WEST BENGAL PROHIBITION OF UNLAWFUL POSSESSION OF GIFT GOODS ACT, 1990

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. (l) This Act may be called the West Bengal Prohibition of Unlawful Possession of Gift Goods Act, 1990. 2. (2) It extends to the whole of West Bengal. (3) It shall come into force at once. In this Act, unless the context otherwise requires,— (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 Govemment 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; 183 Short title, extent and commence- men t. Definitions. The West Bengal Prohibition of Unlawful Possession of Gift Goods Act, 1990. [West Ben. Act Prohibition of unlawful posses Sion of gift goods. Penalty for unla wful possession of gift goods. Offences to be cogni- zable and non-bailable. Power to try offences. Power to amend Schedule. Notification under section 7 to be laid before State Legislature. (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

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 Govemment or any relief organisation

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

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

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

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

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, 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 notificaüon shall thereafter have effect only in such modified form or be of no effect, as tle 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.184 2 of 1974. The West Bengal Prohibition of Unlawful Possession of Gift Goods Act, 1990. of 1990.1 (Section 9.) 9. The State Government may by notification make rules for carrying out the purposes of this Act. THE SCHEDULE [See sections 2(c) and 7.] List of Relief Organisations 1. United Nations International Children's Emergency Fund. 2. Co-operaüve for American Relief Everywhere