

The Andhra Pradesh (Andhra Area) Coffee-Stealing Prevention Act, 1878

ANDHRA PRADESH

India

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Act 8 of 1878

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The Andhra Pradesh (Andhra Area) Coffee-Stealing Prevention Act, 1878 Act No. 8 of 1878 [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 neighborhood of coffee plantations or estate It is enacted as follows:-

1. Short title

This Act may be called the Andhra Pradesh (Andhra Area) Coffee-Stealing Prevention Act, 1878.

2. Commencement and local extent of Act

This Act shall take effect in such districts, divisions or parts of districts, or within such localities or limits within the Andhra Area of the State of Andhra Pradesh and from such date as the State Government may from time to time direct by notification published in the Official Gazette. Power to modify or annul notification:- The State Government 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, mineral or otherwise howsoever: "Carrier":- "carrier" means and includes all persons for the time being employed in the transport of coffee whether by porter age, 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":-"Coffee" means and includes all coffee not roasted or otherwise prepared for immediate consumption.

4. Coffee not to be taken from laborer

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

5. Coffee not to be taken from other than laborer unless particulars entered in book

It shall not be lawful for any one purchase, taken in barter or exchange, or receive coffee from any person other than a laborer 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 quantify and description of the coffee so purchased, taken in barter or exchange, or received: not to apply to coffee taken for bona fide personal consumption:-Provided that this section shall not apply to coffee purchased, taken in barter or exchange or received from any person other than a laborer 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

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 by sections 5 and 5-A 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 authorised 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 person 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 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 Sections 4, 5, 5-A, 6 or 7

Any person committing any breach of the provisions contained in Sections 4, 5, 5-A, 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 laborer being found in possession of green coffee for which he cannot account

Any coolie, maistri, or other laborer employed on a coffee estate found with green gathered parchment or cherry-dried 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 authorized agent. Permission to be in writing, etc.:—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 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 consigner and consignee. Penalty for breach of this section:—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 five 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. Penalty for breach of above provision:—Any person committing a breach of this provision, or abetting within the meaning of the Indian Penal Code 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 if 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, 108 and 109 of the Indian Penal Code, as the case may be.

13. Substituted punishment for second offence under section 9

It shall be at the discretion of the Magistrate in the case of any persons, not being females, who shall be convicted of a second offence under section 9 of this Act, to substitute corporal punishment under the provisions of Act. No. VI of 1864 (an Act, to authorize the punishment of whipping in certain cases), or of any other law for the time being in force in that behalf for the penalties provided by this Act:Provido:-Provided that such substituted punishment shall be awarded only in respect of the offence itself, and not as alternative penalty for non-payment of fine.

14. Fines to be paid into public treasury

All fines paid or levied under this Act shall be paid into the public treasury:Magistrate may grant rewards to informers:-Provided that the Magistrate trying any case under this Act may for reasons to rerecorded in writing 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

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 Government of Andhra Pradesh 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 Government of Andhra Pradesh may prescribe.

16. Power to make rules

The Government of Andhra Pradesh 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.