

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XIV of 1990

THE WEST BENGAL PROHIBITION OF UNLAWFUL
POSSESSION OF GIFT GOODS ACT, 1990.*[Passed by the West Bengal Legislature.]**[Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 19th September, 1990.]**[19th September, 1990.]**An Act to prohibit unlawful possession of gift goods in West Bengal.*

WHEREAS it is expedient to prohibit unlawful possession of gift goods in West Bengal;

It is hereby enacted in the Forty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Prohibition of Unlawful Possession of Gift Goods Act, 1990.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

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

Definitions.

- (a) "gift goods" includes wheat, corn, soya milk, salad oil, milk powder or clothing, supplied as gift to the State Government or the Central Government or to any person or organisation on behalf of the State Government or the Central Government by any relief organisation for any specific purpose, and also includes such other food-stuffs or goods as the State Government may by notification specify in this behalf;
- (b) "notification" means a notification published in the *Official Gazette*;
- (c) "relief organisation" means an organisation specified in the Schedule;

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(Sections 3-8.)

- (d) "specific purpose" means the purpose of—
- (i) distribution of gift goods of persons affected by drought, flood, storm, cyclone, earthquake or any other natural calamity, or
 - (ii) organising nutrition feeding under the Integrated Child Development Services Scheme, Special Nutrition Programme or any other scheme or programme aimed at nutrition feeding, or
 - (iii) distribution of gift goods to any persons for amelioration of distress of any kind.

Prohibition
of unlawful
possession
of gift
goods.

3. No person shall keep in his possession or deal with any gift goods without lawful authority or otherwise than in conformity with the scheme relating to supply, distribution and custody of such goods as may be approved by the State Government or any relief organisation.

Penalty for
unlawful
possession
of gift
goods.

4. Whoever is found, or is proved to have been, in possession of any gift goods reasonably suspected of having been stolen or unlawfully obtained shall, unless he proves that the gift goods came into his possession lawfully, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Offences to
be cogni-
zable and
non-bailable.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under section 4 shall be cognizable and non-bailable.

2 of 1974.

Power to try
offences.

6. No court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under section 4.

Power to
amend
Schedule.

7. The State Government may by notification add to, or omit from, the Schedule any relief organisation, and thereupon the Schedule shall be deemed to be amended accordingly.

Notification
under
section 7
to be laid
before State
Legislature.

8. Every notification under section 7 shall, as soon as may be after it is published, be laid before the State Legislature, while it is in session, for a total period of fourteen 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, the State Legislature agrees in making any modification in the notification or the State Legislature agrees that the notification should not be issued, the notification 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.

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(Section 9.)

9. The State Government may by notification make rules for carrying out the purposes of this Act. Power to make rules.

THE SCHEDULE

[See sections 2(c) and 7.]

List of Relief Organisations

1. United Nations International Children's Emergency Fund.
 2. Co-operative for American Relief Everywhere.
 3. World Food Programme.
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