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SECRET

1961 : T.N. Act 49]

*Gift Goods (Unlawful Possession)*

703

<sup>1</sup>[TAMIL NADU] ACT No. 49 OF 1961.<sup>2</sup>THE <sup>1</sup>[TAMIL NADU] GIFT GOODS (UNLAWFUL POSSESSION) ACT, 1961.

*[Received the assent of the Governor on the 8th January 1962, first published in the Fort St. George Gazette on the 17th January 1962 (Pausa 27, 1883).]*

**An Act to provide for the punishment of the offence of unlawful possession of gift goods supplied by certain relief organizations.**

WHEREAS it is expedient to provide for the punishment of the offence of unlawful possession of gift goods supplied by certain relief organizations ;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Gift Goods (Unlawful Possession) Act, 1961.

Short title,  
extent and  
commence  
ment.

(2) It extends to the whole of the <sup>3</sup>[State of Tamil Nadu].

(3) It shall come into force at once.

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<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 15th November 1961, Part IV Section 3 page 579.

<sup>3</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

## Definitions.

2. In this Act, unless the context otherwise requires,—

<sup>1</sup>[(1) “gift goods” means any of the following goods when supplied by way of gift, by any relief organization to any State Government or to the Central Government or to any other person on behalf of such Government, namely :—

- (a) cornmeal ;
- (b) milk powder ;
- (c) vegetable oil (soya bean oil or sunflower seed oil);
- (d) any other goods which the State Government may, by notification, from time to time, specify,]

(2) “relief organization” means any organization specified in the Schedule appended to this Act.

## Unlawful possession of gift goods.

3. 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 punished with imprisonment, for a term which may extend to two years, or with fine, or with both.

## Offences under the Act, to be cognizable.

4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 † (Central Act V of 1898) any offence under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

<sup>1</sup> This clause was substituted for the following clause (1) by section 2 of the Tamil Nadu Gift Goods (Unlawful Possession) Amendment Act, 1966 (Tamil Nadu Act 1 of 1966) :

“(1) “gift goods” means any of the following goods, namely :—

- (a) cornmeal ;
- (b) milk powder ;
- (c) vegetable oil (soyabean oil or sunflower seed oil) supplied, by way of gift, by any relief organization to any State Government or to the Central Government or to any other person on behalf of such Government ; ”

† Now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) No court below that of a \*Presidency Magistrate or of a \*Magistrate of the First Class shall try any offence under this Act.

5. The State Government may, by notification add any organization to, or omit any organization 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.

Power to  
amend  
Schedule.

6. (a) Every notification issued under this Act shall come into force on the day on which it is published.

Notifications to  
be placed before  
the Legislature.

(b) Every notification issued under this Act shall, as soon as possible, after it is issued, be placed on the table of both Houses of the Legislature and if before the expiry of the session in which it is so placed, or the next session, both Houses agree in making any modification in any such 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.

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\*According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from the 1st April 1974.

766

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## THE SCHEDULE

[See section 2(2).]

1. **\*\*United Nations Children's Fund.**
2. Co-operative for American Relief Everywhere (CARE).
3. Church World Service.
4. Lutheran World Relief.
5. Catholic Relief Service.

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**\*\*This item was substituted for the item "United Nations International Children Emergency Fund (UNICEF)" by G.O. Ms. No. 1726, Education and Public Health, dated 23rd July 1963.**