SUGARCANE (REGULATION OF PURCHASE & SUPPLY) THE PUNJAB SUGARCANE (REGULATION OF PURCHASE AND SUPPLY) ACT, 1953

Punjab Act No. 40 of 1953

Received at the assent of the Governor of Punjab on the 30th October 1953 and was first published in the Punjab Government Gazette (Extraordinary), of the 2nd November 1953).

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1953	40	The Punjab Sugarcane (Regulation of Purchase and Supply) Act,	Extended to Pepsu Territory by Punjab Act 18 of 1958. Amended by Punjab Act, 19 of 1959. Amended by Punjab Act, 25 of 1964. Amended by Punjab Act, 7 of 1966.

An Act to regulate the purchase and supply of sugarcane required for use in sugar factories.

It is hereby enacted as follows: -

1.(1)	This Act may be called the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.	[Short title, extent and commencement] [1953: Pb Act 40]
(2)	It extends to the whole of the State of Punjab.	
(3)	It shall come into force at once.	
(4)	Sugarcane (Regulation of Purchase and Supply)	

2.	**DEFINITIONS: -**	
(1))	In this Act unless the context otherwise requires: -	
)	"Assigned area" means an area assigned to a factory under this Act.	
(2)	"Board" means the Sugarcane Control Board;	
(3)	"Cane" means sugarcane intended for use in a factory.	
(4)	"Cane Commissioner" means the Officer appointed by the Government to perform the functions of Cane Commissioner;	
(5)	"Cane-grower" means a person including a tenant who cultivates cane either himself or through members of his family or through hired labour, and who is not a member of a Cane-growers' Cooperative Society;	
(6)	"Cane-growers' Cooperative Society" means a society registered under "Cooperative Societies Act, 1912, one of the objects of which is to sell cane grown by its members;	
(7)	"Collector" means the Chief Revenue Authority of a district;	
(8)	"Crushing season" means the period commencing on the 15th day of October, in any calendar year and ending on the 30th June of the following year:	
(9)	"Factory" means a sugar factory wherein 20 or more workers are working or were working, on any day of the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on which the aid of power:	
(10)	"Government" means the Government of State of Punjab;	
(11)	"Occupier of a factory" means the person who has control over the affairs of a factory, and where the affairs of a factory are	
(12)		
(13)		

3.(1)	The Government shall establish and constitute a Sugarcane Control Board for the State and ascribe to it such duties and functions in pursuance of the provisions of this Act, as may be prescribed.	Sugarcane Control Board
(2)	The Board shall be consisting of fifteen members.	Appointment of Cane Commissioner
(3)	The term of the Board shall be three years, provided that the Government may dissolve the Board before the expiry of its term if it is satisfied that it is necessary to do so.	Determination of "occupier" for purposes of this Act,
(4)	No proceedings of the Board shall be rendered invalid for the mere fact that there was one or more unfilled vacancy in the Board at the time that such proceedings took place.	Appointment Of an agent
4.	The government may appoint any officer to be the Cane Commissioner and may also appoint such other staff, body or committee as may be necessary for the performance of any duty or function under this Act.	Licensing of Purchasing Agent
5.	Where the occupier of a factory is a firm or a company or other association any one of its partners, or directors or members may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable.	Duties of an Agent
6(1)	Provided that such firm or company or association may give notice to the Cane Commissioner that it has nominated one of its partners or directors or members to be the occupier of the factory for the purposes of this Act and such individual shall be deemed to the occupier for the purposes of this Act until further notice canceling his nomination is received by the Cane Commissioner.	
(2)	No cane shall be purchased for a sugar factory unless its occupier has, in the prescribed form sent a notice of such intention to the Cane Commissioner, nominating one or more person as agents for making such purchases, and no agent shall be changed without prior notice in writing to the Cane Commissioner	
7 (1)	Any person appointed as agent under sub-section (l) shall deposit as security a sum of rupees one thousand in cash or Government Promissory notes and no person shall be deemed to have been appointed as agent until such deposit is made and he has been given a license in the manner prescribed.	
(2)	No person shall act as purchasing agent under this Act, unless he has been licensed as such in the prescribed manner.	
(3)	No person other than a purchasing agent shall be employed by an occupier of a factory to do any work in connection with any transaction for the purchase of cane within the State.	
8 (1)	A license shall not be granted to any person under such-section (l) unless such person has paid the prescribed deposit or furnished the prescribed security and the Cane Commissioner may subject to rules made in this behalf, in case of any breach of the conditions of the license, order that the deposit paid or security furnished in respect of such license shall be forfeited to	

(2)	(a) intentionally fails to maintain correctly any document or register, or	Penalty for contravention Not other wise provided for
9.	(b) Intentionally commits any breach of any condition or duty imposed under this Act, he shall be punishable with fine which may extend to two thousand rupees for every such failure or breach.	
10(1)	Any person contravening any of the provisions of Act or any rule made there under, for which no penalty is otherwise provided shall be punishable with fine, which may extend to two thousand rupees.	Estimate of quantity of cane required by factory
(2)	The Cane Commissioner may order the occupier of any factory to submit to him on or before any specified date, an estimate of the quantity of cane intended to be purchase for his factory during any particular crushing season.	Survey of Area
(3)	On receipt of an estimate, the Cane Commissioner shall cause the same to be submitted to the Sugarcane Control Board for their approval. The Sugarcane Control Board shall be competent to confirm, modify or reject the estimate, and in case of its not being rejected, to assign the area from which the cane may be purchased, on such terms and conditions as it may deem fit.	Powers to declare Varieties of cane to be unsuitable For use in factories
11(1)	If the Sugarcane Control Board is of the opinion that a survey of any area is necessary for the purpose of assigning it to a factory, the Cane Commissioner shall cause such survey to be made and report the result to the Sugarcane Control Board. The cost of such survey shall be payable by the occupier of such factory.	Prohibition of distribution of Certain kinds of Seed
(2)	Every survey mentioned hereinbefore shall be made by an officer authorized neither by the Cane Commissioner nor in the manner prescribed.	Purchase of cane in assigned area
(3)	Every person owning or occupying land in any area in respect of which a survey is being made shall afford to the officer making the said survey such assistance and facilities for making the said survey as may be necessary.	
12	Any amount due from the occupier of a factory in respect of any survey shall be recoverable from such occupier as an arrear of land revenue.	
13(1)	The Government, may on the recommendation of the Sugarcane Control Board, declare unsuitable for all or any factory cane of any variety grown in any area specified in such notification and no agent shall be competent to purchase any cane declared unsuitable for his factory.	
(2)	The occupier of a factory or any other person acting on his behalf shall not distribute seed cane of any variety to any person to be used by cane-growers or the members of Cane-growers Cooperative Societies in any area if the same has been declared under this Act, to be unsuitable for the factory.	
14(1)	The occupier of a factory, or any other person acting on his	

(2) (3) (4) **15**(1) **16**(1) (2) **17**(l) (2) **17**-A **18**(l) (2)	Cooperative Society. The agent of a factory shall enter into an agreement with a cane grower or with a Cane-growers Cooperative Society, as the case may be, in such form, by such date and on such terms and conditions as may be prescribed, for the purposes of purchasing the cane offered in accordance with sub-section (l). No person other than the agent aforementioned shall purchase or enter into an agreement to purchase cane grown by members of a Cane-growers Cooperative Society from any other person except in accordance with such agreement. Except with the permission of the Government, cane grown in an assigned area shall not be purchased by any person other than the agent of the factory for which such area has been assigned. It shall be competent for the prescribed authority to specify any area within the assigned area of a factory, the entire cane of which area the agent of the said factory shall be bound to purchase, and the cane growers or cane growers' Cooperative Society shall be bound to sell to the said agent. If the cane-growers or Cane-growers Cooperative Society or Societies in the assigned area are not willing to enter into agreement to supply, or fail to supply the requisite quantity of cane the agent may, after giving the prescribed notice to the Cane Commissioner, purchase the balance of the cane required by him from outside the assigned area. The agent of a factory for the purposes of which an area has been assigned shall maintain a register in the prescribed form and manner. The Government may prescribe the procedure for- (a) The correction of entries in, and the addition of new entries to such register. (b) The payment of the costs in connection with such correction or addition and the manner in which such costs shall be realized; and (c) The supply, on payment, of copies of entries in the register. The State Government may, after consultation with the Sugarcane Control Board, impose a tax, not exceeding three annas per maund, on the purchase of cane by or on behalf of a sugar factory, and when a tax is so imposed it shall be notified in the official Gazette, and shall be charged, levied & collected in the manner prescribed; (provided that a notification imposing the tax issued during crushing season shall be, and shall be deemed always to have been, in operation from the commencement of such season). All sums due as the aforementioned tax, and not paid by the due date, shall be recoverable as arrears of land revenue. The Government, if satisfied that a factory has exported out of	Purchase of cane outside the assigned area Maintenance of Register Tax on the purchase of cane Prayer to refund Tax on cane utilized for manufacturing sugar exported out of India. Institution of Proceedings

(3) levying a composition fine not exceeding two thousand rupees, at any stage before the judgment in the case has been announced.		Bar of suit or other Proceedings
19. No court inferior to that of a (Judicial Magistrate) of the first class shall try any offence under this Act.		
20 (l) No suit, prosecution or other legal proceeding shall lie against the Government or against any person for anything which is in good faith done or intended to be done under this Act or the Rules framed there under.		Power to make rules
(2) The Government may make rules to carry out the provisions of this Act.		
21. In particular and without prejudice to the generality of the forgoing powers, such rules may provide for: (a) the constitution, powers, duties and procedure of the Sugarcane Control Board; (b) the powers and duties of the Cane Commissioner: (c) the authorities by which any functions under this Act or the rules made there under are to be performed; (d) the form in which any notices required under this Act should be given. (e) the procedure to be followed in making a survey under this Act, the manner of calculating the cost of such survey, the amount to be deposited in connection therewith and the assistance to be afforded by owners and occupiers of land to the officer making such survey. (f) the form of agreement to be entered into for the purchase of cane, the date by which such agreement should be made and the terms and conditions thereof. (g) the quantity of cane, which may be purchased in an assigned area during any particular crushing season. (h) the posting of notices and the maintenance of records, register and accounts and the submission of returns the supply of copies of entries therein and the fees to be charged for the same; (i) the method by which the minimum price of cane is to be fixed under this Act; (j) the form and manner in which applications for licenses may be made, the terms and condition of each license, their renewal, suspension and cancellation and the fees to be charged for the same; (k) the correct weighment of cane, the provisions of facilities for weighments and for checking weighment ,and timings of weighments; (l) the payment of the price for cane; and (m) Any other matter which is to be or may be prescribed under this Act.		Repeal of the Sugarcane Act, 1934 and the Sugarcane (Punjab Amendment Act,1943 and saving)
	The Sugarcane Act, 1934 (Act XV of 1934), in so far as it is applicable to the Stat of Punjab, and the Sugarcane (Punjab Amendment) Act, 1943 (Punjab Act IX of 1943), is hereby	