

**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).

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Year	No.	Short title	Whether repealed or otherwise affected by legislation
1953	40	The Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.	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: -

<p>1.(1) This Act may be called the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.</p> <p>(2) It extends to the whole of the State of Punjab.</p> <p>(3) It shall come into force at once.</p> <p>(4) Sugarcane (Regulation of Purchase and Supply)</p>	<p>[Short title, extent and commencement]</p> <p>[1953: Pb Act 40]</p>
<p>2. DEFINITIONS: - In this Act unless the context otherwise requires: -</p> <p>(1) "Assigned area" means an area assigned to a factory under this Act.</p> <p>(2) "Board" means the Sugarcane Control Board;</p> <p>(3) "Cane" means sugarcane intended for use in a factory.</p> <p>(4) "Cane Commissioner" means the Officer appointed by the Government to perform the functions of Cane Commissioner;</p> <p>(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;</p> <p>(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;</p> <p>(7) "Collector" means the Chief Revenue Authority of a district;</p> <p>(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:</p> <p>(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:</p> <p>(10) "Government" means the Government of State of Punjab;</p> <p>(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 entrusted to the managing agent, such agent</p> <p>(12) "Prescribed" means prescribed by rules made under this Act.</p> <p>(13) "State" means the State of Punjab.</p>	

<p>3.(1)</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>4.</p> <p>5.</p> <p>6(1)</p> <p>(2)</p> <p>7 (1)</p> <p>(2)</p> <p>(3)</p> <p>8 (1)</p>	<p>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.</p> <p>The Board shall be consisting of fifteen members.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>Any person appointed as agent under sub-section (1) 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.</p> <p>No person shall act as purchasing agent under this Act, unless he has been licensed as such in the prescribed manner.</p> <p>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.</p> <p>A license shall not be granted to any person under such-section (1) 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 Government or shall not be returned before the prescribed period or that the whole or any portion of such deposit or security shall be paid to any person who has suffered any loss owing to any misconduct or default of such licensee.</p> <p>The agent or agents of a sugar factory shall maintain an office in one or more places within the State as may be required by the Cane Commissioner, and shall maintain such accounts and submit such returns and statements as may be prescribed.</p> <p>If an occupier or an agent: -</p>	<p>Sugarcane Control Board</p> <p>Appointment of Cane Commissioner</p> <p>Determination of "occupier" for purposes of this Act,</p> <p>Appointment Of an agent</p> <p>Licensing of Purchasing Agent</p> <p>Duties of an Agent</p>
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<p>(2)</p> <p>9.</p> <p>10(1)</p> <p>(2)</p> <p>(3)</p> <p>11(1)</p> <p>(2)</p> <p>(3)</p> <p>12</p> <p>13(1)</p> <p>(2)</p> <p>14(1)</p>	<p>(a) intentionally fails to maintain correctly any document or register, or</p> <p>(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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Every survey mentioned hereinbefore shall be made by an officer authorized neither by the Cane Commissioner nor in the manner prescribed.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The occupier of a factory, or any other person acting on his behalf shall not plant cane of any variety declared under this Act, to be unsuitable for the factory.</p> <p>A cane-grower of a Cane-growers' Cooperative Societies in an assigned area may sell by the date prescribed in this behalf to the occupier of the factory to which the area is assigned, cane grown by the cane growers or by the members of such Cane-growers Cooperative Society, as may be, not exceeding the quantity prescribed for such grower or cane growers'</p>	<p>Penalty for contravention Not other wise provided for</p> <p>Estimate of quantity of cane required by factory</p> <p>Survey of Area</p> <p>Powers to declare Varieties of cane to be unsuitable For use in factories</p> <p>Prohibition of distribution of Certain kinds of Seed</p> <p>Purchase of cane in assigned area</p>
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	<p>Cooperative Society.</p> <p>(2) 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 (1). 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.</p> <p>(3) 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.</p> <p>(4) 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.</p>	
15(1)	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.	Purchase of cane outside the assigned area
16(1)	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.	Maintenance of Register
(2)	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.	
17(1)	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).	Tax on the purchase of cane
(2)	All sums due as the aforementioned tax, and not paid by the due date, shall be recoverable as arrears of land revenue.	
17-A	The Government, if satisfied that a factory has exported out of India, any quantity of sugar manufactured by it, may refund to such factory whether prospectively or retrospectively the amount of tax imposed on and paid by it under section 17 in respect of the cane purchased by it and utilized in manufacturing the quantity of sugar so exported.	Prayer to refund Tax on cane utilized for manufacturing sugar exported out of India.
18(1)	No prosecution shall be instituted under this Act except upon a complaint made by a District Magistrate.	Institution of Proceedings
(2)	On the application of a person accused of an offence under this Act, the District Magistrate may compound such offence by	

<p>(3)</p> <p>19.</p> <p>20 (1)</p> <p>(2)</p> <p>21.</p>	<p>levying a composition fine not exceeding two thousand rupees, at any stage before the judgment in the case has been announced.</p> <p>No court inferior to that of a (Judicial Magistrate) of the first class shall try any offence under this Act.</p> <p>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.</p> <p>The Government may make rules to carry out the provisions of this Act.</p> <p>In particular and without prejudice to the generality of the forgoing powers, such rules may provide for:</p> <p>(a) the constitution, powers, duties and procedure of the Sugarcane Control Board;</p> <p>(b) the powers and duties of the Cane Commissioner:</p> <p>(c) the authorities by which any functions under this Act or the rules made there under are to be performed;</p> <p>(d) the form in which any notices required under this Act should be given.</p> <p>(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.</p> <p>(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.</p> <p>(g) the quantity of cane, which may be purchased in an assigned area during any particular crushing season.</p> <p>(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;</p> <p>(i) the method by which the minimum price of cane is to be fixed under this Act;</p> <p>(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;</p> <p>(k) the correct weighment of cane, the provisions of facilities for weighments and for checking weighment ,and timings of weighments;</p> <p>(l) the payment of the price for cane; and</p> <p>(m) Any other matter which is to be or may be prescribed under this Act.</p> <p>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 repealed. Anything done or any action taken in exercise of powers conferred by, or under the repealed Acts or purporting to have been done or taken under the Punjab Sugar Factories Control Act, 1950 (Punjab Act l of 1950) shall, to the extent of being consistent with the provisions of this Act, be deemed to have been done or taken under this Act, as if this Act, were in force at the time when such thing was done or such action was taken.</p> <p style="text-align: center;">*****</p>	<p>Bar of suit or other Proceedings</p> <p>Power to make rules</p> <p>Repeal of the Sugarcane Act, 1934 and the Sugarcane (Punjab Amendment Act,1943 and saving)</p>
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