complaint by the Government or of such officer of the Government as the Central Government may, by notification in the Official Gazette, specify.

Section 18. Power to make rules

The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

Section 19. Rules to be laid before Parliament

Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made or issued 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 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.

Section 20. Repeal

(1) The Geneva Convention Implementing Act, 1936 (14 of 1936), is hereby repealed.

(2) The Geneva Convention Act, 1911 (1 and 2 Geo. 5, C. 20), shall cease to have effect as part of the law of India.

Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

THE FIRST SCHEDULE (official file, page 8)

THE SECOND SCHEDULE (official file, page 23)

THE THIRD SCHEDULE (official file, page 36)

THE FOURTH SCHEDULE (official file, page 72)

Prepared by Law Maker (lawmaker.in), operated by Bitola Industries Pvt Ltd, from the official text. Free judiciary mock tests, past papers, landmark judgments and the old and new criminal laws side by side: https://www.lawmaker.in