

U.P. Sugarcane (Regulation Supply and Purchase) Act, 1953

UTTAR PRADESH

India

U.P. Sugarcane (Regulation Supply and Purchase) Act, 1953

Act 24 of 1953

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U.P. Sugarcane (Regulation Supply and Purchase) Act, 1953(U.P. Act No. 24 of 1953)Last Updated 10th October, 2019Statement of Objects and Reasons - (Act No. 8 of 2019). - The Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (Uttar Pradesh Act 24 of 1953) has been enacted to regulate supply and purchase of sugarcane required for use in sugar factories and Gur, Rab or Khandsari Sugar Manufacturing units. Under the Provisions of Section 18 of the Act, there shall be paid by the occupier of a factory or a Gur, Rab or Khandsari Sugar manufacturing Unit a commission for every one maund of cane purchased by the factory or a Gur, Rab or Khandsari Sugar Manufacturing unit and where the purchase is made through a Cane-growers' Co-operative Society, the commission shall be payable to the Cane-growers' Society and the Council in the capital/fund thereof in such proportion as the State Government may declare, so however that the share payable to the Council shall not exceed fifty per cent. The amount received in the form of "Commission" to the Cane-growers' Co-operative Society and the Council, in such proportion as may be declared by the State Government is the main source of financial income of these bodies. It is noteworthy in this regard that the Cane Development Councils were coming in the definition of "Local Authority" as defined in the Income Tax Act, 1961, under Section 10(20) and were exempted to pay income tax without any condition, but in the year 2002 by the Finance Act, 2002, the definition of "Local Authority" was amended and an explanation was inserted in the Income Tax Act, the said Councils were excluded and thereafter under the provisions of Section 10(20) the said Councils were deprived of the unconditional remittance from income tax with effect from 10-4-2003. It is also noteworthy that under the provisions of Section 194(i) which came into force on 1-6-2001, the income under the title "commission" came under the purview of income tax, due to the said provision in the Income Tax Act, the amount received by the Councils under the title "Commission" came under the provision of Income Tax and T.D.S. is being deducted on that amount regularly, which causes regular financial losses to the Councils. It may be mentioned that the amount received under the title "Commission" from the sugar mills, to the Councils as well as to the Cane-growers' Co-operative Society of the Sugarcane department, also became taxable under the above provisions of the Income Tax Act, 1961. Under the above circumstances, the change in the title "Commission" received from

sugar mills in respect of sugarcane supply made by the society, has become necessary in the present circumstances. On the recommendation of the Cane Commissioner, it has been decided to amend the aforesaid Act to substitute Section 18 of the said Act to replace the word "Commission" by the word "Contribution". Since the State Legislature was not in session and immediate Legislative action was necessary to implement the aforesaid decisions, the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) (Amendment) Ordinance, 2019 (Uttar Pradesh Ordinance 4 of 2019) was promulgated by the Governor on June 12, 2019. This bill is introduced to replace the aforesaid Ordinance. An Act to regulate the supply and purchase of sugarcane required for use in sugar [factories and Gur, Rab or Khandsari Sugar Manufacturing Units] and other connected matters:

Chapter I

Preliminary

1. Short title Extent and commencement.

(1) This Act may be called the U.P. Sugarcane (Regulation Supply and Purchase) Act, 1953. (2) It extends to the whole Uttar Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context, - (a) "assigned area" means an area assigned to a factory under Section 15; (b) "Board" means the Sugarcane Board established under Section 3; (c) "Cane" means sugarcane intended for use in a factory [or Gur, Rab or khandsari Sugar Manufacturing Unit]; (d) "Cane Commissioner" means the Officer appointed to be Cane Commissioner under Section 9, and includes an Additional Cane Commissioner appointed under Section 10; (e) "Cane-grower" means a person who cultivates cane either by himself or by members of his family or by hired labour and who is not a members of a "Cane-growers' Co-operative Society". (f) "Cane-growers' Co-operative Society" means a society registered under the Co-operative Societies Act, 1912, one of the objects of which is to sell cane-grown by its members and includes the federation of such societies registered under Section 8 of the said Act; (g) "Collector" includes any person whom the State Government may, by notification appoint to exercise and perform the powers and duties of Collector under this Act; (h) "Council" means the Cane Development Council established under Section 5; (i) "Crushing season" means the period [beginning on the 1st October in any year and ending on the 15th July next following]; (i-i) "Ethanol" means anhydrous ethyl alcohol of minimum 99 percentage strength, produced directly either from sugarcane juice or B-Heavy molasses or both. Explanation. - When a sugar factory produces ethanol directly from sugarcane juice of B-Heavy molasses, the recovery rate in case of such sugar factory shall be determined by considering every six hundred litres of ethanol so produced as equivalent to one ton production of sugar. [(j) "Factory" means any premises including the precincts thereof wherein twenty or more workers are working or on any day during the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar by means of vacuum pan process or ethanol either directly from sugarcane juice or molasses, including B-Heavy molasses, or both as the case may be, is being carried on or is ordinarily carried on with the aid of mechanical power." [(j-j)

"Gur- Rab or Khandsari Sugar Manufacturing Unit" means a unit engaged or ordinarily engaged in the manufacture or production of gur, rab or khandsari sugar in a reserved area, and which is capable of handling sugarcane juice produced with the aid of a crusher driven by any mechanical power;](j-ii) "Inspector" means any person appointed or any officer designated as inspector under Section 11;](k)["Occupier" in relation to a factory or a gur, rab or khandsari Sugar Manufacturing Unit, means the person (including a company, firm or other association of individuals) who, or the authority which, owns or has the ultimate control over the affairs of such factory or unit and where the said affairs are entrusted to a Managing Agent or a Director or other Officer of such person or authority, includes such Managing Agent, Director or other officer :Explanation. - Notwithstanding that the affairs of a factory or unit are entrusted to a Managing Agent or a Director other officer, the liability under Section 17 of the person, who or the authority which owns or has the ultimate control over the affairs of the factory or unit shall remain unaffected;](l)"Prescribed" means prescribed by rules;](m)[* * *](n)["Reserved area" shall mean the area reserved for a factory under an Order for reservation of Sugarcane areas made under Rule 125-B of the Defence of India Rules, 1962, and when no such order is in force, the area specified in an order made under Section 15;](o)"Rules" means a rule made under this Act;](p)"State Government" means the Government of Uttar Pradesh; and](q)"Sugar Commissioner" means the Official appointed to be Sugar Commissioner appointed under Section 10].

Chapter II

Administrative Machinery

3. Sugarcane Board.

(1)There shall be established by the State Government a Sugarcane Board for Uttar Pradesh.(2)The Board shall consist of-(a)[the minister in charge of Industries];(aa)[the Minister in charge of Cane Development];(b)[twenty-one members] to be appointed by the State Government of whom five shall be representatives of sugar factories [five shall be representatives of Gur, Rab or Khandsari Sugar Manufacturing Units and five shall be representatives of cane-growers and the Cane-growers' Co-operative Societies and the remainders shall be persons possessing technical knowledge in sugarcane or otherwise interested in the development of sugarcane and its products;(c)the Cane Commissioner or his representative who shall be ex-officio member; and(d)the Secretary to the State Government in the Industries Department or such other officer as may be nominated by the State Government. He shall also be ex-officio Secretary of the Board.(3)The Minister in charge of Industries shall be ex-officio Chairman of the Board and in his absence the [Minister in charge of Cane Development and; if he also, is absent the representative of the Minister in charge of Industries to be nominated by him, shall preside over the meeting of the Board.(4)The term of the Board shall be two years: provided that the State Government may I it is satisfied that it is necessary so to do dissolve the Board before the expiry of its term.(5)Where the Board is dissolved the following consequences shall follow-(a)All members referred to in Clause (b) of sub-section (2), Shall on a date to be specified in the order, vacate their offices but without prejudice to their eligibility for appointment or nomination as a member;(b)The Board shall be reconstituted by the State Government in accordance with the provisions of sub-section (2).

4. Functions of the Board.

- The Board shall advise the State Government on the following matter, namely-(a)matters pertaining to the regulation of supply and purchase of cane for sugar factories;(b)the varieties of cane which are suitable or unsuitable for use in sugar factories;(c)the maintenance of healthy relations between occupiers or managers of factories, cane-growers. Cane-growers' Co-operative Societies, Cane development Council and(d)such other matters as may be prescribed.

5. The Development Council.

(1)There shall be established for the reserved area of a factory a Cane Development Council (hereinafter called Council) which shall be body corporate by the name of such area or such other name as may be prescribed, having perpetual succession, and subject to such restrictions or qualifications as may be imposed and subject to such restrictions or qualifications as may be imposed under this Act or any other enactment, vested with the capacity of suing and being sued in its corporate name, of acquiring, holding administering and transferring property both movable and immovable, and of entering into contracts :Provided that where the Cane Commissioner so directs the Council may be established for a larger or smaller area than the reserved area of a factory.(2)The area for which a Development Council is established shall be called a zone.(3)The Council shall consist of the following, namely :-(i)two representatives of the sugar factory concerned, to be nominated by the occupier;["(ii) Seven representatives of the Cane-grower's Co-operative Societies functioning in the reserved area, to be elected by the members of the Committees of Management of such societies from amongst the members of such societies;Provided that out of seven representatives one representative shall be from the persons belonging to the Scheduled Castes or the Scheduled Tribes and one from the persons belonging to the other Backward Classes and one representative shall be a women."(iii)one representative of the licensed power driven khandsari manufacturing units in the reserved area, to be elected by their owners;(iv)the District Cane Officer;(v)the Sugarcane Protection Inspector;(vi)[the Seed Production Officer;](vii)the senior Cane Development Inspector, who shall be ex-officio Member-Secretary.(3-A) The members of the Council shall elect from among themselves a person not being a Government servant, to be the Chairman of such Council];"(4) The term of council shall be coterminous with the term of Cane Co-operative Society and upon its expiry the council shall be reconstituted in accordance with the provisions of sub-section (3)."(5)Where a Council is dissolved the following consequences shall follow :(a)[the Chairman and all members but not the Secretary] shall on a date to be specified in the order vacate their offices but without prejudice to their eligibility for appointment or nomination as member:(b)the Council shall be reconstituted by the Cane Commissioner in accordance with the provisions of sub- section (3); and(c)the duties, power and functions of the Council shall, pending its reconstitution, be discharged, exercised and performed by the secretary may direct, for such period and subject to restrictions as may be specified in the order.

6. Functions of the Council.

(1)Functions of the Council shall be-(a)to consider and approve the programme of development for the zone;(b)to devise ways and means for the execution of the development plan in all its essentials

such as cane varieties, can seed, sowing programme, fertilizers and manures;(c)to undertake the development of irrigation and other agricultural facilities in the zone;(d)to take necessary steps for the prevention and control of diseases and pests and to render all possible help in the soil extension work;(e)to impart technical training to cultivators in matters relating to the production of cane;(f)to administer the funds at its disposal for the execution of the development scheme subject to the general or special directions of the Cane Commissioner; and(g)to perform other prescribed functions pertaining and conducive to the general development of the zone.(2)The State Government may by rule provide for an annual meeting of all the Development Council in a district. Every such meeting shall be presided over by the Collector/

7. Casual vacancy.

- A casual vacancy in the Council shall be filled up, as far as may be, in the manner stated in sub-section (3) of Section 5.

8. Council Fund.

(1)There shall be a fund at the disposal of the Council to meet the charges in connection with the discharge of its duties and performance of its functions under this Act.(2)The fund of the Council shall consist of -(a)grants, if any made by the Indian Central Sugarcane Committee;(b)grants, if any made by the State Government;(c)contributions made by the sugar factories [Gur, Rab or Khandsari Sugar Manufacturing Units] and 'Cane- growers' Co-operative Societies at rates to be prescribed; and(d)any other sums, which the State Government may require to be credited to it.

8A. Supersession of Council.

- If at any time, the State Government is, after taking into consideration the explanation, if any, of the Council satisfied that the Council has made a wilful default in the performance of any of its functions and duties under this Act, it may, by notification supersede the Council for such period as may be specified and shall make such arrangement for the performance of the functions and duties of the Council, during the period of supersession, as it may deem fit.]

9. Sugar Commissioner and Cane Commissioner.

- The State Government may for purposes of this Act appoint-(a)a Sugar Commissioner; and(b)a Cane Commissioner;Who shall perform the duties and exercise all powers conferred or imposed upon them by or under this Act:Provided that nothing in this section shall prevent the State Government from appointing the same person to be Sugar Commissioner and the Cane Commissioner.

10. Additional, Deputy or Assistant Cane Commissioner.

- The State Government may appoint any person or designate any Government Officer as Additional, Deputy or Assistant Cane Commissioner or Additional, Deputy or Assistant Sugar Commissioner.

11. Inspectors.

(1)The State Government may for purposes of this Act appoint any person or designate such officers of the Government as it thinks fit to be Inspectors within such local limits as may be assigned to them.(2)The Inspectors shall perform the duties and exercise the powers conferred or imposed upon them by or under this Act.

Chapter III

Supply and Purchase of Cane

12. Estimates of requirements.

(1)The Cane Commissioner, may for purposes of Section 15, by order, require the occupier of any factory to furnish in the manner and by the date specified in the order to the Cane Commissioner an estimate of the quantity of cane which will be required by the factory during such crushing seasons or crushing seasons as may be specified in the order.(2)The Cane Commissioner shall examine every such estimate and shall publish the same with such modifications, if, any, as he may make.(3)An estimate under sub-section (2) may be revised by an authority to be prescribed.

13. Register of Cane-growers and Cane-growers and Cane-growers' Co-operative Society or Societies.

- The prescribed form a register of all such cane-growers and Cane-growers" Co-operative Society or Societies, and shall sell cane to that factory.(2)The State Government may, by rules, make provision for the following-(a)correction of entries made in the register and addition of new entries if necessary;(b)fixing of prices in respect of entries so corrected or added in the register and prescribing of the procedure for payment of such price; and(c)the supply of copies of entried made in the register on payment of the prescribed fee.

14. Power of survey etc.

(1)The State Government may, for purposes of Section 15, by order provide for-(a)a survey to be made of the area proposed to be served or assigned for the supply of cane to a factory and the recovery of the cost of such survey from the occupier of the factory.(b)the appointment of an Officer for purposes of such survey, his duties and powers;(c)the procedure in accordance with which the survey shall be made;(d)the assistance and facilities to be provided to the officer appointed in

pursuance of Clause (b) by the persons owning for occupying land in the area; and (e) such incidental and consequential matters as may appear to be necessary or desirable for this purpose. (2) Any amount due from the occupier of a factory in pursuance of Clause (a) of sub-section (1) shall be recoverable from such occupier as an arrear of land revenue.

15. Declaration of reserved area and assigned area.

(1) Without prejudice to any order Clause (d) of sub-section (2) of Section 16 the Cane Commissioner may, after consulting the Factory and Cane-growers' Co- operative Society in the manner to be prescribed: (a) reserve any area (hereinafter called the reserved area); and (b) assign any area (hereinafter called an assigned area). For the purposes of the supply of cane to a factory in accordance with the provisions of Section 16 during [one or more crushing seasons as may be specified and may likewise at any time cancel such order or alter the boundaries of an area so reserved or assigned. (2) Where any area has been declared as reserved area for a factory. The occupier of such factory shall, if so directed by the Cane Commissioner purchase all the cane grown in that area, which is offered for sale to the factory. (3) Where any area has been declared as assigned area for a factory, the occupier of such factory shall purchase such quantity of cane grown in that area and offered for sale to the factory as may be determined by the Cane Commissioner. (4) An appeal shall lie to the State Government against the order of the Cane Commissioner passed under sub-section (1).

16. Regulation of purchase and supply of cane in the reserved and assigned areas.

(1) The State Government may, for maintaining supplies, by order, regulate- (a) the distribution, sale or purchase of any cane in any reserved or assigned area; and (b) purchase of cane in any area other than a reserved or assigned area. (2) Without prejudice to the generality of the foregoing powers such order may provide for- (a) the quantity of cane to be supplied by each Cane-grower or Cane-growers' Co-operative Society in such area to the factory for which the area has so been reserved or assigned; (b) the manner in which cane grown in the reserved area or the assigned area, shall be purchased by the factory for which the area has been so reserved or assigned and the circumstance in which the cane grown by a cane-grower shall not be purchased except through a cane-growers' Co-operative Society; (c) the form and the terms and condition of the agreement to be executed by the occupier or manager of the factory for which an area is reserved or assigned for the purchase of cane offered for sale; (d) the circumstances under which permission may be granted- (i) for the purchase of cane grown in reserved or assigned area by a Gur, Rab or Khandsari Manufacturing Unit or any person or factory other than the factory for which area has been reserved or assigned, and (ii) for the sale of cane grown in a reserved or assigned area to a [Gur, Rab or Khandsari Manufacturing Unit or any person or factory] other than the factory for which the area is reserved or assigned; (e) such incidental and consequential matters as may appear to be necessary or desirable for this purpose.

17. Payment of cane price.

(1)The occupier of a factory shall make such provision for speedy payment of the price of cane purchased by him as may be prescribed].(2)Upon the delivery of cane the occupier of a factory shall be liable to pay immediately the price of the cane so supplied, together with all other sums connected therewith,(3)Where the person liable under sub=section (2) is in default in making the payment of the price for period exceeding fifteen days from the date of delivering, he shall also pay interest at a rate of 7-1/2 per cent per annum from the said date, with the approval of the State Government, that no interest shall be paid or be paid at such reduced rate as he may fix:[Provided that in relation to default in payment of price of cane purchased after the commencement of this proviso, for the figure '7-1/2 the ' figure 12' shall be deemed substituted.](4)The Cane Commissioner shall forward to the Collector a certificate under his signature specifying the amount of the price of cane plus interest, if any, due from the occupier and the Collector, in receipt of such certificate, shall proceed to recover from such occupier the amount specified therein as if it were an arrear of land revenue.(5)(a)Without prejudice to the provisions of the foregoing subsections, where the owner or any other person having control over the affairs of the factory or any other person having control over the affairs of the factory or any other person competent in that behalf enters into an agreement with a band under which the band agrees to give advance to him ["on the security of sugar or ethanol (directly produced from the sugarcane juice or B-Heavy molasses)"] produced or to be produced in the factory, the said owner or other person shall provide in such agreement that a [percentage determined by such authority and in such manner as may be prescribed] of the total amount of advance shall be set apart and be available only for repayment to cane-growers or their co-operative societies on account of the price of sugarcane purchased or to be purchased for the factory during the current crushing season from those cane-growers or from or through those societies, and interest thereon and, such societies, commission in respect thereof.(b)Every such owner or other person as aforesaid shall send a copy of every such agreement to the Collector within a week from the date on which it is entered into].

18. [Contribution purchase of cane. [Substituted by U.P. Act No. 8 of 2019, dated 2.8.2019.]

(1)There shall be paid by the occupier of a factory or a Gur, Rab or Khandsari Sugar Manufacturing Unit a contribution for every one maund of cane purchased by the factory or a Gur, Rab or Khandsari Sugar manufacturing Unit.(a)Where the purchase is made through a Cane-growers' Co-operative Society, the contribution shall be payable to the Cane-growers' Society and the council in the capital/fund there of in such proportion as the State Government may declare, so however that the share payable to the Council shall not exceed fifty per cent, and(b)Where the purchase is made directly from the cane-grower, the contribution in the fund shall be payable to the Council:Provided that different rates of contribution may be prescribed for a factory and for a Gur, Rab or Khandsari sugar manufacturing Unit:Provided further that the State Government may by notification in the official Gazette remit in whole or in part such contribution in respect limited purpose specified in the notification.(2)The contribution payable under clauses (a) and (b) of sub-section (1) shall be at such rates as may be prescribed not exceeding the rate at which the contribution in the fund may be payable to the Council under clause (a).(3)The provisions relating

to payment, interest and recovery including recovery as arrears of land revenue, applicable to price of cane shall mutatis mutandis apply to payment and recovery of contribution under sub-section (1).]

19. Power to declare varieties of cane to be unsuitable for use in factories.

(1)The State Government may, by notification, declare that -(a)cane of any variety grown in any area specified in such notification is unsuitable for use in all or any factories situated in the said area;(b)ratoon cane of any variety grown in any area specified in such notification is unsuitable for use in any or all factories situated in the said area; and(c)seed cane of any variety is unsuitable for distribution cultivators in an area as specified in such notification.(2)The notification under sub-section (1) shall be issued after December 31, and before September 1, in any calendar year.(3)Where any seed cane of any variety has been declared under subsection (1) to be unsuitable for distribution to cultivators in that area, the occupier of a factory or any other person acting on his behalf or Cane-growers' Co-operative Society shall not distribute seed cane of such variety or varieties to any person to be used by cane-growers or the members of the Cane-growers' Co-operative Societies in any area.(4)Where cane or ratoon cane of any variety has been declared under sub-section (1) to be unsuitable for use in a factory, the occupier of such factory or any other person acting on his behalf or a cane-grower or a Cane-growers' Co-operative Society shall not plant cane of any variety, or keep ratoon cane of any such variety.

Chapter IV Miscellaneous

20. Tax on sale of cane.

(1)The Governor may, by notification, impose a cess not exceeding four annas a maund on the entry of sugarcane into an area specified in such notification for consumption, use or sale there:Provided that the State Government may by notification, remit in whole or in part such cess in respect of sugarcane used or intended to be used in a factory for any purpose specified in such notification.(2)The State Government shall make rules specifying the authority empowered to assess and collect cess and the person from whom and the manner in which the cess shall be collected.(3)If any agreement for the sale of cane is entered into before the imposition of a cess under this section, the seller will be entitled to recover from the buyer in addition to, and as part of the contracted price, the amount of such cess to which the seller may be liable.(4)Where any person is in default in making the payment of the cess, the authority empowered to collect the cess may direct that in addition to the amount of the arrears a sum not exceeding 10 per cent thereof shall be recovered from the person liable to pay the cess, by way of penalty.(5)The authority empowered to collect the cess may forward to the Collector a certificate under his signature specifying the amount of arrears due from the person concerned and the Collector, on receipt of such certificate, shall proceed to recover from such person the amount specified therein as if it were an arrear of land revenue.(6)Any sum imposed by way of penalty under sub-section (4) shall be recoverable in the manner provided in sub-section (5) for the recovery of the arrear of cess.]

21. Determination occupier [for the purposes of Section 22].

(1)Where the occupier of [a factory or gur rab Khandsari Sugar Manufacturing Unit] is a firm or other association of individuals, [(not being a company)] any one or more of the partner or member thereof may be prosecuted and punished under this Act for any offence for which the occupier of [the factory or Gur, Rab or Khandsari Sugar Manufacturing Unit] is punishable :Provided that the firm or association may give notice to the Collector that it has nominated one of its members to be occupier of the factory for the purpose of [this sub-section] and such individual shall be deemed to be the occupier for the purpose of [this sub-section] until further notice cancelling his nomination is received by the Collector or until he ceases to be a partner or member of the firm or association.(2)Where the occupier of a factory is a company any one or more of the directors thereof, or in the case of a private company, a shareholder to be the occupier of the factory for the purpose of [this sub-section] and such director share holder shall be deemed to be the occupier of the factory for the purposes of [this sub-section] until further notice cancelling his nomination is received by the Collector or until he ceases to be a director or share- holder.

22. Penalties.

- If any person contravenes any of the provision of this Act or any rule or of order made thereunder, he shall be liable to imprisonment upto six months or to a fine not exceeding [rupees fifty thousand] or both and in the case of continuing contravention to a further fine not exceeding [five thousand] for each day during which the contravention continues.

22A. Powers of certain officers to investigate into offences punishable under this Act.

(1)An Inspector specially empowered in relation to cases generally or to any class or cases by the State Government, by notification, in that behalf may investigate into any offence punishable under this Act committed within the limits of the area in which such officer exercise jurisdiction.(2)Any such officer may exercise the same powers in respect of such investigation as an officer-in-charge of a police station may exercise in a cognizable case under the provisions of Chapter XII of the Code of Criminal Procedure, 1973.

22B. Duty of officers of certain departments to report offences and to assist Inspectors.

- Every officer of the Police, Revenue and Excise Departments shall be bound to give immediate information to an Inspector of all branches of any of the provisions of this Act which may come to his knowledge and upon request made by an Inspector, to aid him in carrying out the provisions of this Act and the rules made thereunder.]

23. Institution of proceedings.

(1) No prosecution shall be instituted under this Act except upon complaint made by or under authority from the Cane Commissioner or the district Magistrate. (2) On the application of a person accused of an offence under this Act, the Cane Commissioner or the District Magistrate with the previous offence by levying a composition fee not exceeding the fine which could be imposed for such offence. (3) No Court inferior to that of a Magistrate of the second class shall try any offence against this Act or any order or rule made thereunder.

24. Special powers of Magistrates.

- Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for [chief Judicial Magistrate or Chief Judicial Magistrate or Chief Metropolitan Magistrate as the case may be, or Additional Chief Judicial Magistrate or Additional Chief Metropolitan Magistrate"] specially empowered by the State Government in this behalf and trying any case under this Act or any order or rule made thereunder to pass a sentence of fine not exceeding [fifty thousand rupees] on any person convicted for any offence under this Act.

25. Protection of action taken under the Act.

(1) No suit prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order or rule made under this Act. (2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order or rule made under this Act.

26. Repeal and saving.

- The U.P. Sugar Factories Control Act, 1938 (hereinafter in this section and Section 27 referred to as "the said Act") is hereby repealed: Provided that without prejudice to the general application of Section 6 and 24 of the U.P. General Clauses Act, 1904, with regard to repeal and continuation of appointments, notification, orders, etc., under enactment repealed and re-enacted, this repeal shall not prejudice or affect- (a) The operation of any notice served, order made or any permit licence or sanction granted before the commencement of this Act under the powers conferred by the said Act; (b) The continued validity of any cess, tax fee or other penalty assessed or imposed under the said Act prior to its repeal or the power to assess or impose any such cess, tax, fee or penalty in respect of the period prior to its repeal or anything done or permitted to be done thereunder, and such cess, tax, fee or penalty may be assessed or imposed any such thing done as penalty may be assessed or imposed and any such thing done as if the said Act had not been repealed; (c) The continuance of a Board, or Cane Development Council constituted under the said Act and the same shall, till such Board or Council has been duly constituted under and in accordance with this Act, exercise the powers, duties and functions exercisable or dischargeable by it under the said Act; (d) The continued operation of any immunity, exemption or protection granted by or under the

said Act: Provided further, that any area declared to be a reserved area or an assigned area under the said Act shall unless directed otherwise or superseded by anything done or any action taken under this Act, continue in force as if declared under this Act:

27. Transitional provisions.

- The State Government may for the purpose of removing any difficulties in relation to the transition from the provisions of the said Act to this Act, by order published in the official Gazette-(a) direct that this Act shall during such periods as may be specified in the order take effect subject to such adoptions whether by way of modification, addition or omission as it may deem fit to be necessary or expedient; and (b) make such other temporary provision for the purpose of removing any such difficulty as it may deem fit to be necessary or expedient: Provided that no such order shall be made after twelve months from the commencement of this Act.

28. Power to make rules.

- [****](2)[****](3) The rules made under this section shall come into force from a date to be appointed by the State Government. (4) All such rules shall be laid before the State Legislature when it meets immediately after their enforcement and shall be subject to such omissions, alterations and additions as the Legislature may make.