

**Himachal Pradesh Gift Goods (Unlawful Possession) Act,
1968**

13 of 1969

[29 May 1969]

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Unlawful Possession Of Gift Goods
4. Offences Under The Act To Be Cognizable
5. Power To Amend Schedule
6. Repeal And Savings

**Himachal Pradesh Gift Goods (Unlawful Possession) Act,
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An Act to provide for the punishment of the offence of unlawful possession of the gift goods supplied by certain organisations. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:- 1. For Statement of Objects and Reasons see R.H.P.Extra., dated 30th November, 1968, p. 1176.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Himachal Pradesh Gift Goods (Unlawful Possession) Act, 1968.
- (2) It extends to the whole of Himachal Pradesh.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless there be anything repugnant in the subject or context,-

- (1) "gift goods" means any of the goods supplied, by way of gift, by any relief organisation to any State Government or the

Government of any Union territory or the Central Government or any other person on behalf of such Government;

(2) "relief organisation" means any organisation specified in the Schedule appended to this Act;

(3) "State Government" means Government of Himachal Pradesh; and

(4) "notification" means a notification published under proper authority in the Rajpatra, Himachal Pradesh.

3. Unlawful Possession Of Gift Goods :-

If any person is found, or is proved to have been, in possession of any gift goods reasonably suspected of being stolen or unlawfully obtained and cannot account satisfactorily how he came by the same, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

4. Offences Under The Act To Be Cognizable :-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898) an offence under this Act shall be a cognizable offence within the meaning of that Code.

(2) No Court below that of the Magistrate of the First Class shall try an offence under this Act.

5. Power To Amend Schedule :-

(1) The State Government may, by notification add any organisation to, or omit any organisation from, the Schedule, and on the publication of such notification, such organisation shall be deemed to be included in, or as the case may be, omitted from, the Schedule.

(2) Every notification issued under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly of Himachal Pradesh while it is in session, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the notification or 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.

6. Repeal And Savings :-

(1) The Punjab Gift Goods(Unlawful Possession) Act, 1963 (24 of 1963) as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) is hereby repealed.

(2) Notwithstanding the repeal of the Act under sub-section (1), anything done or any action taken, including any order passed or any notification issued in exercise of the powers conferred by or under the said Act, shall, to the extent of being consistent with the provisions of this Act, be deemed to have been done, taken, passed or issued in exercise of the corresponding powers conferred by or under this Act.