

# Diplomatic and Consular Officers (Oaths and Fees) Act, 1948

UNION OF INDIA

India

## Diplomatic and Consular Officers (Oaths and Fees) Act, 1948

### Act 41 of 1948

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1. [Amended by The Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1973 (Act 02 of 1973) on 13 March 1973]

Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 Act No. 41 of 1948

### 1503.

Object and Reason.- Prior to the passing of the Indian Independence Act, 1947, British diplomatic and consular officers performed notarial duties in respect of Indian nationals abroad and charged fees therefor and for other consular functions for which fees were leviable. They were also authorised to administer oaths. Legal authority for the exercise of these functions existed in the Consular Salaries and Fees Act, 1891, and the Commissioners for Oaths Act, 1889, passed by the English Parliament. On the passing of the Indian Independence Act, 1947, His Majesty's Government in the United Kingdom ceased to have any responsibility in the matter. It has therefore become advisable to provide statutory authority for the fixation, levy and accounting of fees to be charged by Indian diplomatic and consular officers abroad and for the administration of oaths and the taking of affidavits by them in much the same manner as was done by British diplomatic and consular officers prior to the Indian Independence Act, 1947. [3rd September, 1948.] An Act to provide for the administration of oaths by diplomatic and consular officers and to prescribe the fees leviable in respect of certain of their official duties. WHEREAS it is expedient to provide for the administration of oaths by diplomatic and consular officers and for the levy of fees in respect of certain official duties performed by them; It is hereby enacted as follows:-

### 1. Short title.-

This Act may be called the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948.

## **2. Definitions.-**

In this Act,-(a)"consular officer" includes consul-general, consul, vice-consul, consular agent, pro-consul and any other person authorized to perform the duties of consul-general, consul, vice-consul or consular agent;(b)"diplomatic officer" means any ambassador, envoy, minister, charge d'affaires, or secretary of embassy or legation; and(c)"prescribed" means prescribed by rules made under this Act.(d)[ \* \* \* \* \* ] [Omitted by Act 02 of 1973, section 2(b)]

## **3. Powers as to oaths and notarial acts abroad.-**

(1)Every diplomatic or consular officer may, in any foreign country or place where he is exercising his functions, administer any oath and take any affidavit and also do any notarial act which any notary public may do within [a State] [Substituted for the word Part A States by 3 A.L.O., 1956]; and every oath, affidavit and notarial act administered, sworn or done by or before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in [a State] [Substituted for the word Part A States by 3 A.L.O., 1956].(2)Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any person authorized by this Act to administer an oath in testimony of any oath, affidavit or act, being administered, taken or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

## **4. Punishment for offences under this Act.-**

(1)Whoever swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.(2)Whoever forges or fraudulently alters the seal or signature of any person authorized by or under this Act to administer an oath or tenders in evidence, or otherwise uses, any affidavit having any seal or signature so forged or counterfeited or fraudulently altered knowing the same to be forged, counterfeited or fraudulently altered, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

## **5. Trial of offences.-**

Any offence under this Act may be inquired into, dealt with, tried and punished in [any State] [Substituted for "any Part A or Part C State" by 3 A.L.O., 1956] in which the person charged with the offence was apprehended or is in custody, in the same manner and to the same extent as if the offence had been committed within the [any State] [Substituted for "any Part A or Part C State" by 3 A.L.O., 1956] where he was apprehended or is in custody.

## **6. Power to prescribe fees.-**

(1)The Central Government may, from time to time, prescribe the fees to be levied in respect of any matter or thing done by a diplomatic or consular officer in the execution of his office.(2)All such fees

shall be levied, accounted for and applied and may be remitted in such manner as may be prescribed.(3)A diplomatic or consular officer shall not, save as may be provided by any rules made in this behalf, ask for or take any fee or reward for or on account of any act or thing, or service done, performed or rendered by him in the execution of his office.

## **7. Publication and issue of tables of fees.-**

(1)Tables of the fees which may, for the time being, be levied under the rules shall be published in such manner and copies thereof shall be issued gratuitously to such persons as may be prescribed.(2)Every consular officer, and every diplomatic officer in any: foreign country or place where there is no consular officer, shall keep exhibited in a conspicuous place in his office a copy of the table of fees to be levied under this Act and shall permit the same to be inspected by any person interested therein.

## **8. Power to make rules.-**

(1)The Central Government may, [by notification in the official Gazette,] [Inserted by Act 04 of 1986, section 2] make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may prescribe-(a)the scale of fees leviable under this Act and the manner in which such fees shall be levied and collected;(b)the remuneration, if any, payable to a diplomatic or consular officer in the execution of any of the duties vested in him by this Act;(c)the registers to be kept and the returns to be made in pursuance of this Act; and(d)the manner in which copies of tables of fees may be published and distributed.(3)[ Every rule made under this Act 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 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 session aforeside, both Houses agree in making any modification in the rule or both Houses agree taht the rule should not be made, the rule shall thereafter have effect only in such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.] [Inserted by Act 02 of 1973, section 3]