

## **KARNATAKA GIFT GOODS (UNLAWFUL POSSESSION) ACT, 1963**

**20 of 1963**

[ ]

### CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Penalty for unlawful possession of gift goods
- 3A. Prohibition of sale or purchase of gift goods
- 3B. Presumption in respect of certain goods
4. Offences under the Act shall be cognizable
5. Cognizance of offences
- 5A. Disposal of goods seized
- 5B. Confiscation of animals, vehicles, etc
- 5C. Payment of a portion of fine to Police Officers and others
6. Power to amend Schedule II

**SCHEDULE 1 :-** SCHEDULE

**SCHEDULE 2 :-** SCHEDULE

## **KARNATAKA GIFT GOODS (UNLAWFUL POSSESSION) ACT, 1963**

**20 of 1963**

[ ]

STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 20 OF 1963] Karnataka Gazette, Extraordinary, dated 20-4-1963 The State Government will be receiving corn-meal, milk, milk-powder, vegetable oil/butter as gift goods from the voluntary organisations such as CARE, Church World Service, Lutheran World Relief, Catholic Relief Service, International Red Cross, etc. It is necessary to prevent unlawful possession and use of these articles so that gift goods will be used for the purpose for which they are given. it is therefore proposed to undertake legislation on the lines of similar enactments passed by the neighbouring States of Madras and Kerala. Hence this Bill. STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 28 OF 1966] Karnataka Gazette,

Extraordinary, dated 30-3-1966 All the food articles gifted by the Voluntary Organisations have not been enumerated in the Karnataka Gift Goods (Unlawful Possession) Act, 1963. It is proposed by means of this amendment to regulate the possession of such articles and to bring all these articles gifted by any relief organisation to any State Government or to the Central Government or to any other person or organisation individually or on behalf of such Government within the purview of the said Act and to provide for deterrent punishment for their unlawful possession. It is also proposed to provide for the Courts trying an offence under the Act to give precedence to such trials over the trial of any other offence pending in the Courts and also to deliver such articles confiscated by the police or other bodies or persons authorised in this behalf to officers and authorities of the State Government, after retaining samples thereof, for trial or enquiry, in order to avoid deterioration and consequent wastage of the articles.

STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 10 OF 1969] Karnataka Gazette, Extraordinary, dated 26-4-1968 It is considered necessary that the police officers and others who detect or help in the detection of cases relating to Gift Goods in which a measure of industry and investigation beyond what is expected of them in the performance of duties is called for should be awarded suitable rewards in recognition of their service, as such recognition will constitute a great incentive for them and contribute to the detection of a large number of such cases. The Karnataka Gift Goods (Unlawful Possession) Act, 1963 is therefore proposed to be amended making provision for this purpose. Hence this Bill.

### **1. Short title, extent and commencement :-**

- (1) This Act may be called the Karnataka Gift Goods (Unlawful Possession) Act, 1963.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force at once.

### **2. Definitions :-**

In this Act, unless the context otherwise requires.

### **3. Penalty for unlawful possession of gift goods :-**

- <sup>1</sup> Whoever is found or is proved to have been in possession of any quantity of gift goods 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.

1. Sections 3,3-A and 3-B substituted for Section 3 by Act No. 28 of 1966, w.e.f. 15-9-1966

**3A. Prohibition of sale or purchase of gift goods :-**

(1) No person shall sell or purchase any quantity of gift goods.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**3B. Presumption in respect of certain goods :-**

(1) Any goods specified in Schedule I contained in any receptable, package or covering on which such marks (including words and figures), as the State Government may from time to time by notification in the official Gazette specify, are found shall, until the contrary is proved, be presumed to be gift goods for purposes of Sections 3 and 3-A, and the conviction of any person under Section 3 or sub-section (2) of Section 3-A shall not be invalid by reason only that it is based solely on such presumption.

(2) The marks specified under sub-section (1) shall be the marks usually found on receptacles, packages or coverings of gift goods delivered by the different relief organisations.]

**4. Offences under the Act shall be cognizable :-**

Any offence under this Act shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

**5. Cognizance of offences :-**

**5A. Disposal of goods seized :-**

**5B. Confiscation of animals, vehicles, etc :-**

Any animal, vehicle, vessel or other conveyance used in carrying any goods in respect of which an offence punishable under this Act has been committed shall be confiscated by the order of the court:

Provided that no animal, vehicle, vessel or other conveyance shall be confiscated, if the owner thereof satisfies the court that he had exercised due care in preventing the commission of the offence.]

**5C. Payment of a portion of fine to Police Officers and others :-**

**1** The Magistrate trying any case under this Act may award any portion not exceeding one-half of any fine which may be levied under Section 3 to the police officers and other persons who may have given assistance in the detection or investigation of the offence.]

1. Section 5-C inserted by Act No. 10 of 1969, w.e.f. 8-5-1969

## **6. Power to amend Schedule II :-**

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is published in the official Gazette, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in any two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or both Houses agree 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.

### SCHEDULE 1

#### SCHEDULE

#### **SCHEDULE I**

[See Section 2(1)]

1. beans;

2. bulgur wheat;

3. butter;

4. butter oil;

5. cheese;

6. commeal;

7. cottonseed oil;

8. ghee;

9. hydrogenated oil;

10. milk powder;

11. rolled wheat;

12. soyabean oil;

13. sunflower oil;

14. wheat;

15. wheat flour.

SCHEDULE 2  
SCHEDULE

## **SCHEDULE II**

[See Section 2(2)]

1. United Nations Children's Fund (UNICEF).

2. Co-operative for American Relief Everywhere (CARE).

3. Church World Service.

4. Lutheran World Relief.

5. Catholic Relief Service.

6. International Red Cross.