

TAMIL NADU WAREHOUSES ACT, 1951



1991: T. N. Act XV] Warehouses 173 I[TAMIL NADU] ACT No, XV OF 1951.2 [THB I[TAMIL NADU] WAREHOUSES ACT, 1951] (Received the assent of the President on the 12th June 1951 ; first published in the Fort St. George Gazette on the 26th June 1951). An Act to provide for the regulation and licensing of warehouses in the 3[State of Tamil Nadu]. WHEREAS it is expedient to encourage the establishment of warehouses and provide for their proper supervision and It is hereby enacted as follows control CHAPTER

1. Preliminary. 1. (1) This Act may be called the Nadu Ware- Short title, extent and houses Act, 1951. commence- ment, (2) It extends to the whole of the 8[State of Tamil Nadu]. (3) This section come into force at once ; and the rest of this Act shall come into force on such date* as the Government may by notification appoint, IThese 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. *For Statement of Objects and Reasons, see Fort. St. George Gazette, dated the 2nd November 1948, Part IV-A, Pages 418-420. This Act Was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act of 1957), repealing the corresponding law in force in that territory. 8This expression was substituted for the expression " State of Madras " by the Tamil Nadu Adaptation of Laws Order, amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, came into force on the 1st May 1953, 174 Warehouses 1551; f. N, AétxW' Definitions, 2, In this Act, unless there is anything repugnant in the subject or context— (1) ' co-operative society' means a society or deemed to be registered under the Madras Co-operative Societies Act, 1932 ;* (2) " depositor " means a person who has deposited goods with a warehouseman, and includes any lawful holder of the receipt issued by the warehouseman in of the goods ; (3) f' goods " means any of the articles specified in the Schedule to this Act Provided that the Government may, by rules made under this Act, add any article to, or omit any article from, the Schedule ; (4) " Government " means the State Government ; (5) " licensed warehouse " means a warehouse licensed under this Act ; (6) " notification " means a notification published in the Fort St. George Gazette ;** (7) " prescribed " means prescribed by rules made under this Act ; " prescribed authority " means, in relation to any provision of this Act, the authority prescribed by rules made under this Act to carry out such provision ; (9) " receipt " means a receipt in, the prescribed

form issued a warehouseman to a person depositing goods in the warehouse ; (10) " Rules " means rules made by the Government under this Act ; *Now the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961). "Now the Tamil Nadu Government Gazette. 1951: T. N. Act B*arehouses 193 a (11) " warehouse " means any building, structure or other roofed enclosure, which is or may be used for the purpose of storing any goods on behalf of depositors but does not include clock rooms attached to hotels, railway stations, the premises of other public carriers, and the like ; (12) " warehouseman " means a person who has obtained a licence under this Act in respect of his warehouse, CHAPTER 11. Licensing of Warehouses. 3, Any person may, subject to the provisions of this Act, obtain a licence in respect of his warehouse ; and the provisions of the Act to provisions of Chapters III, IV and V of this Act, except the apply only Explanation to section 17, shall apply only to a licensed warehouse. warehouses. Explanation.—Where a person had more than one warehouse, whether in the same town or village not, he shall obtain a separate licence for each warehouse in respect of which he desires a licence under this Act. 4. (1) Every application for a licence under section 3 shall be made to the prescribed authority and shall be in the prescribed form. (2) If the prescribed authority is satisfied— (a) that the warehouse is suitable for the proper storage of the class or classes of goods in respect of which the licence has been applied for ; (b) that the applicant is competent to conduct such warehouse (c) that he fulfils any other condition notified by the Government in this behalf ; (d) that the applicant has paid the fee prescribed for the licence and has also furnished the prescribed security, if any, such authority may grant a licence to the applicant for the conduct of business in respect of his warehouse in accordance with the terms of the licence and the provisions of this Act and the rules. (3) Every licence granted under this section shall be valid for the prescribed period and may, on application and on payment of the prescribed fee, be renewed, from time to time, by the prescribed authority and for the period, provided the other conditions in sub-section (2) continue to be fulfilled, (4) If the prescribed authority refuses to grant or renew a licence under this section, it shall record its reasons for such refusal in writing and communicate a copy of its order to the applicant. Suspension or 5. (1) The prescribed authority may suspend or cancel any licence granted or renewed under section 4— of licences. (i) if the licensee has applied to be adjudicated, or been adjudicated, an insolvent, or (ii) if he has parted, in whole or in part with his control over the warehouse, or (iii) if he has ceased to conduct such warehouse, or (iv) if he has made unreasonable charges for the services rendered by him, or (v) if he has become incompetent to conduct such warehouse, or (vi) if he has contravened, or failed to comply with, any of the terms of the licence or any of the provisions of this Act or the rules, or (vii) on any other prescribed ground. (2) Before passing an order under sub-section (1), the prescribed authority shall intimate to the licensee the grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against it. 1951: TON, Act Warehouses 177 (3) The prescribed authority may suspend the licence of a warehouseman pending the final order in that behalf under sub-section (1), (4) A copy of every order passed under sub-section (1) or sub-section (3) shall be communicated to the licensee. 6. On the expiry of his licence or on the receipt of an order suspending or cancelling it, the licensee shall, and he shall return the duties imposed, on a warehouseman by or under this Act, shall cease and determine and he shall return the licence to the prescribed authority: Provided that the prescribed authority may, after such expiration, suspension or cancellation, give such reasonable time as it thinks fit to the warehouseman to enable him to wind up the business of conducting the warehouse as licensed warehouse; and during such time, the warehouseman shall be entitled to the rights and be bound by the duties aforesaid

7. If a licence granted to a warehouseman is lost, Duplicate. destroyed or, damaged, the prescribed authority shall, on application and payment of the prescribed fee, issue a duplicate licence

CHAPTER 11 Duties of a Warehouseman. 8. Every warehouseman shall take as much care of the Warehouse-goods deposited with him as a man of ordinary prudence would take of his own goods under similar circumstances reasonable care of and conditions, goods. 9. (1) Every warehouseman shall keep his warehouse clean and free from damp, take all necessary precautions against rats and other pests, and fulfil such other conditions as may be prescribed. (2) No warehouseman shall accept goods for deposit which are likely to cause damage to other goods which are or may be deposited in the warehouse, 125-3—12 10, Every warehouseman shall keep the goods of one depositor separate from the goods of other depositors of good* and from other goods of the same depositor for which a separate receipt has been issued, in such a manner as to permit at

all times of the identification and delivery of the goods deposited : Provided that where standardized and graded goods are deposited in a warehouse, then, subject to any agreement between the warehouseman and any depositor the same variety of goods belonging to different depositors may be mingled together and each depositor shall be entitled only to his portion of the goods according to weight or quantity, as the case may be, as shown in his receipt, Goods IL (1) Whenever goods deposited in a warehouse deteriorating begin, or are about, to deteriorate from causes beyond in warehouse the control of the warehouseman, he shall forthwith give notice of the fact by post to the depositor, disposal. requiring him to take delivery of the goods immediately, after surrendering the receipt duly discharged and paying all charges due. to the warehouseman. Explanation,—Losing weight or bulk by shrinkage or dryage or gaining weight or bulk by absorption of moisture shall be deemed to amount to deterioration within the meaning of this sub-section, if the loss or gain exceeds such limits, if any, as may be prescribed, (2) If the depositor does not, within a reasonable time, comply with a notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and sold by public auction at the cost and risk of the depositor IL(2-A) If the warehouseman, after reasonable effort, is unable to sell the goods by public auction, he may sell the goods in any other manner he may think fit at the cost and risk of the depositor. Where the goods are sold as aforesaid, the warehouseman shall be entitled to deduct from the proceeds of such sale the charges incurred in selling the goods and all other amounts due These sub-sections were inserted by section 2 of the 'Tamil Nadu Warehouses (Amendment) Act, 1965 (Tamil Nadu Act 39 of 1965), T.N. Act xvj Warehouse 179 To him from the depositor on any account and shall for the balance, if any, in the prescribed (20) If the warehouseman is unable to sell the goods under sub-section (2-A), he may dispose of them in any manner he may think fit and shall not be subject any liability by reason of such disposal.] (3) Any person having an interest in any goods deposited in a warehouse or in the receipt for such goods may inform the warehouseman in writing of the fact and nature of his interest and the warehouseman shall keep record thereof; and if such person requests in writing that intimation be given to him regarding the condition of the goods and agrees to pay the charges for giving such intimation, the warehouseman shall give him intimation accordingly. 12. (1) Every warehouseman, in the absence of reasonable excuse, shall without unnecessary delay, deliver the goods deposited, in his warehouse to the depositor on demand made by him and surrender of the receipt duly discharged and payment of all charges due to the warehouseman, (2) Subject to any agreement between the warehouseman and the depositor, the depositor may take partial delivery of the goods deposited in a warehouse. (3) When goods are delivered wholly or in part under sub-section (1) or when they are disposed of under section 11, sub-section (2), the warehouseman shall be liable to compensation to the depositor for any loss sustained by him by reason of the goods having lost weight or bulk, in excess of the prescribed limits, owing to shrinkage or dryage, or by reason of deterioration in the quality of the goods owing to their having gained weight or bulk, in excess of the prescribed limits, by the absorption of moisture. 13. Every warehouseman shall, in the prescribed manner, insure against any prescribed event such classes of goods in the goods deposited in his warehouse as may be prescribed : warehouses ' This section was Substituted for original section 13, by section 2 of the Tamil Nadu Warehouses (Amendment) Act, 1961 (Tamil Nadu Act 50 of 1961). 125-3—122. 180 Warehouses Act XV Provided that nothing in this section shall apply to any prescribed class of goods deposited in a warehouse belonging to a warehousing corporation, established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1955 (Central Act 28 of 1956), if such warehousing Corporation has agreed; in the prescribed manner. to compensate the depositor of any prescribed class of goods against loss or damage arising from the prescribed events,] Discrimination. 14. No warehouseman shall, in the conduct of his business, discriminate between persons desiring to avail themselves of the facilities of his warehouse ; Provided that the warehouseman shall show such preference to co-operative societies in the State and allow them such concessional rates as the Government may from time to time direct, Warehouse 15. Notwithstanding anything contained in any other law, no warehouseman other than a co-operative society shall, either on his own account or that of others, deal in, lend against goods in or lend money on, goods received by him for deposit in warehouses. his warehouse. CHAPTER Warehouse Receipts, 16, For the goods deposited in his warehouse by receipt to be issued, each depositor, the warehouseman shall issue a receipt which shall contain full particulars of the goods and be in the prescribed form. 11.4 (1) The receipt issued by a warehouseman shall, Receipts for deposits

unless it is otherwise specified thereon, be transferable in ware- by endorsement and shall entitle the lawful holder houses, thereof to receive the goods specified in it on the same terms and conditions as the original depositor. Explanation.—The provisions of this sub-section shall not apply to any receipt issued by a person who has not obtained a licence under this Act in his warehouse, 1951: T.N. Act Warehouses 181 (2) Any receipt issued by a person who has not obtained a licence under this Act in respect of his warehouse shall expressly state (i) that he has not obtained a licence under this Act and (i) that the receipt is not transferable by endorsement. 18, If a receipt is lost, destroyed or damaged, the ware. Duplicate houseman shall, on application by the depositor and pay, receipt' ment by him of the prescribed fee, issue a duplicate receipt on such conditions as he may think fit to impose, being conditions included in rules prescribed for the purpose, CHAPTER V. Inspection and Grading of Goods

19. The prescribed authority may, at any time during Inspection, business hours, inspect or examine or cause to be inspected or examined, any licensed warehouse, its machinery and equipment, goods deposited therein, and the account books and records relating thereto, for the purpose of satisfying that the requirements of this Act and the rules are complied with. 20, (1) The prescribed authority may, on application Weighers, samplers made in the prescribed manner and on payment of the and graders, prescribed fee, issue licences to persons possessing the to obtain prescribed qualifications, entitling them to act as weighers, licences. Samplers, and graders of any goods deposited or to be deposited in a licensed warehouse, and to issue certificates as to the weight, bulk, quality or grade of the goods which they have examined. (2) Any certificate so issued shall, subject to the provisions of section 23, be binding on the warehouseman the depositor as to the weight, bulk, quality or grade of the goods so certified. 182 [1951 ; TN. XV 4. (3) No person who is not licensed under this section shall act, or hold himself out, as a weigher, sampler or grader. Provisions 21. (1) Every licence to a weigher, sampler, or regarding grading under section 20 shall be valid for the prescribed licences, period and may, on application and payment of the prescribed fee, be from time to time for the prescribed period by the prescribed authority. (2) The prescribed authority may suspend or any such licence, after communicating to the licensee the grounds on which it is proposed to take action and giving him a reasonable opportunity of showing cause against it. (3) The holder of any such licence shall, on the expiry thereof or the receipt of an order suspending or cancelling it, return the licence to the prescribed authority. Facilities 22. Every warehouseman shall provide facilities for to be given weighing, sampling and grading any goods in his for weighing warehouse. goods, etc. CHAPTER VI. Decision of Appeals, Disputes and Complaints. Decision of 23, The Government or the prescribed authority shall appeals, appoint a Board or Boards of Arbitrators for deciding— disputes and complaints. (a) appeals against any order refusing to grant or renew a licence in respect of a warehouse or to a weigher; sampler, or grader, or suspending or cancelling any such licence (b) disputes arising between a warehouseman and a depositor regarding any matter, including the weight, quality or grade of the goods deposited or the compensation payable under section 12, sub-section (3) ; (c) complaints made by a warehouseman or depositor against any weigher, sampler or grader for by a weigher, sampler or grader against any warehouseman or depositor; 1951 : T.N. Act xvj Warehouses 183 (d) any appeal* disputes and complaints in such Other matters as may be prescribed, Explanation.—In this section, "depositor" includes a who has tendered goods to a warehouseman deposit in his warehouse. CHAPTER VII Miscellaneous

24. Where any licence is suspended or cancelled under No compensation Act, the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to the refund of suspension my fee paid by him for the licence. or cancellation of licence

25. Every contract or agreement which is inconsistent with the provisions of this Act, or the rules, shall, to the extent of such inconsistency, be void. 26. (1) Whoever— (a) acts, or holds himself out, as a licensed warehouseman without having obtained a licence under this Act, or (b) knowingly, contravenes or fails to comply with any of the provisions or requirements of this Act or the rules, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both. (2) Where a person committing an offence under sub-section (1) is a company or an association or a body of persons, whether incorporated or not, the manager, secretary, agent or other principal officer, managing the affairs such company, association or body, shall be deemed to be guilty of such offence. inconsistent with Act to be void. Penalty and procedure. 27, (1) The Government may, rules to carry out the purposes of this Act. *1, *The words "by notification" were omitted by section the Tamil Nadu Warehouses (Amendment) Act* 1961 Nadu Act 50 of 1961). make Rules. 3(i) of (Tamil 184 [1951 g TN, Act XV (2) In particular

and without prejudice to the generality of the foregoing power, such rules may add any article to, or omit any article from, the schedule, or provide for— (a) all matters expressly required or allowed by this Act to be prescribed ; (b) the conditions to be inserted in licences to be granted to warehousemen and the form of such (c) the publication of the grant, suspension or cancellation of licences to warehousemen and of consolidated lists of warehousemen and licensed warehouses ; (d) the charges to be levied by warehousemen for their services ; (e) the books, accounts and records to be maintained by warehousemen (f) the conduct of public auctions for the sale of goods deteriorating or about to deteriorate in licensed warehouses and the manner in which the proceeds of such sales shall be accounted for ; (g) the scales of losses and gains of weight or bulk which may be sustained by goods owing to shrinkage or dryage in the one case and owing to absorption of moisture in the other ; (h) the disinfection of licensed warehouses and the disinfection of goods stored therein ; (i) the circumstances in which any security or bond furnished by a warehouseman may be forfeited and the manner in which any sum falling due such forfeiture may be recovered (j) the general conduct of the business of warehousemen ; (k) the qualifications to be possessed by persons applying for the grant of licences as graders ; the conditions to be inserted in their licences the form of the certificates to be issued by them ; and the grounds for which the licences may be suspended cancelled J 1951 : Act Warehouses 185 (l) the standard weights, measures and gradation of goods to be used in licensed warehouses (m) the procedure to be followed in proceedings before Boards of Arbitrators, and the mode of executing their decisions ; (n) the manner of giving notices under this Act, (a) All rules made under this Act shall be published in the Fort St. George Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published, (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published. (4) Every rule made or notification issued under this Act, shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.] {These, sub-sections were substituted for sub-section (3) by section 3(ii) of the Tamil Nadu Warehouses (Amendment) Act, 1961 (Tamil Nadu Act 50 of 1961), * Now the Tamil Nadu Government Gazette, 186 Warehouse [1951; T.N. XV THE SCHEDULE. [See section 2 (3)] 1 Goods to which the Act applies. ill. (a) Paddy and rice ; (b) Wheat ; (c) Chola,umbu and ray (d) Bengalgram, redgram and blackgram and flour of these grams ; (e) Other foodgrains ; (f) Flour of foodgrains.] 2. (a) Oil seeds, including groundnut, gingelly, castor and copra ; (b) Coconuts. 3, Fibres including cotton kapas or lint, palm fibres, sunn hemp and Bombay hemp, 4, Senna and tea, 5. Arecanuts. 6, (a) Jaggery (sugarcane and palmyra) ; (b) Sugar, 7, Spices and condiments including pepper, cardamoms, ginger, turmeric, coriander, onions, garlic and 8, 'Potatoes. Sago, IO. Mustard seeds, 11. Groundnut oil cake, This was substituted for original item 1 by O.O. Ms. No. 1744, ILC (Co-operation), dated 29th March 1965. were added in G.O. Ms. No. 4867, ILC operation). dated 2nd October 1960, Ammonium sulphate. Super phosphate. Urea. Nitrate of potash. Bone meal. Rock phosphates

33. Ammonium phosphates. Calcium Ammonium nitrate. Manure mixtures.] 4[35-A. Other chemical fertilisers.] These items were added in G.O. Ms. No. 3416, ILC. (Co-op.), dated 28th April 1961. 2. These items were added in G.O. Ms. No. 706, LLC, dated 4th February 1963. 8 These items were added in Geo. Ms. No. 4030, ILCO (Co-ops), dated 14th August 1963. 4 This item was inserted in G.O. Ms. No. 404, Food, dated the 25th April 1969. 1951 T.N. Act 12. Cashewnuts, 13. Neem seeds, 14. Cotton seeds, 15, Tapioca flour

16. Tapioca starch.] 11 17. Gingelly oil cakes, Castor oil cakes, 18. Copra oil cakes

19. Neem oil cakes 20

9121. Sombu, 22. Venthayam

23. Pungam oil cakes. Pinnei oil cakes

24. Illuppai oil cakes

25. Cummin seed], 26.81270 28. 29. 30. 31. 32. 34, 35, IPareh0Jlses 187 188 Warehouses [1951; T,N, Act XV 1136. Coffee seeds;) 2137. Green manure seeds i (a) Sunnhemp ; (b) Daincha ; (c) Phillipesure ; (d) Indigo. 38. 39. 40. 41

8142. Cashewnut kernels.Chicory,root. Chicory powder. Soapnut seeds.] Tamarind seeds]. Iron and steel (Metal)

44. Iron and steel (Structurals), 45.Portland cement

46. Textiles (a) Course and fine cloth bale or case.(b) Super-fine cloth bale or case. Paper. 47

48. Leather.Groundnut oil. 49

50. Mustard oil.•51. Agmark sealed ghee. Gunny (bag) bales (fully processed). \$2. '[52-A. Unpressed empty gunny (bag) bales,] i This item was added in G.O. Ms. Na. 4808, ILC, (Co.op.),i dated the 4th OctobE 1963. 2These were added in G.O. Ms. No. 18, ILC, dated the 3rd January 1964. 8 This item was added in G.O. Ms. No. 3722, ILC, (Ca.op.),, dated the 24th July 1964. 4 These items were added in G.O. Ms. No. 1360, ILC, dated the 10th March 1965. 5 This item was inserted in G.O. Ms. NO' 404, the 25th April 1969. .9 1931 : T.N. XVJ 53, Sujis 54. Dhalls.] 1[55• 2156. 3157. 58. 59. 60. 61. 5163. 64. 61650 66. Warehouses If9 Poppy seeds (Khasa Khasa).] Tobacco.] Neem oil. Castor oil. Gingelly oil. Coconut oil. Other vegetable oils,] 4162. BHC and Lindane.] Washing soda, Soda ash,] Cotton yarn bales of 80 counts and above. Cotton yarn bales of 60 counts (i.e. more than 40 counts but less than 80 counts). 67, Cotton yarn bales of 40 counts and below.] *168. Zinc sulphate

69. Aluminium sulphate, 70.Copper sulphate. This item was added in G.O. Ms. No. 3041, I.L.C., dated the 16th June 1965. 2This item was added in G.O. Ms. No. 1084, Food, dated the 10th October 1967. 8 These items were added in G.O. Ms. Na. 1073, Food, dated the 22nd November 1969. 4 This item Was added in G.O. Ms, No. 795, Food, dated the 13th July 1970. 5 These items were added in G.O. Ms, No, 794, Food, dated 13th July 1970. 6 These items were added in G.O. Ms. Na. 267, Food, dated the. 3rd July 1972. 7 These items were added in GOO, Ms, No. 375, Food, dated the 3rd October 1972. w arenouses 71. Ferrous sulphate.] Rubber Oil Cake,] act X V 1172, Salt Petre (Potasium Nitrate), 2173. 74. (a) Wattle Bark. (b) Wattle Extract. Sun Flower seeds,] 75, 8176. Fish Meal, 77, Rice Bran and other Bran, 78, Tapioca chips, 79. Tapioca kippi. 80, Empty container metal, Chemicals, other chemicals and pesticides (packed 81, in tin or polythene containers,) 82. Miscellaneous : Cement. 83, Cumbu hybrid variety for seed purposes.] '[84. Processed fruit carton products

85. Skimmed Milk powder

86. Bulgar Wheat (Soy Fortified Bulgar Wheat) and Sorghum (Soy Fortified Sorghum Grits,) 87, Butter bil (Ghee).88, Blended food product of Corn, Soyabean and Milk,] i This item was added in GO, Ms, No. 34, Food, dated the 31st January 1973. a These items added in G.O. Ms. No. 217, Food, dated the 6th August 1973, 8These items were added in G.O. Ms, No. 132, Food, dated the 25th June 1977. These items were added in G.O, Mg. No. a06, Food, dated tho 4tb August 1979.