

# The Uttar Pradesh Upahar Vastu Adhiniyam, 1970

UTTAR PRADESH

India

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### Act 18 of 1970

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The Uttar Pradesh Upahar Vastu Adhiniyam, 1970[Act No. 18 of 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. Short title and extent

(1)This Act may be called the Uttar Pradesh Upahar Vastu Adhiniyam, 1970.(2)It extends to the whole of Uttar Pradesh.

### 2. Definitions

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.

### 3. Punishment for unauthorised possession of or dealing with gift goods

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.

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

(1) Any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence punishable under this Act. (2) No court inferior to that of a Magistrate of the first class shall try any such offence.

#### **5. Power to order forfeiture**

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.

#### **6. Offences by companies**

(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 or 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.

#### **7. Power to amend Schedules**

(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 there under.

**[See sections 2 (b) and 7]**

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

**[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.