

# The Tamil Nadu Coffee-Stealing Prevention Act, 1878

TAMILNADU

India

## The Tamil Nadu Coffee-Stealing Prevention Act, 1878

### Act 8 of 1878

- Published on 30 August 1878
- Commenced on 30 August 1878
- [This is the version of this document from 30 August 1878.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tamil Nadu Coffee-Stealing Prevention Act, 1878Tamil Nadu Act 8 of 1878Received the assent of the Governor on the 30th August 1878, and of the Governor-General on the 28th September 1878).An Act to prevent thefts of Coffee.Whereas it is expedient to make special provision to prevent thefts of coffee, and to repress and punish the offence of receiving or disposing of stolen coffee in the neighbourhood of coffee plantations or estates; It is enacted as follows:-

#### 1. Short title.

- This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.] Coffee-stealing Prevention Act, 1878.

#### 2. Commencement and local extent of the Act.

- This Act shall take effect in such districts, divisions or parts of districts, or within such localities or limits within the [State of Tamil Nadu] [Substituted for the words 'State of Madras' by the Tamil Nadu Adaptation Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.], and from such date as the [State Government] [Substituted for the expression 'Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] may from time to time, direct by notification published in the [Official Gazette.] [For places to which the Act has been extended from time to time under this section, See the List of Local Rules and Orders.]The [State Government] [Substituted for the expression 'Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] may from time to time modify or cancel such direction by notification similarly published.

### **3. Interpretation.**

- In this Act-"Labourer". - "labourer" means and includes all persons except resident managers temporarily or permanently employed on a coffee estate in any capacity, whether agricultural, menial or otherwise howsoever;"Carrier". - "Carrier" means and includes all persons for the time being employed in the transport of coffee whether by portorage, pack-animals, boat, cart or otherwise, and whether as contractors, drivers or otherwise;"Coffee estate". - "Coffee estate" means and includes any land on which coffee is growing;"Coffee" means and includes all coffee not roasted or otherwise prepared for immediate consumption.

### **4. Coffee not to be taken from labourer.**

- It shall not be lawful for anyone to purchase, take in barter or exchange or receive coffee from any labourer employed on a coffee estate.

### **5. Coffee not to be taken from other than labourer, unless particulars entered in book.**

- It shall not be lawful for any one to purchase, take in barter or exchange, or receive coffee from any person other than a labourer employed on a coffee estate, unless the persons so purchasing, taking in barter or exchange, or receiving such coffee, shall, immediately thereupon enter or cause to be entered in a book to be kept by him, for that purpose a true record of such transaction, specifying -(a)the name, residence and occupation of the person from whom such coffee was so purchased, taken in barter or exchange, or received;(b)the date of the transaction; and(c)the quantity and description of the coffee so purchased, taken in barter or exchange, or received:Provided that this section shall not apply to coffee purchased, taken in barter or exchange or received from any person other than a labourer employed on a coffee estate, and intended bona fide for consumption in the house or on the premises of the person purchasing, taking in barter or exchange, or receiving the same as aforesaid.

### **5A. [ Person in charge of coffee estate to maintain a book of his transactions. [Inserted by section 3 of the of the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).]**

- Every person in charge of a coffee estate, whether he be owner thereof or not, who sells, gives in barter or exchange, or delivers any coffee, shall immediately thereupon enter or cause to be entered in a book to be kept by him for that purpose a true record of such transaction specifying-(a)the name, residence and occupation of the person to whom such coffee was so sold, given in barter or exchange, or delivered;(b)the date of the transaction; and(c)the quantity and description of the coffee so sold, given in barter or exchange, or delivered.]

## **6. Books to be produced on Police Officer's requisition.**

- All books required [to be kept] [The words 'to be kept' were inserted by section 4 the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).] by [sections 5 and 5-A] [The words and figures 'sections 5 and 5 A' were substituted for the word and figure 'section 5' by section 4 the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).] [\* \* \*] [The words 'to be kept by persons purchasing coffee' were repealed by section 4 the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).] shall be produced upon the requisition of any Police Officer, not below the rank of an officer in charge of a police station, generally or specially authorized by any Magistrate to require the production of such books.

## **7. Conditions under which coffee may be taken from a carrier.**

- It shall not be lawful for any one to purchase or take in barter or exchange coffee from any carrier, or for any carrier to sell or give in barter or exchange any coffee, unless the persons so purchasing or taking in barter or exchange such coffee shall, besides making the entry required by section 5 of this Act, also enter or cause to be entered in the book mentioned in the said section 5 the marks (if any) on the bags or other packages in which such coffee may be contained, and unless the entries required by this section and by the said section 5 be also correctly signed by such carrier in his own name, and attested by a Police Officer or the headman of the village within which the transaction takes place; for which attestation no fee shall be chargeable.

## **8. Penalty for breach of section 4, 5, [5-A] [The figure and letter '5-A' were inserted by section 5 of the Tamil Nadu Coffee-Stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).], 6 or 7.**

- Any person committing any breach of the provisions contained in section 4, 5, [5-A] [The figure and letter '5-A' were inserted by section 5 of the Tamil Nadu Coffee-Stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).], 6 or 7 of this Act shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees.

## **9. Penalty in case of labourer being found in possession of green coffee for which he cannot account.**

- Any coolie, maistri or other labourer employed on a coffee-estate found with green gathered [parchment or cherry dried] [Inserted by section 6, the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).] coffee in his possession, and failing to account satisfactorily for such possession, shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees.

## **10. Coffee not to be carried without permission of owner or agent.**

- No person shall carry or remove coffee from any coffee-estate, premises or place, or upon any road, highway or footway, without the express permission of the owner or of his authorised agent. Such permission shall be in writing, dated and signed by the said owner or his authorized agent, and shall contain the following particulars:-(a)the quantity of the coffee to be carried or removed;(b)the number, description and marks of the packages in which coffee is secured;(c)the place or destination to which the coffee is to be carried or removed; and(d)the names of the consignor and consignee. Any person committing any breach of the provisions of this section shall, on conviction by a Magistrate, be liable to pay a fine not exceeding hundred rupees.

## **11. Hours of gathering or removing coffee.**

- No coffee shall be gathered, moved, loaded or unloaded on any coffee-estate between sunset and sunrise. Any person committing a breach of this provision, or abetting (within the meaning of the [Indian Penal Code]) [See sections 107 and 108 of the Indian Penal Code (Central Act XLV of 1860).] such breach, shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees: Provided that nothing in section 10 or in this section shall apply to the ordinary operations of curing the crop on the estate such as pulping or storing.

## **12. Procedure of gathering, etc., was done to commit theft.**

- If it shall appear that such gathering, moving, loading or unloading was for the purpose of committing a theft, the person or persons so engaged shall be liable to be charged with theft, or abetment of theft, and be proceeded against for such offence under the provisions of sections 378 and 379 or sections 107 and 108 of the Indian Penal Code (Central Act XLV of 1860) and section 379 or sections 107, 108 and 109 of the Indian Penal Code (Central Act XLV of 1860), as the case may be.

**13. [This section was repealed by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as its application to the added territories is concerned, this section was repealed by section 12 of the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961)].**

## **14. Fines to be paid into public treasury.**

- All fines paid or levied under this Act shall be paid into the public treasury: Provided that the Magistrate trying any case under this Act may, [after reasons to be recorded in writing] [Inserted by section 8 of the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).], grant the whole or any portion of any fine levied therein as rewards to persons furnishing such information as may have led to the conviction of offenders under this Act.

**15. [ Duties of a person in charge of coffee-estate. [Inserted by section 9 the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).]**

- It shall be the duty of every person in charge of a coffee-estate whether he be owner thereof or not, to keep such books and to furnish such returns in connection with the coffee-estate or the coffee grown thereon at such times and to such authorities as may be prescribed by the [State Government], and to afford to such officers as may be generally or specially designated in that behalf by the Collector all reasonable facilities for verifying the correctness of such books and returns, and for obtaining such other information as may be required for the preparation in public offices of such statistics as the [State Government] [Substituted for the expression 'State Government of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] may prescribe.]

**16. [ Power to make rules. [Inserted by section 9 the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.]**

- The [State Government] may, after previous publication, make rules-(a)prescribing forms for the books, returns and statistics referred to in section 15;(b)regulating the time at which and the authority to whom such returns are to be furnished;(c)regulating the inspection and examination of such books, returns and statistics; and(d)generally for carrying out the purposes of this Act; and all such rules shall be published in the Official Gazette and shall, thereupon, have the force of law.]

**17. Penalty for failure to comply with the provisions of section 15.**

- Any person failing without reasonable excuse to comply with the provisions of section 15 of this Act shall be liable, on conviction by a Magistrate, to pay a fine not exceeding one hundred rupees.