

THE UTTAR PRADESH UPAHAR VASTU ADHINIYAM, 1970¹

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

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

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:-

**Short title and
extent**

1. (1) This Act may be called the Uttar Pradesh Uphar Vastu
Adhiniyam, 1970.

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

Definitions

2. In this Act, unless the context otherwise requires :-

(a) "gift goods" means any of the goods specified in Schedule I,
supplied by way of gift by any relief organisation to the Government of
India or to the State Government 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.

**Punishment
for
unauthorised
possession of
or dealing with
gift goods**

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

**Offences to be
cognizable,
and triable by
First Class
Magistrate**

4. (1) Any police officer may arrest without warrant any person
who is reasonably suspected of having committed any offence
punishable under this Act.

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

**Power to
order
forfeited**

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

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

**Offence by
companies**

6. (1) If the person committing an offence punishable under this Act is a company, every person who at the time the 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 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.

[The Uttar Pradesh Upahar Vastu Adhiniyam, 1970]

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.
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