(Seal) Punjab Government Gazette, Extraordinary Published by Authority, Agriculture Deptt. NOTIFICATION The 2nd August 1958

No. 399-Agr. II-58/D- In exercise of the powers conferred by section 20 of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953, the Governor of Punjab is pleased to make the following rules: -

THE PUNJAB SUGARCANE (REGULATION OF PURCHASE AND SUPPLY) RULES, 1958& Amendments made therein from time to time: -

1. Short title: - The rules may be called the Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958.

2. Definitions: - In these rules, unless there is any thing repugnant in the subject of context: -

(a) "Act" means the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.

(b) "Bond" means an agreement made under these rules.

(c) "Purchasing centre" means any place at which cane is purchased, supplied, delivered, weighed or paid for by or on behalf of the factory and includes such portion of the premises of the factory at which any of these operations take place.

(d) "Register" means a register mentioned in rule 17.

(e) "Society or societies" means the cane growers cooperative society or societies.

(f) "Weigh bridge" means any mechanism used to weigh cane and includes any weigh bridge maintained or used by the occupier, Manager or Purchasing Agent or by any person acting on his behalf.

(g) "Treasury" means the Government treasury at the headquarters of district or tehsil in Punjab.

(h) "Year" means the agricultural year commencing on the first day of July ending on the 30th day of June next following.

(i) "Form" means a form appended to these rules.

3. SUGARCANE CONTROL BOARD

(1) The Board shall consist of fifteen members.

(2) The Government shall, by notification, nominate eight ex-officio and seven non- official members, which shall include representatives of the cane growers and the sugar factories.

(3) The Minister for Agriculture shall be the Chairman of the Board.

(4) The Cane Commissioner, shall be the Secretary to the Board,

(5) The Board shall, in addition to the powers and duties conferred or imposed upon it by the provisions of the Act, advise the government on matters referred to it.

(6) Notice, in writing, of all meetings shall be circulated by the Secretary to all members not less than one week before the date fixed for the meeting except in urgent cases, in which case, a meeting may be held on three day's notice, which may be sent by letter or telegram.

(7) The term of office of the nominated members shall be three years from the date of notification of the Board.

(8) When the place of member nominated to the Board becomes vacant by the resignation, death, removal or otherwise of such member, the Government shall nominate a new member to fill the vacancy, in accordance with the provisions of sub rule (2), and such new member shall hold office for the unexpired period of

the term of office of the member in whose place has been nominated.

Form I to these rules shall be followed at the meeting of the Board.

4. Committee or Body

1. When a committee or body is establish for the state or for any area thereof or a cane varieties committee or body for the state is established under section 4 or the act, the government shall by notification, appoint the Chairman and Secretary thereof. In addition to the representatives of cane growers and the factories, the government may appoint other persons, not being growers are persons interested in factories, to be member or ex-Officio members who shall ordinarily be residents of the area in respect of which the committee or body is established.

2. The function of the committee or body will be: -

(a) To recommend ways an means of maintaining healthy relations between occupiers or Managers of the factories, cane growers societies and Purchasing Agents;

(b) To offer advice on any matter which may be referred to it by Government, the Board or the Cane Commissioner, especially in respect of the regulation of the purchase of cane, and to advice the Cane Commissioner with regard to the cane estimates submitted under Section 10 of the Act and assigning of the area from which the cane may be purchased;

(c) To bring to the notice of the Cane Commissioner cases of breach of any of the provisions of the Act and of the rules made there under and to make suggestions for the prevention of the same;

(d) To advise the Government regarding suitability or otherwise of cane varieties for different tracts; and

(e) To advice the Cane Commissioner in the Cane Development work.

3. The Secretary may, subject to the control of the Chairman, convene meeting of the committee or body as often as may be necessary and shall do so when required by one third of the members. He shall circulate the agenda, keep minutes of the meeting, carry on correspondence on behalf of the committee or body and discharge such other functions, as may be necessary for the proper performance of his duties. He shall forward a copy of the minutes of the meeting to the Cane Commissioner.

4. The term of appointment of the committee or body shall be one year or such other period as may be specified in the order of appointment.

5. When the place of a member of the committee or body becomes vacant by the resignation, death, removal or otherwise of such member, the Government may appoint a new member to fill the vacancy and such new members shall hold office for the unexpired period of the term of the office of the member in whose place he has been appointed.

Form II of these rules shall be followed at the meeting of the committee or body.

5. Other Staff

1 The Financial Commissioner Punjab, Additional Financial Commissioner, the Secretary Agriculture, The Director of Agriculture and the Cane Commissioner shall be the ex-Officio Inspectors for the whole state. The Commissioners, Deputy Commissioners and the Sub Divisional Officers shall be ex-officio inspectors within their respective jurisdiction.

2. The Government may appoint, when required such other Government Servant as it may think fit to be additional Cane Inspector within such limits as may be assigned to them.

3. Every Inspector may, within the local limits of his jurisdiction and with such Assistance as he thinks necessary: -

(a) Enter any place which is, or which has reason to believe to be used as a factory or purchasing center or any place where sugarcane intended for use in a factory is weighed or payment is made therefore, land make such examination of the weigh bridge and of any records registers and account maintained in connection with the purchase of sugarcane;

Provided that he shall not enter any portion of such factory, other than the weighbridge, the cane carrier's premises and the office of the factory.

(b) Cane carts carrying sugarcane or consignments of sugarcane to be weighed or reweighed in his own presence:

Provided that the sugarcane loaded in wagons may not be required to be unloaded for the purpose of re-weighment.

(c) Examine such records as are maintained at a factory showing the amount of cane purchased, the amount of cane crushed, the sucrose content thereof the quantity of sugar manufactured, the percentage of extraction of sugar from cane, the quantity of sugar produced, issued and in stock:

(d) Examine the weighbridge or weight used, kept or processed for the weighment or purchase of cane.

(e) Check weighment, purchases and payments;

(f) Inspect factory roads, cattle sheds, cattle troughs and lighting arrangements made for weighment of cane;

(g) Examine the records showing the amounts of cane purchased and crushed.

(h) Call for from the occupier of the factory any information relating to the purchase, supply and crushing of cane.

(i) Issue from time to time such instructions as may be necessary to ensure equitable purchase of cane.

(j) Examine any record, register, accounts or documents of cane growers cooperative societies.

(k) Examine any record, register or document or call for any information relating to the payment of cess, commission and price of cane; and

(l) Exercise such other powers as may be reasonably necessary for carrying out the purposes of the Act or of the Rules made there under.

6. Form of Notice under Section 6.

The notice required to be given by the Occupier of a factory under section 6 of the Act should be in

form III.

7. Provision regarding purchase of cane

1. The Agent of every factory and every purchasing agent shall notify to the Cane Commissioner and the Inspector within a fortnight of the date of publication of these rules during the current season and within a fortnight before the commencement of crushing season each year, the location of each weighbridge and the names of the persons responsible for weighments and for payments for cane at each such weighbridge.

2. The Cane Commissioner may, after consulting the committee, if any, call upon the agent of a factory or a purchasing agent to change the location of a weighbridge under his control or to install a weighbridge at a particular place for the supply of cane to the factory concerned.

3. The Agent or the purchasing agent, as the case may be, shall within two days of the installation of a new weighbridge or the occurrence of a change in the location of any existing weighbridge or in the list of persons responsible for weighments and payments, notify such change, to the Cane Commissioner and to the Inspector.

4. The agent or the purchasing agent, as the case may be, shall cause a list to be put up at each weighment and payment center showing the names or persons responsible for wieghment and payments made at that center and shall cause such lists to be maintained up to date.

8. Estimates of the quantity of cane required by factories: -

1. The occupier of a factory shall on receipt of an order from the Cane Commissioner submit before the last day of October each year in

form IV, an estimate of quantity of cane required for the crushing season next following the ensuring crushing season, and within a fortnight of the date of publication of these rules for the next crushing season without waiting for any order from the Cane Commissioner.

2. The Cane Commissioner shall submit the same with such modification as may be considered to be necessary within a month of the receipt of the estimate to the Sugarcane Control Board for approval and paste the same at the office of the factory and at the Tehsil or Tehsil in which the supply area is situated.

3. The Government may, on application for revision filed within a month of posting of such estimates, revise it.

9. Survey and growers' register: -

1. Cane Commissioner may cause a survey of the sugarcane in areas proposed to be assigned in

form V by the factory or the society who shall deliver a copy thereof to the Cane Commissioner by the end of September each year. The official authorized by the Cane Commissioner to check survey of cane area, shall be afforded such assistance and facilities by the occupier of a factory as may be necessary.

2. The Occupier or agent of a factory or the society causing the survey shall prepare a register in

Form VI to be called the Growers Register which shall be open to inspection by every cane grower for verification of survey figures.

3. Any cane grower or a member of the society having or claiming to have grown sugarcane in the assigned area may apply to the occupier or the agent of the factory or the society for the correction of an entry in or the addition of any entry to the register. In the event of a refusal by the occupier or the agent or the society, the decision of the Cane Commissioner shall be final.

4. The occupier or the agent of a factory or the society shall give a copy of the entries in the register on application made before the 15th December in any year to any cane grower or number of the society on receiving payment at the rate of twenty five Naya Paise for each cane grower.

5. The register shall be preserved by the Occupier or the agent of a factory or the society for a period of one year following the crushing season to which it relates.

10. Declaration of assigned areas: -

1. In declaring assigned areas under section 14 of the Act, the Sugarcane Control Board may take into consideration (a) the distance of the factory from the area proposed to be assigned (b) facilities for transport of cane(c) Whether the area has previous supplied cane to the said factory and (d) Previously existing joining arrangements among the factories and (e) the quantity of cane to be crushed in a factory as determined under section 10.

2. An order of the Sugar Cane Control Board declaring any area to be assigned for any particular factory or altering the boundaries of an area already assigned, cancelling any previous orders declaring an area to be assigned shall be communicated to the occupier of the factory concerned as well as the cane growers by the publication of such order at the office of the factory and at the tehsil or tehsils in which such areas are situated.

10-A. Prescribed authority for the purpose of Section 14(4) and manner of

Communication of orders made by such authority: -

The Cane Commissioner shall be prescribed authority for the purposes of sub-section (4) of section 14 of the Act, the communication of the order, issued by the cane commissioner under the aforesaid sub-section, to the occupier of the factory and the cane grower or cane growers cooperative society, as the cane may be, shall be effected by publication of such order at the offices of the factory and at the offices of the panchyet samiti or sanutues and Tehsil or Tehsils in which the area specified under the aforesaid sub-section is situated."

11. Purchases of cane in assigned areas:

1. The Occupier or agent of a factory or society shall estimate or cause to be estimated by the 30th September each year, the quantity of sugarcane with each cane grower and shall send a copy of the same to the Cane Commissioner before the 10th of October, who, after such enquiries and modifications of the estimates, as he considers necessary, shall order these entries to be posted in the growers register by the Occupier of the factory.

2. By the 20th October each year a cane grower, and by the 31st of October each year, a society in assigned area may offer in

form VII to supply, during the ensuing crushing season, the occupier or agent of the factory for which the area has been assigned, cane not exceeding the quantity approved by the Cane Commissioner.

Provided that the cane commissioner may, for reasons to be recorded in writing, extend the date for making offer in respect of a particular season.

3. The agent of a factory for which the area is assigned shall enter into an agreement with a cane grower or with a cane growers coop. Society, as the case may be, in

form viii with in one month of the offer mentioned in Sub-Rule (2) 4. The Occupier of agent of a factory or society shall spread the purchases made in the assigned area in the equitable manner, and shall make purchase of cane only after issuing requisition slips. In order to comply with this rule, the occupier or agent or society shall cause identification cards to be distributed to all cane growers of the assigned area to whom requisition slips have been issued and shall maintain a record of their issue and return.

5. Cane grown in assigned area shall not, except with the permission of the Cane Commissioner be purchased by any person without the previous issue of requisition slips and identification cards to the cane growers, by the society, the occupier or agent of the factory for which the area is assigned.

6. Requisition slips and identification cards to members of the society shall be issued by such society. A factory can also purchase cane direct from the members of the society only if permission by the Cane Commissioner for special reasons to be recorded in writing.

7. The notice under section 15 shall be given in

form VIII-A.

8 In case of dispute, whether a particular system of purchase adopted by the Occupier or agent of factory or his employee or the purchasing agents or the society in the assigned area is equitable or not, the dispute may be referred to the Cane Commissioner whose decision shall be final.

12. <u>Minimum Price:</u>

1. An Occupier or agent or purchasing agent or any person employed by him shall not purchase cane for a factory or any for it at a price below the minimum price, if any fixed by law for the time being in a force.

2. The Minimum price payable for cane shall be per quintal.

13. Licensing of Purchasing Agents and other employees:

1. An application for a license to act as purchasing Agent or to do any work, in connection with any transaction for the purchase of cane, including survey and preparation of lists of cane growers, or allotment and distribution of identity cards, or requisition slips for cane or to do any of the aforesaid acts as employee of an Occupier of a factory or of a purchasing agent shall be made in

Form IX to the Cane Commissioner.

2. Such application shall be accompanied by treasury receipt showing that the license fee of one rupee (Rs 1/-) has been deposited in any State Treasury in the Punjab.

3. The purchasing Agent shall deposit as security a sum of Rs. 1,000(one thousand) in cash or Government promissory notes and each of the other applicants shall execute a bond in personal securities for a sum of Rs. 1,000 for the period he works.

4. The Government will have the first charge on such security for the recovery of any fine or compensation due from such persons, under the Act or under these rules.

5. On receipt of such application, the Cane Commissioner shall issue a license in

form X if he is satisfied regarding the suitability of the applicant and has in respect of him received a notice of his nomination in Form III.

14. General provisions regarding purchase of cane: -

1. No person shall transfer, or abet the transfer of a requisition slip for the supply of cane of a grower to another person with the object of enabling cane, other than that belonging to the grower to whom the requisition slip has been issued, to be sole to a factory.

2. No person shall accept or obtain, or agree to accept or attempt to obtain from any person for himself, as notification or consideration, bonus, luck-money, or any other such payment whatever, other then the legal remuneration, as a motive or reward for weighing or purchasing cane or making payment therefore, or for issuing requisition slips, or for showing or for bearing to show, in connection with weighment or purchase or supply of or payment for cane, favor or disfavour to any person.

3. No person shall falsely represent himself, as a grower of cane, or as authorize by such grower, to deliver cane on his behalf, or as a person duly authorized by the grower to receive payment on his behalf.

4. The Occupier or agent of a factory or a purchasing agent shall establish a purchasing center, at a particular place, for the supply of cane to the factory if so directed by the Cane Commissioner.

5. An Occupier or agent or a purchasing agent, who opens a purchasing enter shall send intimation thereof within 24 hours of the start of operations to the Inspector within whose jurisdiction such purchasing center is situated and to the Cane Commissioner.

6. If a purchasing center has to be closed temporarily, owing to a breakdown of a machinery, or other causes necessitating an abrupt but temporary suspension of operations, the Occupier or the purchasing agent concerned, shall:

a. Cause to be posted immediately, at the purchasing center concerned, notice indicating the probable duration of suspension,

b. Cause the suspension of purchase to be otherwise advertised as widely as possible.

c. Send intimation there of, immediately to the Inspector within whose jurisdiction the purchasing center is situated and to the Cane Commissioner, and

d. Purchase all requisitioned cane, brought within 12 hours of posting of notice under clause (a)

7. The Occupier or agent or the purchasing agent shall, at least seven days before its close, permanently: -

a. Affix a notice to that effect at the purchasing center specifying clearly the date on which the center is to be closed, and

b. Intimation of the date of the proposed closure to the Inspector within whose jurisdiction the purchasing center is situated, and

c. Provided that the Cane Commissioner has agreed to closure of the factory after previously satisfying himself that the cane in the assigned agree will finish by that date.

8. An Occupier or purchasing a gent shall: -

a. Cause a list to put up at each purchasing center, showing the names of the persons employed by him, for making weighments, purchases and payments.

b. Cause such lists to be maintained up-to-date, and

c. Send a copy of the names of any full particulars about the persons, whose names are entered in these lists, within 24 hours of their employment to the Inspector within whose jurisdiction and purchasing center is situated and to the Cane Commissioner.

9. No person, who is not licensed in accordance with the Act or these rules shall make or supervise weighments, purchases, or payments at any purchasing center on behalf of an Occupier or agent-purchasing agent.

Note: This sub-rule is not intended to prevent responsible officers of a factory above the rank of agent from exercising supervision.

10. All licensees shall produce their licenses on demand by the Inspector:

11. The Occupier of factory situated outside the Punjab or his licensed purchasing agent purchasing cane in the Punjab shall also be bound by these rules.

15. Notices:

The agent or purchasing agent, as the case may be, shall cause to be posted on a notice-board at each weighment center throughout the cane purchasing season notices showing the rates at which cane is being purchased at that particular center and also the minimum price for cane, if any, fixed by law for the time being in force. Such notices shall be legibly written or printed only on one side of the paper in both Hindi and Gurmukhi.

16. Weighment etc.

The Occupier or agent or the purchasing agent as the case may be, and all persons working under him shall comply with or cause to be complied with the following conditions:

1. All dealings and contracts in connection with the purchase and supply of cane shall be had and made according to the metric system of weights and all weighments shall be made by means of a weigh-bridge or scale and recorded correctly to the nearest 1/20th of a quintal.

2. It shall not be lawful to use any other weight in relation to any such transaction. 3. No scales or weights shall be used, kept or possessed by or on behalf of an agent or a purchasing agent which area inaccurate or which do not permit any easy reading of the recorded weight by the vendors of cane or their authorized agents and are not according to the metric system of weights to the nearest 1/20th of a quintal:

Provided that a margin of error ups to 5 kgs or oner percent which ever is less, in a weighment, may by condoned. So far as weighments are concerned a weighbridge shall not be deemed to be incorrect which weighs within one percent of the correct weight and cannot be adjusted more correctly.

4. All scales and weights used, kept or possessed by or on behalf of the agent or purchasing agent, shall be open to inspection, examination and test at all responsible times without notice and shall be made available for such inspection, examination or test whenever required. To facilitate such inspection the agent or purchasing agent shall keep at least three standard weights of 50 kg each at each weighment center in the custody of the person in charge of weightment.

5. (i) Deductions not more than those allowed by government (on) the net weight of cane purchased shall be made for binding material, etc.

(ii) No other deduction without the approval of the cane commissioner, shall be made from the net weight of the cane on the ground of dry age improper stripping or for any other reason

6. Weighments of cane shall not be made more than half an hour after sunset unless adequate lighting arrangements are made at the weighbridge.

7. There shall be no detention of cane carts for more than 4 hours without adequate cause.

8. Adequate arrangements to the satisfaction of the Cane Commissioner shall be made at all purchasing centers for: -

(a) Regulating the entry and parking of the carts to avoid congestion.

(b) Roads and approaches to the weigh-bridge, and

(c) Cattle sheds and troughs.

9. Any representative of growers, if authorized by the Cane Commissioner shall be allowed to the present at the time of weighment of cane at any weighbridge to watch or check weigh-ments and examine records in which weights are recorded.

10. In no case shall cane be purchased without actual weighment.

11. That part of the mechanism of a weighbridge by which its adjustment is controlled shall be kept in suitably sealed or locked.

12. All weigh bridge or scales at purchasing centers shall be tested at least once a week and records of such tests properly maintained.

17. <u>Receipts, Registers and Records:-</u>

1. An agent or a purchasing agent shall prepare or cause to be prepared at each purchasing center of parchi in triplicate, showing correctly: -

(a) the serial number of the parchi;

(b) the date of purchase:

(c) the name of the person from whom the cane is purchased with his percentage and full address with similar particular about the person authorized by vendor to deliver cane on his behalf;

(d) the number of requisition assigned to the vendor,if any;

(e) the weight of the cane, including the weight of the cart or wagon as the case may be;

(f) the weight of the cart (tare) or wagon, as the case may be;

(g) the weight to be deducted under the sub rule(5) or rule 16

(h) the net weight of the cane purchased;

(i) the rate at which the cane is purchased; and

(j) the price that has to be paid for the cane at that rate.

The entries as regards items (e) and (f) shall be made and announced in the presence of the person, who actually delivers the cane while the cart or wagon is still standing on the weigh bridge and, in the case of weighment on beam scales, immediately on completion of the weighment.

Entries as regards items (a) to (e) shall be made as soon as weighment takes place and entries as regards items (f) to (j) as soon as the empty cart is weighed.

2 the parchi referred to in sub rule (1) shall be handed over in duplicate to the person from whom cane is purchased or to his authorized agent before the cane grower or his authorized agent leaves the weighbridge. The triplicate copy of counter file shall be kept at the purchasing center concerned.

3 when payment is made for cane purchased, the receipt of the payee shall be taken on one of the counter file of the parchi handed over to him in accordance with the provision of sub rule (2).

Provided that if a number of parchis are presented together for payment receipt of the payee for the whole amount due to him may be taken only on the latest parchi in such cases the number of, or other references to other parchi covered by the receipt shall be in the receipt, and the other pachis shall be cancelled.

4 An agent or purchasing agent shall maintain or cause to be maintained at each purchasing center a register or records showing correctly the particular specified in items (a) to (j) as given sub rule (I) and also following further particular: - (i) the amount of loan, if any advanced to the person from whom the cane is purchased: -

(ii) the amount of interest up to the date of recovery of the same;

(iii) the amount actually paid in case on account of the cane purchased;

(iv) the date of payment.

5 An agent or a purchasing agent shall maintain at each purchasing center an inspection book in which the inspectors may record their remarks and instructions.

6 The registers, records, parchi, etc., referred to in this rule shall be reserved for one year.

7 In additions, the cane commissioner may direct the use of such others registers, records and forms as may be considered necessary.

8 The occupier of a factory shall submit correct returns relating to the productions and sale of sugar and purchase of cane and such other information in such form by such date and such authority as may be directed by the cane commissioner.

18. <u>PAYMENTS: -</u>

1. The occupier, agent or a purchasing agent, unless otherwise permitted by the cane commissioner, shall make payments to all cane growers due to each cane growers to the society for the cane purchased at each purchasing center within a the week date of purchase.

Provided that when the purchasing center is closed all payment must be made within 10 days.

Provided further if any grower does not appear to receive the payment within the specific period after the close of purchasing the center, payment to him shall there after be made by the factory within 12 hours of demand.

2. The payment shall be made on the basis of the recorded weight of the cane at the purchasing center. The price of the cane to be paid shall be calculated to the nearest Naya Paise.

3. An occupier or agent shall be liable for all payments due for cane supplied to him on his behalf, and if a purchasing agent fails to make payment for cane purchased by him for the factory, the occupier of such factory shall be responsible

for making such payments;

Provided that notice or complaint of none payment is given or made in writing to the occupier or the agent of the factory concerned within 3 months of the date on which the purchasing center at which cane was supplied, is closed.

4. The payment for cane purchase for a factory shall be made to the grower or is duly authorized representative in writing only.

5. The days of the week or the date and the hours at which payment will be made shall from time to time be exhibited on the notice board each weighment or payment center throughout the cane crushing a session and shall also be notified to the cane commissioner and inspector concerned.

6. The cane commissioner shall forward to the collector a certificate under his signature specifying the amount of arrears on account of price of cane plus interest if any due from the occupier or the agent and the collector, receipt of such certificate, shall proceed to recover from such occupier or agent the amount specified therein as if it were an arrears of land revenue.

7. The occupier or agent of a factory shall not make any deduction from the amount due from him and to a cane grower or a cane growers cooperative society for the cane sold to him except any loan due to him or any amount due to a cane growers cooperative society.

If, with the previous general permission of the cane commissioner, given in respect of any area, the occupier of a factory had advanced any loan for meeting the expenses of cultivation to the person whom the price of cane the amount of the loan together with the simple interest thereon at a rate not exceeding 1% over and above the rate of interest at which he had borrowed from the banker, for the period the loan has been outstanding;

Provide that the amount of the loan shall not be disproportionate to the area to be sown or the assistance necessary to sow it or the value of the cane to be delivered and that no deduction shall be made in respect of a loan given more than 3 years prior to the date of the purchase of cane Explanation;

A loan for the purpose of this sub rule shall mean an advance made in pursuance of an agreement to the plant definite area of sugarcane or to enable such area to the planted or to deliver a certain amount of cane. The Cane Commissioner or an inspector authorized by him will decide on application from the occupier of a factory whether the loan is proportionate to the area to be planted or the assistance necessary to planted or the value of cane to be delivered.

19. <u>Collection etc. of tax,</u>

1. The Cane Commissioner shall be the authority to collect the tax on the purchase of cane imposed under section 17 of the Act.

2. The occupier or an agent of a factory shall maintain correct account day to day of the cane purchase in

Form X.

3. Before the 15th day of each month, the occupier or agent of a factory shall pay into the treasury the amount due as tax on the quantity of sugarcane intended for use in the factory during the month immediately proceeding.

4. Before the close of each month, the occupier or agent the factory shall submit to the cane commissioner a return in the

Form XI showing.

a. the quantity of cane that has been purchased and entered the factory during the month immediately proceeding;

b. the amount of tax deposited by him into the treasury;

c. number and date of the treasury receipt with which the amount has been deposited, and

d. balance outstanding, if any.

5 The cane commissioner shall on receipt of such returns checks that the amount of tax has been correctly calculated and that the full amount there of has been credited into the treasury.

20 <u>Forfeiture of securities: -</u>

1. The cane commissioner may forfeit the whole or part of the securities referred to in section 7 of the act after giving the licenses an opportunity of explaining the charges against him and of producing evidence in his defense.

2. The cane commissioner may order compensation to be paid of the forfeited security to any person who has suffered loss owning to the misconduct of the licensee as the case may be.

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GOVERNMENT OF PUNJAB

DEPARTMENT OF AGRICULTURE

(AGRICULTURE IV BRANCH)

NOTIFICATION

25th October, 1991 No: 18/61/91-Agri. iv(v)/17569 In exercise of the powers conferred by Section 20 of the Punjab Sugarcane (Regulation of Purchase and Supply)Act,1953 and all other powers enabling him in this behalf, the President of India is pleases to Amend Clause (3) of

Form VIII, referred to in Rule 11(3) of the Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958 with effect from the crushing season 1991-92 as under namely:- "for the words"20 paise per quintal" the words „ 50 paise per quintal, shall be substituted."

AMRIK SINGH POONI Financial Commissioner Development And Secretary to

Government, Punjab, Department of Agriculture & Forests.

GOVERNMENT OF PUNJAB

DEPARTMENT OF AGRICULTURE

(AGRICULTURE IV BRANCH)

NOTIFICATION

No: 17/30/88-Agri. IV(V)/14259 In supersession of Punjab Government, Agriculture Department, Notification No.2419-Agri II-58 Dated the 31st March, 1958, and in exercise of the powers conferred by sub-section (1) of section 17 of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 (Punjab Act No.40 of 1953) and all other powers enabling him in this behalf, the president of India after consultation with the Sugarcane Control Board, is pleased to impose a tax at the rate of fifty paise for one hundred kilograms on the purchase of cane by or on behalf of a sugar factory.

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FORM-I

See Rule 3-(3)

Rules of procedure at meeting of Sugarcane Control Board.

1. All meetings of the Board shall be presided over by Chairman. In his absence, any member nominated by the chairman or in the absence of any such nomination, a chairman elected by the member present shall preside.

2. At the entire meeting or the board four members inclusive of a chairman shall form a quorum.

3. Notice of a resolution of motion to be moved at a meeting of the Board other than the first meeting, shall be sent to the secretary, at least seven days before the date fixed for the meeting, The secretary shall circulate agenda to be brought forward at the meeting.

4. No business other than contained in the agenda sent to members shall be transacted at a meeting except with the consent of the chairman.

5. No motion and amendment shall be discussed at a meeting unless it is seconded.

6. Every question shall be decided by a majority of votes of the member present and voting. In case of votes being equally divided, the chairman shall have a casting vote.

7. The chairman shall be the sole judge of any point of order and may if necessary, dissolve the meeting or adjourn it to any other date.

8. If at any meeting there is quorum, the chairman shall adjourn the meeting to any subsequent date any no quorum shall be necessary for such in adjourned meeting.

9. If any case not provided by this rule, the procedure shall be in accordance with the ruling of the chairman.

FORM-II

See Rule 4 (6)

The rule of the procedure at meetings of the committee or body.

1. Notice in the writing of the meeting of the committee or the body shall be circulated to all the member of the committee or the body not less than 2 weeks before the meeting. Notice of the resolution a motion to be moved at a meeting of the committee or the body shall be made available to the chairman at least 10 days before the meeting. The agenda shall be circulated at least one week before the meeting.

2. All meeting of the committee or the body shall be presided over the chairman, and in the absence of chairman, the member of the present shall elect a chairman from among their own number present at the meeting.

3. At the meeting of the committee or the body one third of the total members inclusive of the chairman shall from a quorum.

4. Every question shall be decided by a majority of votes of the members present and voting. In case of votes being equally divided, the chairman shall have a second and casting vote.

5. The chairman shall be the sole judge of any point of order and may call any member to order and may, if necessary dissolve the meeting or adjourn it to any other date.

In any case not provided by these rules, the procedure shall be in accordance with the ruling of the chairman.

FORM-IIII

(See Rule 6)

Notice of nomination of agent

I/We_____ hereby give notice that _____I/We have nominated
1_____s/o_____ _____ resident of _____
2_____s/o_____ _____ resident of _____
3_____s/o_____ _____ resident of _____ tehsil _____ to be agent of the sugar factory known as _____ for the purpose of Punjab Sugarcane (Regulation of purchase and Supplies) Act 1953 with effect from_____ 197 and that he/they has/have accepted the nomination as such and in token thereof has/have affixed his/their signature below. A receipt of required deposit is enclosed herewith: -

Dated_____

Occupier

_____ __of_____ _____

agent_____

Witness_____

FORM -IV

(See Rule 8)

Form of estimate of normal cane requirements of a factory.

1) Name of the factory.

2)Total quantity of cane crushed during any 15 consecutive days in the month of January and February of the last crushing season, mentioning the quantity of cane crushed on each date separately.

3)Total number of hours of actual crush during the 15 consecutive days recorded in item 2 above mentioned the number of hours of actual crush or each date separately_____ _____

4)Average quantity of cane crushed per hour and per day of 22 hours on the basis of item 2 and 3 above_____

5)The estimate of the normal cane requirement of the factory arrived at by multiplying 120 the average quantity of cane crushed per day of 22 hours as calculated under item 4_____ _____

6)Any extension of plant of the factory since the last statement was submitted _____ ___date of submission_____ _____

Specification of area desired to be declared as assigned area_____

Signature of person Empowered to sign on the behalf of the occupier of the factory

FORM-V

(

See Rule 9)

(Form of the survey of Sugarcane)

Section III

Name of the village, tehsil and district_____

_____

_____

_____

S.No	Name of cane grower with father's name and	Khasra No. of plots under cane in his cultivation.	Desi	Area under cane Improved		Remarks
				Ratoon	Plant	
1	2	3	4	5	6	7

FORM-VI

(See Rule 9)

Form of growers Register to be maintain by a factory.

Name of village, pargans or distt.

Name of the factory or purchasing center

_____

-.-

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S.No	Name of the cane grower father's name and	Total hold-ing	Quota of supply in last 3 years	Khasra no. plot under cane is his cultivat-ion	Desi	Area under Improved		Amount of cane given on deed	Remarks
						Ratoon	Plant		
1	2	3	4	5	6	7	8	9	10

FORM-VIII

(See Rule III)

Form of application by a cane grower or a cane growers Coop. Society in an assigned area offering to the factory.

Name of the cane growers with father's name_____

(1)Name of the cane growers coop. Society_____ (2)Village, tehsil and district

_____ (3)Name of factory concerned

_____ (4) Total area of land in his cultivation fit for growing sugarcane(for individuals only)_____

(5) Total area of lane in his/the members cultivation under cane in 19_____ .

3.Varieties cultivated with percent area under each

4.Estimated yield per acre

5.Quantity of cane estimated for sale_____

Signature of the cane grower or authorized representative of cane grower coop. Society.

FORM-VIII

(See Rule 11(3)

Agreement form between a cane grower/cane growers Coop. Society and the agent of the factory.

We _____ the cane grower/cane grower coop. Society. Village/district_____ hereinafter to be referred to as the first party, and _____ the agent of _____ Factory, hereinafter referred to the second party, hereby enter into an agreement about the sale and purchase of cane on the following terms :-

(1) The first party agrees to sell during the season _____ the sugarcane crop of the cane grower, the number of the society standing on _____ acres as detailed below with on approximate yield of_____ quintal to the second party at the minimum price notified the govt. subject to such deductions, if any, as may be notified by the govt. from time to time. The first party further undertakes to supply good cane free from leaves, tops and roots at the factory gate or at_____ purchasing center in such quantities and on such dates, as may be specified in the requisition slip issued by the occupier or agent of the factory in conformity with this agreement and the instructions issued by the cane commissioner .

(2) The cane shall be taken by the second party in installments equitably spread over the whole working period of the factory and the second party unless otherwise permitted by the cane commissioner, shall may payment due to each cane grower for the cane purchased at each cane purchasing center with in a week form the of purchase.

(3) In the case of cane grower of cooperative society the second party shall pay to the first party commission at the rate of 15 n.p. per quintal or at such rate as the govt. may, from time to time, for sufficient reasons fixed by notification published in the official gazette for any specified period. The commission shall be paid with in one month of the close of the crushing season. If it is not paid, interest shall accrue at the rate of seven and half percent per annum on all sums left unpaid.

(4) In the event willful failure to supply at least 85 percent of the estimated yield of the cane from the area the crop which has been contracted to be sold, including the quantity needed for seed, the first will be liable to pay the second party compensation equal to 10 per centum of the price deficit quantity of cane which the first party failed to supply willfully.

(5) Incase the first party willfully fails to supply cane to the second party on three occasions in accordance with the requisition made by the second party, the first party shall case to have a claim to sell cane to the second party.

(6) The second party shall ordinarily send his requisition for cane to the first party at least 4 days before the cane is required and will not make changes within in this period without sufficient reasons.

(7) In the event of the second party willfully failing to take delivery of cane, which the first party ready to deliver in accordance with this agreement, the second party shall be liable to pay to the first party at least 50 percent of the actual price of the quantity of such cane which he fails to purchase. In the event of the second party otherwise willfully failing to purchase cane in accordance with the agreement he shall be liable to pay the first party compensation equal to 10 percent of the price for such quantity of cane as the second party fails to buy; Provided that for any deficiency in the purchase in the installments fixed for the period after the 1st April, the second party shall be liable to pay to the first party compensation equal to percentage of the price such quantity of cane as the second party fails to purchase after 1st April.

(8) In the event of breakdown at the factory or of other circumstances due to natural causes, calamities or accidents beyond human control arising to show that the second party will not be able to purchase the cane he had agree to purchase the first party, after giving a week's notice to the second party and with the previous permission of the cane commissioner, shall have the option of making arrangements for the disposal of the cane and in such case no compensation shall pay able by other party to the other.

(9) No compensation for breech of this agreement shall be payable by other party when such breech is due to natural causes, calamities or the accidents beyond the human control.

(10) Any dispute between the parties regarding the quality and the condition of the cane, the place of the delivery, the installment and the other matter pertaining to this agreement shall be referred to the cane commissioner whose decision shall be final which shall be binding on both parties. No suit shall lie in a Civil or revenue in court in respect of any such dispute.

Signature of aut

hereinafter referred to as the Society

Dated_____

Signature of the agent in token of his accepting the above contract

Representative of the cane grower/cane growers Cooperative Society

Village	Area under different Improved varieties	Area under Ratoon Plant
	Co.313, Co.129, Co.s.321, Co.1.9, Co.s.245, Co.312	

FORM VIIII-A

(See rule 11(7))

Where as the_____ factory has been allowed to crush _____ quintals of cane during_____ ____ crushing season, and where as the cane grower/cane growers coop society or societies in the assigned area of the said factory are not willing to enter into agreement to supply or have failed to supply requisite quantity of cane have offered to supply only_____ quintals of cane. Now, therefore,

the_____ factory intends to purchase the balance quantity viz._____ quintals of cane from outside the assigned area.

Dated_____

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FORM IX

(See rule 13)

Form of application for license to work as purchasing agent of factory or to do any work in connection with any transaction for the purchase of cane within the state of Punjab.

I_____s /o_____ r/o_____ having been nominated by the occupier of_____ factory to work as of purchasing agent or to do any work in connection with any transactions for the purchase of cane at_____ at purchasing center on the half to aforesaid occupier of the factory, hereby apply for a license under the Punjab Sugarcane(Regulation of purchase and supply) Act, 1953.

I hereby agree to abide by the terms and conditions of the license.

Dated_____

Signature of the applicant

FORM X

(See rule 13)

Form of license to work as purchasing agent of a factory.

This is to certified that r/o_____ is authorized to work as _____ at_____ purchasing center on behalf of_____ factory or_____ purchasing agent of_____ in connection with the transactions for purchase of cane, subject to the terms and conditions hereinafter mentioned and to the provisions of the Sugarcane(Regulation of the purchase and supply) Act 1953 and the rule made under: -

1) The license shall remained in force till the_____

2) The license shall comply with the provisions of the said Act and the rules made there under and shall obey all law full directions which may be issued to him by the inspector or the cane commissioner.

3)The license shall be responsible for the proper discharge of his duties and shall not show favor or disfavor to any person, in connection with any transactions for the purchase of cane on behalf of the aforesaid factory or the purchasing agent.

4)The license shall be liable to be suspended or cancelled by the cane commissioner without prejudice to and in addition to any penalty which the license may incur under the provision of the Act and the rules made there under after giving him reasonable opportunity to show the cause by his license should not be suspended or canceled.

5)The license shall be responsible for returning the license to the cane commissioner on the expiry of the term thereof or in the event of the license being suspended or cancelled on such suspension or cancelled.

Cane commissioner, Punjab.

FORM XI

Cane record for levy of tax.

_____
_____ Quantity purchased and intended for use in factory (in Qtls)
Dated_____

Carts	Lorries	Tram	Rail

Dated_____
Signature of Agent

W.D. Ahooja
Deputy Secretary to Govt. Punjab.
Agriculture Department

(Rule 19)

Local area_____
_____