



The Uttar Pradesh Upahar Vastu Adhiniyam, 1970
Act 18 of 1970

Keyword(s):
Gift Goods, Relief Organisation

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THE UTTAR PRADESH UPAHAR VASTU
ADHINIYAM, 1970

(U. P. ACT No. 18 OF 1970)

* (Authoritative English Text of the Uttar Pradesh Uphar
Vastu Adhiniyam, 1970).

AN
ACT

to provide for the prohibition of and punishment for unlawful
possession of or dealing with goods supplied for relief and
other charitable purposes by international organisations.

IT IS HEREBY enacted in the Twenty-first Year of the Republic
of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Uphar **Short title and**
Vastu Adhiniyam, 1970. **extent.**

(2) It extends to the whole of Uttar Pradesh.

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

(a) "gift goods" means any of the goods specified in
Schedule I, supplied by way of gift by any relief organisa-
tion to the Government of India or to the State Govern-
ment or to any person on behalf of the Government of
India or the State Government ;

(b) "relief organisation" means any organisation
specified in Schedule II ; and

(c) "State Government" means the Government of
Uttar Pradesh.

3. Whoever without reasonable cause is in possession of or **Punishment for**
deals with any gift goods otherwise than in conformity with **unauthorised pos-**
the scheme relating to the supply, distribution and custody of **session of or deal-**
such goods shall on conviction be liable to be punished with **ing with gift**
imprisonment for a term which may extend to two years or **goods.**
with fine or with both.

Explanation—Ignorance of the identity of the goods being
gift goods shall not by itself be deemed to be reasonable
cause for the purposes of this section.

4. (1) Any police officer may arrest without warrant any **Offences to be**
person who is reasonably suspected of having committed any **cognizable, and**
offence punishable under this Act. **triable by First**

(2) No court inferior to that of a Magistrate of the first **Class Magistrate.**
class shall try any such offence.

5. Any court trying an offence punishable under section 3 **Power to order**
may direct that any property in respect of which the court is **forfeiture.**
satisfied that such offence has been committed shall be forfeited
to Government.

6. (1) If the person committing an offence punishable **Offences by com-**
under this Act is a company, every person who at the time the **panies.**
offence was committed was in charge of and was responsible
to the company for the conduct of business of the company,
as well as the company, shall be deemed to be guilty of the

*For statement of Objects and Reasons, please see *Uttar Pradesh
Gazette Extraordinary*, dated March 4, 1970.

(Passed in Hindi by the Uttar Pradesh Legislative Council on
March 10, 1970 and by the Uttar Pradesh Legislative Assembly on
April 30, 1970).

(Received the Assent of the Governor on May 19, 1970, under
Article 200 of the Constitution of India and was published in the *Uttar
Pradesh Gazette Extraordinary*, dated May 22, 1970).

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 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 any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of any managing agent, secretaries and treasurers, director, manager, secretary or other officer of the company, such managing agent, secretaries and treasurers, 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 a 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.

Power to amend Schedules. 7. (1) The State Government may, by notification in the *Gazette* :

(i) add any goods to, or omit any goods from, Schedule I ;

(ii) add any organisation to, or omit any organisation from, Schedule II ;

and on the publication of such notification such goods or organisation shall be deemed to be included in or, as the case may be, omitted from such Schedule.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days, extending in its one session or more than one successive sessions and shall, unless some later date is appointed by the State Government, take effect from the date of its publication in the *Gazette*, subject to such modifications or annulments as the two Houses may during the said period agree to make, so, however, that any such modifications or annulments shall be without prejudice to the validity of anything previously done thereunder.

SCHEDULE I

[See SECTIONS 2 (a) AND 7]

1. Corn meal.
2. Milk powder.
3. Soyabean oil ; sunflower seed oil.

SCHEDULE II

[See SECTIONS 2 (b) AND 7]

1. United Nations International Children Emergency Fund (UNICEF).
2. Co-operative for American Relief Everywhere (CARE).
3. Church World Service.
4. Lutheran World Relief.
5. Catholic Relief Service.
6. Young Men's Christian Association (YMCA).
7. International Red Cross.