

# Cochin Rubber Theft Prevention Act, 1089

KERALA

India

## Cochin Rubber Theft Prevention Act, 1089

### Act 07 of 1914

- Published in Gazette 07 on 24 January 2017
- Assented to on 24 January 2017
- Commenced on 24 January 2017
- [This is the version of this document from 24 January 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Cochin Rubber Theft Prevention Act, 1089[Act VII of 1089]An Act to make special provision to prevent Thefts of Rubber and to Repress and punish the offence of receiving or disposing of stolen Rubber in Cochin;Whereas it is expedient to make special provision to prevent thefts of rubber and to repress and punish the offence of receiving or disposing of stolen rubber in Cochin It is hereby enacted as follows:

### 1. – Short title and commencement

(1)This Act shall be called The Cochin Rubber Theft Prevention Act, VII of 1089.(2)It extends to the whole of Cochin and shall come into force on the 1st day of Edavom 1089.

### 2. – Definitions

(1)In This Act, unless the contrary intention appears,– "Rubber plant" includes any of the following plants:□(a)Hevea Brasiliensis (Para rubber),(b)Manihot Glaziovii (Ceara rubber),(c)Castilloa Elastica,(d)Fious Elastica (Rambong),(2)Any rubber producing plant which the Diwan by notification in the Government Gazette, may declare to be a rubber plant for the purposes of this Act:"Rubber" includes marketable rubber prepared from the latex of any rubber plant, and the latex of any such plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into marketable rubber; but "rubber" does not include any manufactured article wholly or partly made of rubber.(3)"Wet rubber" means the latex of any rubber plant, whether fluid or coagulated, in any stage of preparation before the completion of the drying process:(4)"Licensed dealer" means a person licensed to deal in rubber under this Act:(5)"Licensed premises" means the place where a licensed dealer is authorised to deal in rubber:(6)"Purchase" includes the taking of rubber in exchange for other goods or on an account of any claim or indebtedness.

### **3. – Purchase of rubber by unlicensed person prohibited**

From and after the commencement of this Act it shall be unlawful for any person to purchase rubber, unless he has been licensed under this Act to deal in rubber, or has received from the Diwan Peishkar a permit authorising him to do so. Any person who purchases rubber without being so licensed, or without such permit, shall be guilty of an offence against this Act.

### **4. – Power of Diwan Peishkar to issue license to deal in rubber**

(1)The Diwan Peishkar may issue, free of charge, licenses under his hand authorising the person to whom the same are granted to deal in rubber,(2)Every such license may be in the form marked A in the Schedule or in such other form as the Diwan may from time to time prescribe, and shall state the name and the residence of the licensee and the premises at which he is authorised to deal in rubber.(3)Every such license shall expire, unless it is determined otherwise, on the last day of Karkadagam next following the date when it was issued.(4)The Diwan Peishkar may, in his discretion, issue permits in writing under his hand authorising the superintendents or Assistant Superintendents for the time being of the estates therein named, to purchase rubber. Such permits shall remain in force until revoked by the Diwan Peishkar.

### **5. – Power to refuse to issue license, etc**

(1)The Diwan Peishkar may, at his discretion, refuse to grant a license or permit to any applicant or to renew any license which has expired, and may revoke any license or permit already issued.(2)Any person who is aggrieved by the refusal of the Diwan Peishkar to grant or renew a license; or to grant a permit, or by the revocation of a license or permit, may appeal to the Diwan, who may confirm or reverse such refusal or revocation as may appear just.(3)Any person who is found guilty of any offence under this Act shall be liable to have his license cancelled.

### **6. – Duty of licensed dealers in rubber to paint words "Licensed Dealer in Rubber" on licensed premises**

Every licensed dealer shall cause the words "Licensed Dealer in Rubber" to be painted in conspicuous letters in the English and Malayalam languages upon his licensed premises. Any licensed dealer who fails to comply with the provisions of this section shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

### **7. – Provisions with regard to partners**

(1)Two or more persons carrying on business in partnership shall not be obliged to obtain more than one license in respect of the same premises. A license to two or more persons shall not be determined by the death or retirement from business of any one or more of the partners.(2)No license shall be assignable or shall authorise any person to deal in rubber by reason of his being executor or administrator of any person to whom such license has been granted.

## 8. – Offences

(1)It shall be unlawful:a. for any person to sell or to offer for sale or to deliver, or for any licensed dealer to purchase or to take delivery of, any rubber except between sunrise and sunset, or at any place other than licensed premises; orb. for any licensed dealer to purchase or to take delivery of rubber from any person who is not personally known to him, or from any person who he knows or has reasonable grounds for believing, is under the age of twelve years, or from any estate labourer; orc. for any licensed dealer to purchase or to take delivery of wet rubber from any person whatever.(2)Any person who does any act in contravention of this section shall be guilty of an offence against this Act.

## 9. – Book to be kept by licensed dealer

(1)Every licensed dealer shall keep on the premises at which he is authorised to deal in rubber, a book which shall be supplied to him by the Tahsildar of the Taluk, on payment of one rupee, and shall enter therein, immediately upon the delivery at his licensed premises of any rubber purchased by him, in the form marked B in the schedule hereto, or in such other form as the Diwan may prescribe, the following particulars, namely:□(a)the day, month and year of such delivery,(b)the weight of rubber delivered,(c)the name and residence of the person from whom the rubber was purchased,(d)the price paid for the rubber, and(e)where the person from whom the rubber is purchased is not a licensed dealer, the description and situation of the lands of which such rubber is or is alleged to be the produce.(2)Whenever any rubber which has not been purchased is brought into any licensed premises, whether the same is or is not the produce of land in the possession or occupation of the licensed dealer, the licensed dealer shall forthwith enter in the said book, or in such other form as may be prescribed for the purpose, the following particulars with regard to such rubber namely:□(a)the day, month and year when the rubber was brought into the licensed premises,(b)the weight of such rubber,(c)the manner in which the rubber was acquired, and, if grown on land in the possession or occupation of the licensed dealer, the description and situation of such land.(3)Whenever the licensed dealer removes any rubber from his licensed premises, whether the same has been acquired by purchase or otherwise the licensed dealer shall forthwith enter in the said book the date when the same was removed, and the name and residence of the person to whom the same was delivered.

## 10. – Inspection of licensed premises

It shall be lawful for any Magistrate or for any Police Officer not below the rank of an Inspector, or for any person authorised in writing by the Diwan Peishkar to inspect licensed premises, to enter any licensed premises at any time between sunrise and sunset, and to call for, inspect, and take extracts from, any book required to be kept by this Act, and if the licensed dealer or any one on his behalf fails to produce any such book, or refuses to allow such extracts to be made, or if any entry which ought to have been made is not in such book, or if any entry in such book is false in any particular, such licensed dealer shall be guilty of an offence, unless he proves to the satisfaction of the Court that such entry was made without his knowledge or consent or through a bona fide mistake, and shall be liable to a fine not exceeding one hundred rupees, or to simple imprisonment

which may extend to three months, or both.

## **11. – Responsibilities of partners**

When a license is granted under this Act to two or more persons carrying on business in partnership, every such person shall be liable for the acts and omissions of the other or others of them, unless the person held liable for the acts of his partner proves to the satisfaction of the Court that he is innocent and that he has in no way directly or indirectly contributed to the breach of the provisions of this Act with which his partner is charged.

## **12. – Forwarding of proceedings on conviction of licensed dealer to the Diwan peishkar**

When any licensed dealer is convicted of an offence against this Act, the Magistrate shall forward a copy of the proceedings to the Diwan Peishkar for his information.

## **13. – Duty of licensed dealer to keep scales on licensed premises**

Every licensed dealer shall keep on his licensed premises scales capable of weighing up to one hundred pounds at the least, and whenever he is called upon to do so by any officer authorised by section 10 of this Act to inspect licensed premises, he shall forthwith weigh all the rubber on his premises and shall give every facility and assistance to such officer to compare the weights of the stock of rubber upon such premises with the weights thereof as entered in the books which the licensed dealer is required by this Act to keep.

## **14. – Discrepancy between weight of rubber in licensed premises and weight according to books**

Whenever the weight of rubber found on the premises of a licensed dealer does not agree with the weight which, according to his books, ought to be on such premises, he shall be deemed to be guilty of an offence against this Act: Provided that, if he satisfies the Diwan Peishkar that such discrepancy is due to natural causes, or has risen through some bona fide mistake or owing to some loss, the Diwan Peishkar may direct that no prosecution shall be instituted against the licensed dealer.

## **15. – Where inspecting officer is refused admittance**

A licensed dealer shall at any time between sunrise and sunset give admittance to any officer who is authorised by section 10 of this Act to inspect licensed premises, and if any such officer is refused admittance to inspect the licensed premises or the dealer's books, the licensed dealer carrying on business in such premises shall be deemed to be guilty of an offence against this Act: Provided, however that, if such officer has reasonable grounds for believing that any offence has been committed upon the licensed premises against this Act, it shall be lawful for him to demand admittance and to inspect the same and the dealer's books, though it be after sunset and before

sunrise, and, unless he is admitted into the premises forthwith, the licensed dealer shall be guilty of an offence against this Act, and it shall be lawful for such officer to break into the licensed premises.

## **16. – Possession of rubber or wet rubber reasonably suspected to have been stolen**

(1) Any person who is found possession or charge of any rubber or wet rubber which is suspected to have been stolen, may be charged with being in possession of rubber which is reasonably suspected to having been stolen and if such person does not give an account to the satisfaction of the Magistrate as to how he came by such rubber or wet rubber, and the Magistrate is satisfied that, having regard to all the circumstances of the case, there are reasonable grounds for suspecting such rubber or wet rubber to have been stolen, such person may be convicted of an offence under this Act. (2) Where any Police Officer finds any person in possession or charge of rubber or wet rubber which he suspects to have been stolen, such rubber or wet rubber may be seized, and such person may be charged before a Magistrate as aforesaid. (3) Upon a conviction under this section, the Magistrate may direct the rubber or wet rubber in respect of which the accused was convicted, if the same has been seized, to be restored to any person who, he is satisfied, is the lawful owner thereof otherwise, he shall order the same to be forfeited.

## **17. – Compensation for false information or complaint**

(1) If, in case instituted upon information or complaint of an offence against the last foregoing section, a Magistrate acquits the accused, and is of opinion that the information given or complaint made was frivolous or vexatious, he may, in his discretion by his order or acquittal, direct the informant or complainant to pay to the accused, or to each of the accused where there are more than one, such compensation as the Magistrate thinks fit, provided that such compensation shall not in any case exceed one hundred rupees on the whole. (2) Provided that, before making any such direction, the Magistrate shall (a) record and consider any objection which the informant or complainant may urge against the making of the direction, and, (b) if the Magistrate directs any compensation to be paid, state in writing, in his order of acquittal, his reasons for awarding the compensation. (3) Recovery of the compensation. – (a) The sum so awarded shall be recoverable as if it were a fine: Provided that, if it cannot be realised, the imprisonment to be awarded in lieu shall be simple, and for such term not exceeding thirty days, as the Magistrate directs. (b) An informant or complainant who has been ordered under the first para of this section by a Magistrate to pay compensation to an accused person, may appeal from the order, in so far as the order relates to the payment of the compensation, as if such informant or complainant had been convicted on a trial held by such Magistrate. (c) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under the last preceding para, the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or if an appeal is presented, before the appeal has been decided. (d) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section. (e) If, on appeal or revision, the Appellate or Chief Court sets aside the award of compensation, the amount of compensation (if any) paid under this section to the accused, shall be recovered from him as if it were a fine and repaid to the complainant.

## **18. – Punishment for offences**

Any person who is convicted of an offence against this Act for which no punishment is specially provided by this Act, shall be liable to simple imprisonment which may extend to six months, or to fine not exceeding two hundred rupees, or to both.

## **19. – Power to frame rules**

It shall be lawful for the Diwan from time to time to make rules and to frame forms for giving effect to the provisions of this Act.

Form A - LicenseI hereby grant to a license to carry on the business of a dealer in rubberatThis license expires on the last day of KarkadagomDated this day of .....(Signed)Diwan PeishkarForm B - Form prescribed by Section 9.

- 1 Date when rubber is brought into premises.
- 2 Name and residence of person from whom purchased.
- 3 If not purchased how acquired.
- 4 Description and situation of land in which rubber was grown.
- 5 Weight
- 6 Pre paid per lb
- 7 How disposed of whether sold and to whom
- 8 Date of removal from licensed premises.