

The Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958

PUNJAB

India

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Rule

THE-PUNJAB-SUGARCANE-REGULATION-OF-PURCHASE-AND-SUPPLY RULES of 1958

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The Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958Published vide Punjab Government Notification No. 399-Agr-11-58 (D), dated the 2nd August, 1958.

1. Short title.

- These rules may be called the Punjab Sugarcane (Regulation of Purchase and Supply) Rules, 1958.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or 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 takes place ;(d)"Register" means a register mentioned in rule 20 ;(e)" Society or Societies" means the Cane-growers Co-operative 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 a district or a tahsil in Punjab ;(h)"year" means the agricultural year commencing on the first day of July and 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-official and seven non-official members which shall include representatives of the cane growers and the sugar factories.(3)The Minister of agriculture shall be the Chairman of the Board.[Provided that when a proclamation under Article 356 of the Constitution is in operation in the State the [Advisor or the Secretary as the case may be] [Proviso added by GSR 103 PA40/53/S. 20 Amd. (1)/84 dated 10-12- 1984.] holding the charge of the Department of Agriculture shall be the Chairman of the Board during the operation of the proclamation].(4)The Commissioner shall be the Secretary of 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 days' 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 a member nominated to the Board becomes vacant by 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 members shall hold office for the unexpired period of the term of office of the member in whose place he has been nominated.(9)The procedure in form I to these rules shall be followed at the meetings of the Board.

4. Committee or body.

(1)When a committee or body is established for the State or for any area thereof or a Cane Varieties Committee or body for the State is established under section 4 of the Act, the Government shall, by notification, appoint the Chairman and the Secretary thereof. In addition to the representatives of cane-growers and the factories, the Government may appoint other persons, not being growers or persons interested in factories, to be members or ex- officio members who shall ordinarily be residents of the area in respect of which the Committee or body is established.(2)The functions of the Committee or Body will be -(a)to recommend ways and means of maintaining healthy relations between occupiers or managers of factories, cane-growers societies or purchasing agents ;(b)to offer advice on any matter which may be referred to it by the Government, the Board and the Cane Commissioner; especially in respect of the regulation of the purchase of cane, and to advise the Cane Commissioner with regard to the cane estimate 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 thereunder and to make suggestions for the prevention of the same ;(d)to advise the Government regarding suitability or otherwise of the cane varieties for different tracts ; and(e)to advise the Cane Commissioner in the Cane Development work.(3)The Secretary may, subject to the control of the Chairman, convene meetings 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 performances 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 resignation, death, removal or otherwise of such member, the Government may appoint a new member to fill the vacancy and such new member shall hold office for the unexpired period of the term of office of the member in whose place he has been appointed.(6)The procedure prescribed in 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 Cane Commissioner shall be ex officio Inspectors for the whole State. The Commissioner, Deputy Commissioner and the Sub-Divisional Officers shall be ex officio Inspectors within their respective jurisdiction.(2)The Government may appoint, when required, such other Government servants as it may think fit to be additional Cane Inspectors 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 he has reason to believe to be used as a factory or purchasing centre or any place where sugarcane intended for use in a factory is weighed or payment is made therefor, and make such examination of the weigh-bridges and of any records, registers and accounts maintained in connection with the purchase of sugarcane :Provided that he shall not enter any portion of such factory, other than the weigh-bridge, the cane carriers, premises and the office of the factory.(b)cause carts carrying sugarcane or consignments of sugarcane to be weighed or re-weighed in his own presence :Provided that sugarcane loaded in wagons may not be required to be unloaded for the purposes of re-weighment ;(c)record the statement of any person whom he may deem necessary to examine for the purposes of re-weighment ;(d)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 sugar quantity of manufactured, the percentage of extraction of sugar from cane, the quantity of sugar produced, issued and in stock ;(e)examine the weigh-bridge or weights used, kept or possessed for the weighment or purchase of cane ;(f)check weighment-purchases and payments made ;(g)inspect factory roads, cattle sheds, cattle troughs and lightning arrangements made for weighment of cane ;(h)examine the records showing the amounts of cane purchased and crushed;(i)call for from the occupier of the factory any information relating to the purchase, supply and crushing of cane ;(j)issue from time to time such instructions as may be necessary to ensure equitable purchase of cane ;(k)examine any record, registers, accounts or documents of Cane Growers Co-operative Societies ;(l)examine any record, register or document or call for any information relating to the payment of cess, commission and price of cane ; and(m)exercise such other powers as may be reasonably necessary for carrying out the purpose of the Act or of the rules made thereunder.

6. Form of notice under Section 6.

(1)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 weigh-bridge and the names of the person responsible for weighments and for payments for cane at each such weigh- bridge.(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 the weigh-bridge under his control or to install a weigh-bridge 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 weigh-bridge, or the occurrence of a change on the location of any existing weigh-bridge or in the list of persons responsible for weighments and payments, notify such change to the Cane Commissioner and 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 centre showing the names of persons responsible for weighments and payments made at the centre and shall cause lists to be maintained up-to-date.

8. Estimate 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 ensuing 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 modifications as may be considered to be necessary, within a month of the receipt of the estimates to the Sugarcane Control Board for approval and paste the same at the office of the factory and at the tahsils in which the supply area is situated.(3)The Government may, on application for revision filed within a month of the posting of such estimate, revise it.

9. Survey and Growers' Register.

(1)The 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 authorised by the Cane Commissioner to check survey of cane area, shall be afforded such assistance and facilities by the occupier of 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 member of the society receiving payment at the rate of twenty five naye 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. [Prescribed authority for the purposes of Section 14(4) and manner of communication of orders made by such authority. [See Legislative Supplement Part III dated 19.1.1963 p. 29.]

- The Cane Commissioner shall be prescribed authority for the purpose 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 growers or cane-growers Co-operative Society, as the case may be, shall be effected by publication of such order at the offices of the factory and at the offices of the Panchayat Samiti or Samitis and Tehsil, or Tehsils in which the area specified under the aforesaid sub-section.]

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 previously supplied cane to the said factory, (d) previously existing zoning 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 Sugarcane Control Board declaring any area to be assigned for any particular factory or altering the boundaries of an area already assigned, cancelling any previous order 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 tahsil or tahsils in which the areas are situated.

11. Purchase of cane grown 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 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 estimate, 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, to 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 offers 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' Co-operative Society, as the case may be, in Form VII within a month of the offer mentioned in sub-rule (1).(4)The occupier or agent of a factory or society shall spread the purchases made in the assigned area in an equitable manner, and shall make purchase of cane only after issuing requisition slips, the occupier or agent 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 an 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 society 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 permitted 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.] [Substituted by Punjab Government Notification No. G.S.R. 38/P.A.40/53/S.20/64, dated 20th January, 1964.](8)In case of disputes, whether a particular system of purchase adopted by the occupier or agent of the factory or his employee or the purchasing agents or the society in the assigned area, is equitable or not, the dispute may referred to the Cane Commissioner whose decision shall be final.

12. Minimum price.

(1)An occupier or agent or purchasing agent or any person employed by him shall not purchase cane for a factory or pay for it at a price below the minimum price, of any, fixed by law for the time being in force.(2)The minimum price payable for cane shall be per standard maund of 82.2/7 lbs. avoirdupois.

13. Licensing of Purchasing Agents and other employees.

(1)An applicant for a licence to act as a Purchasing Agent or to do any work, in connection with any transaction for the purchase of cane, including survey and preparation or lists of cane growers, or allotment or 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 licence fee of one rupee (Re. 1/-) has been deposited in any State treasury in 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 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 licence 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 sold to a factory.(2)No person shall accept or obtain, or agree to accept or attempt to obtain from any person for himself, as gratification or consideration, bonus, luck- money, or any other such payment whatever, other than the legal remuneration, as a motive or reward for weighing or purchasing cane or making payment therefor, or for issuing requisition slips, or for showing or for having to show, in connection with weighment or purchases or supply of or payment for cane, favour or disfavour to any person.(3)No person shall

falsely represent himself as a grower of cane, or as authorised by such grower, to believe cane on his behalf, or as a person duly authorised 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 centre, 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 purchasing agent, who opens a purchasing centre shall send intimation thereof within twenty-hours of the start of operations to the Inspector within whose jurisdiction such purchasing centre is situated and to Cane Commissioner.(6)If a purchasing centre has to be closed temporarily owing to a breakdown of a machine or other causes necessitating an abrupt but temporary suspension of operations, the occupier or the purchasing agent shall -(a)cause to be posted immediately, at the purchasing centre 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 thereof immediately to the Inspector within whose jurisdiction the purchasing centre 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 centre specifying clearly the date on which the centre is to be closed ;(b)intimate the date of the proposed closure to the Inspector within whose jurisdiction the purchasing centre is situated and to the Cane Commissioner :Provided that the Cane Commissioner has agreed to closure of the factory after previously satisfying himself that the cane in the assigned area will finish by that date.(8)An occupier or a purchasing agent shall -(a)cause a list to be put up at each purchasing centre, 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 and full particulars about the persons whose names are entered in these lists within 24 hours of their employment to the Inspector within whose jurisdiction such purchasing centre is situated and to the Cane Commissioner.(2)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 centre on behalf of an occupier or agent or 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 licences as demand by the Inspector.(11)The occupier of a 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 pasted on a notice-board at each weighment centre throughout the cane purchasing season notices showing the rates at which cane is being purchased at that particular centre 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 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 standard maund of 82.2/7 lbs., avoirdupois and multiples and sub-multiples thereof, and all weighments shall be made by means of a weigh-bridge or scales and recorded correctly to the nearest 1/8th of maund.(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 are inaccurate or which do not permit an easy reading of the recorded weight by the vendors of cane or their authorised agents and are not according to the standard maund and multiples and sub-multiples thereof to the nearest 1/8th of a maund :Provided that a margin of error upto 15 seers or one per cent, whichever is less, in a weighment, may be condoned. So far as weighments are concerned a weigh-bridge shall not be deemed to be incorrect which weighs within one per cent 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 reasonable 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 one maund each at each weighment centre in the custody of the person incharge of weighments.(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 deductions, without the approval of the Cane Commissioner, shall be made from the net weight of cane on the ground of drayage in proper stripping or for any other purpose.(6)Weighments of cane shall not be made more than half an hour after sunset unless adequate lighting arrangements are made at the weigh- bridge.(7)There shall be no detention of cane carts for more than ten hours without adequate cause.(8)Adequate arrangements to the satisfaction, of the Cane Commissioner shall be made at all purchasing centres for :-(a)regulating the entry and parking of carts to avoid congestion ;(b)roads and approaches to the weigh-bridge ; and(c)cattle sheds and troughs.(9)Any representative of growers, if authorised by the Cane Commissioner, shall be allowed to be present at the time of weighments of cane at any weigh-bridge to watch or check weighments and examine in which weights are recorded.(10)In no case shall cane be purchased without actual weighment.(11)The part of the mechanism of a weigh bridge by which its adjustment is controlled shall be kept suitably sealed or locked.(12)All weighbridges or scales at purchasing centres shall be tested at least once a week and a record of such tests properly maintained.

17. Receipts. -Registers and records.

(1)An agent or a purchasing agent shall prepare or cause to be prepared at each purchasing centre a parchi in triplicate, showing correctly :-(a)the serial number of the parchi ;(b)the date of the purchase ;(c)the name of the person from whom the cane is purchased with his parentage and full address together with similar particulars about the person authorised by the vendor to deliver cane on his behalf ;(d)the number of the 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 sub-rule (5) of rule 19 ;(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 authorised agent before the cane grower or his authorised agent leaves the weigh-bridge. The triplicate copy of counterfoil shall be kept at the purchasing centre concerned. (3) When payment is made for cane purchased, the receipt of the payee shall be taken on one of the counterfoils of the parchi handed over to him in accordance with the provisions of sub-rule (2) : Provided that if a number of parchis are presented together for payment, the 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 the other parchis covered by the receipt shall be given in the receipt and the other parchis shall be cancelled. (4) An agent of a purchasing agent shall maintain or cause to be maintained at each purchasing centre a register or record showing correctly the particulars specified in items (a) to (j) as given in sub-rule (1), and also the following further particulars :-(i) the amount deducted under rule 22 ;(ii) the amount of loan, if any, advanced to the person from whom the cane is purchased ;(iii) the amount of interest upto the date of recovery of the same ;(iv) the amount actually paid in cash on account of the cane purchased ;(v) the amount paid otherwise than in cash under rule 22 ;(vi) the date of payment. (5) An agent or purchasing agent shall maintain at each purchasing centre an inspection book in which Inspectors may record their remarks and instructions. (6) The registers, records, parchis, etc, referred to in this rule shall be preserved for one year. (7) In addition, the Cane Commissioner may direct the use of such other registers, records and forms as may be considered necessary. (8) The occupier of a factory shall submit correct returns relating to the production and sale of sugar and purchase of cane and such other information in such form, by such date and to such authority as may be directed by the Cane Commissioner.

18. Payments.

(1) The occupier, agent of purchasing agent, unless otherwise permitted by the Cane Commissioner, shall make payments to all cane growers due to each cane-grower or society for the cane purchased at each purchasing centre within a week from the date of payment : Provided that when the purchasing centre is closed all payments must be made within 10 days : Provided further that if any grower does not appear to receive payment within the specified periods after the close of the purchasing centre, payment to him shall thereafter be made by the factory within 12 hours of demand. (2) Payments shall be made on the basis of the recorded weight of the cane at the purchasing centre. The price of the cane to be paid shall be calculated at the nearest Naye paise. (3) An occupier of agent shall be liable for all payments due for cane supplied to him or 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 of complaint of non-payment is given or made in writing to the occupier or the agent of the factory concerned within three months of the date on which the purchasing centre at which the cane was supplied is closed. (4) The payment for cane purchased for a factory shall be made to the grower or his duly authorised representative in writing only. (5) The days of the week or the dates and the hours at which payment will be made shall from time to time be exhibited on a notice board on each

weighment or payment centre throughout the cane crushing centre 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 agent and the Collector, on 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.

19. Collection, etc of tax.

(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 agent of a factory shall maintain a correct account day by day of the cane purchased in Form XI.(3)Before the fifteenth 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 sugar cane intended for use in the factory during the month immediately preceding.(4)Before the close of each month, the occupier or agent of a factory shall submit to the Cane Commissioner a return in Form XI showing the quantity of cane has been purchased and entered in the factory during the month immediately preceding and the amount of cess deposited by him into the treasury receipt showing that the amount of cess due has been duly credited and that the full amount thereof has been credited into the treasury.

20. Forfeiture of securities.

(1)The Cane Commissioner may forfeit the whole or part of the securities referred to in section 7 of the Act after giving the licensee an opportunity of explaining the charges against him and of producing evidence in his defence.(2)The Cane Commissioner may order compensation to be paid out of the forfeited security to any person who has suffered loss owing to the misconduct of the licensee, as the case may be.Form I[See rule 3 (9)]Rules of procedure at meetings of Sugarcane Control Board

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

2. At all the meetings of the Board four members inclusive of a Chairman shall form a quorum.

3. Notice of a resolution or 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 or amendment shall be discussed at a meeting unless it is seconded.**
- 6. 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 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 no quorum, the Chairman shall adjourn the meeting to any subsequent date and no quorum shall be necessary for such an adjourned meeting.**
- 9. In any case not provided by these rules, the procedure shall be in accordance with the ruling of the Chairman.**

Form II[See rule 4 (6)]Rules of procedure at meetings of the Committee or Body

- 1. Notice in writing of meetings of the Committee or the Body shall be circulated to all the members of the Committee or the Body not less than two weeks before the meeting. Notice of a resolution or a motion to be moved at a meeting of a Committee or the Body shall be made available to the Chariman at least ten days before the meeting. The agenda shall be circulated at least one week before the meeting.**
- 2. All meetings of the Committee or the Body shall be presided over by the Chairman, and in the absence of the Chairman, the members 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 form 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 or 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.

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

Form III[See rule 6]Notice of nomination of AgentI/We_____hereby give notice that I/We have nominated

-(1)_____s/o_____resident of
_____(2)_____s/o_____resident of
_____(3)_____s/o_____resident of
_____tahsil _____to be the agents of the sugar factory known as _____for the purpose of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953, with effect from_____195 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 the required deposits is enclosed herewith :-Dated_____19

Agent

Occupier
of _____

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 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 items 2 above mentioning the number hours of actual crush on 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 by 120 the average quantity of cane crushed per day of 22 hours as calculated under item 4_____(6)Any extension of the plant of the factory since the last statement was submitted_____(7)Date of submission_____(8)Specification of area desired to be declared an assigned area.Signature of person empowered to sign on behalf of the occupier of the factory.
Form V(See rule 9)Form the Survey of SugarcaneSection IName of village, tahsil and

district _____

| S. No. | Name of cane grower with father's name and caste | Khasra numbers of plots under cane in hiscultivation | Area under cane | Remarks |
|--------|--|--|-----------------|-----------------|
| | Improved | - | Ratoon Plant | - 1 2 3 4 5 6 7 |

Form VI(See rule 9)Form of Growers Register to be maintained by a factoryName of village, pargana or district _____ Name of factory or purchasing centre _____

| S. No. | Name of cane growerwith father's name and caste | Total holding | Quota of supply inthe last three years | Khasra numbers ofplots under cane in his cultivation | Desi | Area under cane | Amount of cane ondeed | Remarks | |
|----------|---|---------------|--|--|------|-----------------|-----------------------|---------|----|
| Improved | Plant | | | | | | | | |
| Ratoon | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Form VII(See rule 11)Form of application by a Cane-grower or a Cane-growers Co-operative Society in an assigned area offering cane to a factoryName of cane-grower with father's name.....(1)Name of the Cane-growers Co-operative Society.....(2)Village, tahsil 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 land in his/the members' cultivation under cane in 19.....(6)Varieties cultivated with per cent area under each.....(7)Estimated yield per acre.....(8)Quantity of cane estimated for sale.....Signature of the cane grower or authorized representative of a cane-growers co-operative society ;Form VIII(See rule 11(3))Agreement Form between a cane-grower/Cane-growers Co-operative Society and the Agent of a factoryI/We....., the Cane-grower/the Cane-growers Co-operative Society, village/district....., hereinafter to be referred to 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 195 the sugarcane crop of the cane-grower the member of the society standing on.....acres as detailed below with an approximate yield of.....in maunds to the party at the minimum price notified by the Government subject to such deductions, if any, as may be notified by the Government 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 centre 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 instalments equitably spread over the whole working period of the factory.(3)In the case of a Cane-growers Co-operative Society, the second party shall pay to the first party commission at the rat of [20 paise per quintal] [See Gazette Part 1 dated 21-1-80 page 268 for Punjab and GSR

148/PA/40/53/S. 20174 for Haryana.]. The commission shall ordinarily be paid monthly and the last instalment shall be paid within one month of the close of the crushing season. If it is not so paid interest shall accrue at the rate of 7½ per cent annum on all sums left unpaid.(4)In the event of wilful failure to supply at least 85 per cent of the estimated yield of cane from the area the crop of which has been contracted to be sold, excluding the quantity needed for seed, the first party shall be liable to pay the second party compensation at a rate not exceeding one anna per maund on such deficit.(5)In case the first party wilfully fails to supply cane to the second party on three consecutive occasions in accordance with the requisition made by the second party, the first party shall cease 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 four days before the cane is required and will not make changes within this period without sufficient reasons.(7)In the event of the second party wilfully failing to take delivery of the cane, which the first party is ready to deliver in accordance with this agreement, the second party shall be liable to pay to the first party at least 50 per cent of the actual price of the quantity of such cane which he fails to purchase. In the event of the second party otherwise wilfully failing to purchase cane in accordance with this agreement he shall be liable to pay the first party compensation at a rate not exceeding one anna per maund for such quantity of cane as the second party fails to buy ; provided that for any deficiency in the purchase in the instalments fixed for the period after 1st April, the second party shall be liable to pay compensation to the first party at a rate not exceeding two annas per maund.(8)In the event of a breakdown at the factory or of other circumstances due to the 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 agreed 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 other arrangements for the disposal of the cane and in such case no compensation shall be payable by either party to the other.(9)No compensation for breach of this agreement shall be payable by either party where such breach is due to natural causes, calamities, or accidents beyond human control.(10)Any dispute between the parties regarding the quality and condition of the cane, the place of delivery, the instalments and other matters 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 Court in respect of any such dispute. Signature of the authorised representative of the Canegrower/Canegrowers Co-operative Society. Signature of the Agent in token of his accepting the above contract Dated.....

| Village | Area under different improved various | Area under | Approximate yields in maunds | Remarks |
|--|---------------------------------------|------------|------------------------------|---------|
| Co. 314. Co. L. 29 Co.S. 321 Co. L. 9 Co.S. 245. Co. 312 Co. 453 | Ratoon | Plant | | |

[Form VIII-A] [See Legislative Supplement Part III dated 31.1.1964 p. 134.][See rule 11(7)]Form of Notice Whereas the _____ factory has been allowed to crush _____ quintals of cane during _____ crushing season; And whereas the cane growers or the cane growers co-operative 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 the requisite quantity of cane or 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. Agent (Name of factory)] Dated----- Form IX (See rule 3) Form of application for a licence to work as Purchasing Agent of a factory or to do any work in connection with any transaction for the purchase of cane within the State of Punjab I _____ son of _____ resident of _____ having been nominated by the occupier of _____ factory or to work as purchasing agent to do any work in connection with any transaction for the purchase of cane at _____ purchasing centre on behalf of the aforesaid occupier of the factory, hereby apply for a licence under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953. I hereby agree to abide by the terms and conditions of the licence..... Signature of applicant. Dated..... Form X (See rule 13) Form of licence to work as purchasing agent of a factory This is to certify that..... resident of....., is authorized to work as..... at..... purchasing centre on behalf of..... factory or..... purchasing agent of..... factory in connection with the transaction for the purchase of cane, subject to the terms and conditions hereinafter mentioned and to the provisions of the Sugarcane (Regulation of Purchase and Supply) Act, 1953, and the rules made thereunder :-(1) The licence shall remain in force till the..... (2) The licensee shall comply with the provisions of the said Act and the rules made thereunder and shall obey all lawful directions which may be issued to him by the Inspector or the Cane Commissioner. (3) The licensee shall be responsible for the proper discharge of his duties and shall not show favour or disfavor to any person, in connection with any transaction for the purchase of cane on behalf of the aforesaid factory or the purchasing agent. (4) The licence shall be liable to be suspended or cancelled by the Cane Commissioner without prejudice to and in addition to any penalty which the licensee may incur under the provisions of the Act and the rules made thereunder after giving reasonable opportunity to show cause why his licence should not be suspended or cancelled. (5) The licensee shall be responsible for returning the licence to the Cane Commissioner on expiry of the term thereof or in the event of the licence being suspended or cancelled on such suspension or cancellation. (Sd.)..... Cane Commissioner, Punjab. Dated..... Form XI (Rule 19) Cane record for levy of tax Local area.....

Date _____ Quantity purchase and intended for use in a factory

(in maunds)

Carts

Lorries

Tram Rail Others Total

Date-----Signature of agent