

Madras Coffee-Stealing Prevention Act, 1878

08 of 1878

[28 September 1878]

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PREAMBLE

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. For Statement of Objects and Reasons, see Fort St. George Gazette Supplement, dated 28th January 1878, page 3; for Report

of the Select Committee, see *ibid*, supplement, dated 13th August 1878, page 3; for Proceedings in Council, see *ibid*, Supplement, dated 12th February 1878, page 27 *ibid*, Supplement, dated 13th August 1878, page 100, *ibid*, Supplement, dated 20th August 1878, page 101.

1. Short title :-

This Act may be called the Madras 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 Presidency of Port St. George, and from such date as the ¹[State Government] may from time to time direct by notification published in the Official Gazette.²

Power to modify or annul notification.

The ¹[State Government] may from time to time modify or cancel such direction by notification similarly published.

1. The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. For places to which the Act has been extended from time to time under this section, see the List of Local Rules and Orders.

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 portage, 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 labourer :-

It shall not be lawful for any one 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:

Section not to apply to coffee taken for bona fide personal consumption.

Provided that this section shall not apply to coffee purchased taken

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 :-

¹[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.]

1. This section was inserted by section 3 of the Madras Coffee-stealing Prevention (Amendment) Act, 1900 (Madras Act II of 1900).

6. Books to be produced on police-officers requisition :-

All books required ¹[to be kept] by ¹[sections 5 and 5-A] ¹* * * * 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.

1. These words were inserted, the words "sections 5 and 5-A" were substituted for the words "section 5," and the words "to be kept by persons purchasing coffee" repealed by s. 4 ibid.

7. Conditions under which coffee may be taken from a

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 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, 6 or 7 :-

Any person committing any breach of the provisions contained in section 4, 5, ¹[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.

1. The figure and letter "5-A" were inserted by s.5 of Madras Act II of 1900.

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 ¹[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.

1. These words were inserted by s. 6, *ibid*.

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 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.

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)¹ (Central Act XLV of 1860) such breach, shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees :

Section 10 and this section not to apply to ordinary operations of curing.

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.

1. See ss. 107 and 108 of the Indian Penal Code.

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(XLV of 1860), as the case may be.

13. [Omitted] :-

¹[]

1. This section was repealed by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

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 ¹[after reasons to be recorded 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.

1 These words were inserted by Mad. Act II of 1900, s. 8.

15. Duties of a person in charge of coffee-estate :-

¹[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 ²[State Government of Madras], 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 ³[State Government of Madras] may prescribe.

1. Sections 15, 16 and 17 were added by Mad. Act II of 1900, s. 9.

2. The words "Provincial Government of Madras" were substituted for the words "Governor of Fort St. George in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3. The words "Provincial Government of Madras " were substituted for the words "Governor of Fort St. George in Council" by the Adaptation Order of 1937 and the word " State " was substituted for "Provincial" by the Adaptation Order of 1950.

16. Power to make rules :-

²The ¹[State Government of Madras] 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 3 [Official Gazette] and shall thereupon have the force of law.

1. The words "Provincial Government of Madras " were substituted for the words "Governor of Fort St. George in Council" by the Adaptation Order of 1937 and the word " State " was substituted for "Provincial" by the Adaptation Order of 1950.

2. Sections 15, 16 and 17 were added by Mad. Act II of 1900, s. 9

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

¹Any 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.]

1. Sections 15, 16 and 17 were added by Mad. Act II of 1900, s. 9