



The Tamil Nadu Coffee-Stealing Prevention Act, 1878

Act 8 of 1878

Keyword(s):

Prevent Theft of Coffee, Labourer, Carrier, Coffee Estate, Coffee

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statements of sums received, and expended and of estimated probable expenditure, on account of the City Police.

District Superintendents of Police to furnish similar statements to mufassal municipalities in respect of Police in towns.

by him in the past official year in respect of the Police-force, other than the Marine Police, employed in the said city, and a statement or estimate showing the probable expenditure to be incurred in the ensuing official year in respect of the said Police-force.

Every District Superintendent of Police shall, at such periods as the ¹[State Government] may from time to time direct, furnish to the Municipal Commissioners for every town in his district in which the ²Towns Improvement Act, 1871 (Madras), or any other corresponding law for the time being in force, is in operation, statements containing similar information to that mentioned in the preceding paragraph, in respect of the Police-force employed in every such town.

Madras Act III of 1871.

³(TAMIL NADU) ACT No. VIII OF 1878 ⁴.

[THE ³(TAMIL NADU) COFFEE-STEALING PREVENTION ACT, 1878.]

(Received 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.

Preamble.

WHEREAS it is expedient to make special provision to prevent thefts of coffee, and to repress and punish the

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 See now Tamil Nadu Act V of 1920.

³ 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, 1989, which came into force on the 14th January 1969.

⁴ For Statement of Objects and Reasons, see *Fort St. George Gazette* Supplement, dated the 28th January 1878, page 3; for Report of the Select Committee, see *ibid*, Supplement, dated the 13th August 1878, page 3; for Proceedings in Council, see *ibid*, Supplement, dated the 12th February 1878, page 27 *ibid*, Supplement, dated the 13th August 1878, page 100, *ibid*, Supplement, dated the 20th August 1878, page 101.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961, repealing the corresponding law in that territory.

offence of receiving or disposing of stolen coffee in the neighbourhood of coffee plantations or estates; It is enacted as follows:—

1. This Act may be called the ¹(Tamil Nadu) Short title. Coffee-stealing Prevention Act, 1878.

2. This Act shall take effect in such districts, divisions or parts of districts, or within such localities or limits within the ²[State of Tamil Nadu], and from such date as the ³[State Government] may from time to time direct by notification published in the Official Gazette⁴. Commencement and local extent of Act.

The ³[State Government] may from time to time modify or cancel such direction by notification ^{Power to modify or annual notification.}simi- larly published.

3. In this Act—

Interpretation.

“labourer” means and includes all persons ^{Labourer.}except resident managers temporarily or permanently employed on a coffee estate in any capacity, whether agricultural, menial or otherwise howsoever:

“carrier” means and includes all persons for the ^{“Carrier.”}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” means and includes any land on ^{“Coffee estate.”}which coffee is growing:

¹ 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.

² This expression was 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.

³ 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.

⁴ For places to which the Act has been extended from time to time under this section, see the List of Local Rules and Orders.

“coffee” means and includes all coffee not roasted or otherwise prepared for immediate consumption.

Coffee not to be taken from labourer.

4. 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.

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

5. 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* person at consumption.

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.

Person in charge of coffee estate to maintain a book of his transactions.

¹[5-A. 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—

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

(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. All books required¹[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. Books to be produced on police-officer's requisition.

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

8. Any person committing any breach of the provisions contained in section 4, 5, ²[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. Penalty for breach of section 4, 5, ²[5-A], 6 or 7.

¹ The words "to be kept" were inserted, the words and figures "sections 5 and 5-A" were substituted for the word and figure "section 5" and the words "to be kept by persons purchasing coffee" were repealed by s. 4 of the Tamil Nadu Coffee-stealing Prevention (Amendment) Act, 1900 (Tamil Nadu Act II of 1900).

² The figure and letter "5-A" were inserted by section 5, *ibid.*

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

9. 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.

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

10. 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.

Hours of gathering or removing coffee.

11. No coffee shall be gathered, moved, loaded or unloaded on any coffee-estate between sunset and sunrise.

¹These words were inserted by s. 6, of Tamil Nadu Act II of 1900.

Central Act XLV of 1860.

Any person committing a breach of this provision, or abetting (within the meaning of the Indian Penal Code)¹ such breach, shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees.

Penalty for breach of above provision.

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.

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

12. 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.

Procedure if gathering, etc., was done to commit theft.

Central Act XLV of 1860.

13. 2[]

14. All fines paid or levied under this Act shall be paid into the public treasury :

Fines to be paid into public treasury.

Provided that the Magistrate trying any case under this Act may ³[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.

Magistrate may grant rewards to informers.

⁴15. 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 con-

Duties of a person in charge of coffee-estate.

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

² 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).

³ These words were inserted by Tamil Nadu Act II of 1900, s. 8.

⁴ Sections 15, 16 and 17 were added by Tamil Nadu Act II of 1900, s.9.

tion with the coffee-estate or the coffee grown thereon at such times and to such authorities as may be prescribed by the ¹[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 ¹[State Government] may prescribe.

Power to make rules.

²16. The ¹[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 ³[Official Gazette] and shall thereupon have the force of law.

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

²17. 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.

¹ This expression was 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.

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

³ Those words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.