

- (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and such cess, tax, fee or penalty may be assessed or imposed and any such thing done as if the said Act had not been repealed;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 this Act; or
- (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that any area declared to be a reserved area or an assigned area under the said Act shall unless directed otherwise or superseded by anything done or any action taken under this Act, continue in force as if declared under this Act.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 adaptations 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 ¹[* * * *].

(2) 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.

1. In Sec. 28 clauses (1) and (2) have been omitted by Act 7 of 1974 (w.e.f. 21-12-1973).

2. In Sec. 28 clauses (1) and (2) have been omitted by Act 7 of 1974 (w.e.f. 21-12-1973).

THE U.P. SUGARCANE (REGULATION OF SUPPLY AND PURCHASE) RULES, 1954

Published in U.P. Gazette, dated September 4, 1954 Pt I-A, pp.
1564—, 1583 Notification No. 2662-HS/XVIII-C—1723-53,
dated September 1, 1954

In exercise of the powers conferred by Section 23 of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (U.P. Act No. XXIV of 1953), the Governor is pleased to make the following rules and to direct that they shall come into force from the date of their publication in the Gazette.

CHAPTER I

Short title and commencement

1. These rules may be called the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Rules, 1954.

CHAPTER II

Definitions

2. In these rules unless there is anything repugnant in the subject or context—

- (a) "Act" means the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (Act XXIV of 1953);
- (b) "Budget Year" means the year commencing from the first day of July;
- (c) "Collector" means the Collector of the District in whose jurisdiction the factory or the purchasing centre or the reserved area of the assigned area or the headquarters of a Council or a Zone or a Society, as the case may be, is situated;
- (d) "Commissioner" means the Commissioner of a revenue division;
- (e) "Federation" means the Uttar Pradesh Co-operative Cane Unions' Federation Ltd.;
- (f) "Purchasing Centre" means any place at which cane is purchased, supplied, delivered, weighed or paid for and includes such portion of the premises of a factory as is used for any of these purposes;
- (g) "Section" means a section of the Act;
- ¹(h) "Society clerk" means any person appointed as such by a Cane-growers' Co-operative Society to do any work connected with the supply, purchase, payment and weighing of cane at a purchasing centre;
- (i) "Sub-Divisional Officer" means the officer-in-charge of a revenue sub-division;
- (j) "Weighbridge" means any mechanism or scales (including beam scales) used to weigh cane;

1. Ins. by Notification No. 3129-S/XVIII-C—1601-63, dated April 28, 1964, w.e.f. May 2, 1964.

¹(k) "Weighment clerk" means a person appointed as such by the occupier of a factory or a purchasing agent and duly licensed under Rule 89 to do any work in connection with the purchase and weighment of cane at a purchasing centre];

(l) "Year" means the agricultural year beginning from July 1.

Short Notes

Administrative instructions may be issued to supplement and not supplant the statutory rules. (1990 (4) SLR CAT Chandigarh 273).

The administrative instructions may fill in the gaps where statutory rules are silent. The administrative instructions cannot superseed, control or impugn upon the scope and ambit of statutory rules. (1980(4) SCC 226).

CHAPTER III Sugarcane Board

3. The Board shall advise the State Government on such matters, in addition to those specified in the Act, as may be referred to it from time to time by the State Government.

4. Meetings of the Board shall be held at Lucknow unless otherwise directed by the Chairman and on such dates as the Chairman may fix.

5. Notice in writing of meeting of the Board shall be sent by the Secretary of the Board to all members at least 14 days before the date fixed for the meeting, except in emergent cases, when a notice, both by letter and telegram, may be sent at least three days before the meeting.

6. When the seat of any member of the Board becomes vacant by reason of resignation or death or any other cause, the State Government shall appoint another person to fill the vacancy, and the person so appointed shall hold office for the residue of the term of office of the member in whose place he has been appointed.

7. The procedure in Appendix I to these rules shall be followed at meetings of the Board.

CHAPTER IV Cane Development Council

8. The Cane Commissioner shall, by order, establish a Council for the reserved area of a factory or for any area specified in the order.

9. [Deleted].²

10. In addition to the functions specified in the Act the Council shall perform such other functions, pertaining and conducive to the general development of its area, as may be assigned to it by the Cane Commissioner from time to time.

11. The term of a person appointed to fill a casual vacancy under Section 7 shall be the residue of the term of office of the person in whose place he has been nominated.

1. Ins. by Notification No. 3129-S/XVIII-C-1601-63, dated April 26, 1964, w.e.f. May 2, 1964.

2. Deleted by Notif. No. 3096-S/XVIII-C-1723-53, dated May 18, 1961.

12. (1) An annual budget shall be drawn up by every Council and submitted for sanction to the Cane Commissioner at least one month before the commencement of the budget year. The Cane Commissioner may sanction the budget with such modifications as he may consider necessary.

¹[(1-A). The sanction referred to in sub-rule (1) may also be given by a Deputy Cane Commissioner nominated by the Cane Commissioner in this behalf.]

(2) No expenditure shall be incurred unless it has been provided for in the budget as sanctioned, provided that, with the prior approval of the Cane Commissioner given in writing, expenditure under the sanctioned item may exceed the provision for that item.

(3) The Cane Commissioner may, at any time during the currency of the budget, order expenditure on any item specified by him and enforce payment therefrom from the funds for the Council, where due to any special circumstances or default of the Council such a course is considered necessary for meeting any sudden, emergent or unforeseen contingency.

13. The Cane Commissioner may, where necessary, order the appointment of auditors other than the departmental auditors for auditing the accounts of the Council. The expenditure on such audit shall be met from the funds of the Council.

²[13-A. A factory agreeing to join or to undertake any cane development scheme approved by the State Government for the purposes of this rule shall contribute such sum to the fund of the council and in such manner, as may be determined by the Cane Commissioner, Uttar Pradesh, from time to time.]

14. The funds of the Council shall be kept in a Scheduled Bank or a Co-operative Bank approved by the Cane Commissioner and shall be operated on by the Secretary under the control of the Chairman subject to the directions, if any, issued by the Cane Commissioner. The Secretary shall maintain proper accounts, registers and vouchers of all income and expenditure. The accounts shall be audited annually by a duly appointed auditor, and the Council shall remove all the audit objections to the satisfaction of the Cane Commissioner.

³[15. The Cane Commissioner may veto or modify any resolution or decision of the Council after assigning reason if it is against the interest and aims of the Council.]

16. The Secretary may, subject to the control of the Chairman, convene meetings of the Council as often as may be necessary and shall do so when required by any two members of the Council. He shall circulate the agenda, keep the minutes of the meetings carry on correspondence on behalf of the Council, and discharge such other functions as may be necessary. He shall forward a copy of the minutes of

1. Ins. by Notif. No. 2015-S/XVIII-(5)-1597-73, dated June 28, 1973.

2. Added by Notification No. 5032-S/XVIII-C-1601-63, dated November 17, 1965 (w.e.f. November 17, 1965).

3. Subs. by Notif. No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.

every meeting to the Cane Commissioner within a week of the date on which it is held.

17. The procedure prescribed in Appendix II to these rules shall be followed at the meetings of a Council.

18. (1) The annual meeting of all the Council in a district [as required under Section 6(2) of the Act]¹ shall be held not later than the end of December during a crushing season.

(2) The meeting shall be held at such time and place as may be fixed by the Collector.

CHAPTER V

Inspectors

²19. The Cane Commissioner and the Sugar Commissioner shall be *ex officio* Inspectors for the whole of the State. The Commissioners, the Collectors, the Sub-Divisional Officers, the District Planning Officers, the Deputy Cane Commissioners, the Assistant Cane Commissioners, the Range Co-ordination Officers, the District Cane Officers, the Additional District Cane Officers and the Senior Cane Development Inspectors shall be *ex officio* Inspectors within their respective jurisdiction :

Provided that where necessary the Cane Commissioner or the Sugar Commissioner, as the case may be, may with the object that the inspection may be more effective, by order extend the jurisdiction of *ex officio* Inspectors other than the Commissioners, the Collectors, the Sub-Divisional Officers, the District Planning Officers and, may from special checking squads headed by such *ex-officio* Inspectors.]

³20. Every Inspector may, within the local limits of his jurisdiction and with such assistance as may be necessary—

- (a) enter any factory or other place which is used or which he has reason to believe is being used as a purchasing centre or for the maintenance of any records, registers, accounts or other documents relevant thereto.
- (b) examine the weighbridge or weights used, kept or possessed for the weighment or purchase of cane.
- (c) cause any vehicle carrying cane or other consignments of cane to be weighed or re-weighed in his presence.
- (d) check weighments, purchases and payments made.
- (e) inspect factory roads, cattlesheds, cattle troughs and lighting arrangements made for weighments of cane.
- (f) examine the records showing the amount of cane purchased and crushed.
- (g) call for from the occupier of a factory or his employee, any information relating to the purchase, supply, crushing of cane and payment of cane price.

1. Added by Notl. No. 3096-S/XVIII-C—1723-53, dated May 18, 1961.
 2. Subs. by Notl. No. 7522—S/XVIII-(5)—1809-74, dated 10th March, 1975.
 3. Subs. by Notl. No. 7297-S/XVIII(5)-2050-64, dated 1st February 1978.

- (h) issue from time to time such instructions as may be necessary to ensure equitable purchase of cane.
- (i) examine any records, registers, accounts or documents of Cane-growers' Co-operative Societies.
- (j) examine any record, register or document or call for any information relating to the payment of purchase tax, commission and price of cane.
- (k) take into his possession and remove from the premises of a factory or purchasing centre such records, registers, documents, statements and returns, maintained or caused to be maintained by the occupier of a factory as he may require for the purpose of any enquiry or examination, and
- (l) exercise such other powers as may be necessary for carrying out the purposes of the Act and these Rules].

CHAPTER VI

Reservation and Assignment of Area

"21.¹[(1) The occupier of a factory shall apply to the Cane Commissioner in Form I, Appendix-III for the reservation or assignment of an area for supply of cane to the factory for one or more crushing seasons falling over the period of reservation and assignment.

²[(2). Every such application shall be accompanied by a Treasury receipt showing that a fee at the rate of Rupees One thousand for each crushing season has been deposited in local treasury."

(3) Every such application shall be accompanied by a Treasury receipt showing that a fee of rupees two has been deposited in the local treasury.

22. In reserving an area for or assigning an area to a factory or determining the quantity of cane to be purchased from an area by a factory, under Section 15, the Cane Commissioner may take into consideration—

- (a) the distance of the area from the factory,
- (b) facilities for transport of cane from the area,
- (c) the quantity of cane supplied from the area to the factory in previous year,
- (d) previous reservation and assignment orders,
- (e) the quantity of cane to be crushed in factory,
- (f) the arrangements made by the factory in previous years for payment of cess, cane price and commission,
- (g) the views of the Cane-growers' Co-operative Society of the area,
- ³[(h) efforts made by the factory in developing the reserved or assigned area.]

23. Appeal against an order of the Cane Commissioner under Section 15 shall be to the State Government within 14 days of the publication of the order at the office of the Collector : provided that the State

1. Subs. by Notl. No. 2623-CD/XI-VI-3-2001-3(24)-2001 T.C. dated 1st August 2001.
 2. Subs. by Notl. No. 3220-CD/XI-VI-3-2001-3(24)-2001 TC dated 31 August 2001.
 3. Ins. by Notl. No. 3129-S/XVIII-C—1601-63, dated April 28, 1964, (w.e.f. May 2, 1964).

Government may, for any special reason, entertain an appeal made after the expiry of the above period ;

The appeal made under this rule shall be submitted to the State Government in triplicate.

¹[23-A. The State Government shall be the authority empowered to revise the estimates under Section 12(3) and an application for revision of estimates published by the Cane Commissioner under Section 12(2) shall be made to the State Government within fourteen days from the publication of the estimates.]

CHAPTER VII Growers' Register

²[24. The occupier of a factory shall prepare in Form 2, Appendix III, a register to be called the Growers' Register in respect of all the area from which supplies of cane are drawn by the factory. This register shall be properly maintained and shall be opened to inspection to every grower or to the Cane-growers' Co-operative Societies].

²⁵. Any grower having or claiming to have grown sugarcane may apply to the occupier of the factory ³[concerned] for the correction of an entry in or the addition of new entry to the Growers' Register. The occupier shall keep a record of ⁴[such] applications.

²⁶. The occupier of the factory shall, after such inquiry as he considers necessary, pass order on the application within 14 days of its receipt, and shall supply copy of such order free of charge to the applicant. An appeal from the order of the occupier of the factory shall lie to the Sub-Divisional Officer having jurisdiction.

²⁷. The occupier of a factory shall, on an application made to him in writing and on payment of a fee of 25 naye paise⁵ per grower, furnish to any person a copy of the entries in the Growers' Register in respect of any grower.

²⁸. The Growers' Register shall be preserved by the occupier or a factory for a period of two years following the crushing season to which it relates.

CHAPTER VIII Weighments

⁶[29. The Cane-Commissioner may authorise any person including such employees and representatives of the Cane-growers' Co-operative Societies as he may consider necessary to watch or check weighments, weigh-bridges and weights, as also to examine the *parchas* in which weights and prices of cane are recorded.

1. Added by Notl. No. 3096-S/XVIII-C—1725-53, dated 18-5-1961.
2. Subs. by *ibid*.
3. Added by *ibid*.
4. Added by *ibid*.
5. Subs. by Notl. No. 3996-S/XVIII-C—1723-53, dated May 18, 1961.
6. Subs. by Notl. No. 3996-S/XVIII-C—1723-53, dated May 18, 1961.

¹[29-A. The occupier of a factory shall permit the persons as may be authorized by the Cane-Commissioner under Rule 29 to carry out the purposes mentioned in the said rule.

²[30. All transactions in connection with the purchase and supply of cane shall be made according to the maund of 82 2/7 lb avoirdupois, and it shall not be lawful to use any other weight in relation to any such transaction].

³[31. No cane shall be purchased without actual and correct weighment].

⁴[32. The gross, tare and net weights of cane shall be correctly recorded. The net weight of cane shall be founded to the nearest eighth of a maund for purposes of calculating cane price].

⁵[33. An occupier of a factory shall not use, keep or possess for weighment of cane :

- (a) the scales and weights which are incorrect, provided that if a weigh-bridge is weighing less up to the permissible limit specified in Appendix IV, the weighment may not be stopped but extra allowance in weight and price to the extent of the error detected in weighment shall be made to all suppliers of cane till the weigh-bridge is set right. No deduction either in weight or price shall be permissible to the occupier in case the weighbridge is over-weighing.
- (b) scales the arms of which are not legibly marked in Devnagri character on both sides and are not accessible to the vendors of cane and their authorized agents and are not legible to persons standing near the carts which are being weighed, or
- (c) scales or weights which have been disapproved by an Inspector.]

⁶[33-A. (i) In cases where the use of weighbridges has been prohibited by the operation of provisions in clauses (b) and (c) of Rule 33 above at any cane purchasing centre the Inspector may, by a written order, permit the use of beam scales temporarily.

(ii) At least one set of beam scale shall be provided by the occupier of the factory at each purchasing centre for weighment of the requisitioned cane.

(iii) Arrangements for fixing a regular weighbridge shall be completed by the occupier of the factory within 72 hours of the detection of the incorrectness in the weighbridge, whereafter weighments on the beam scales shall not be continued except with the written permission of the Inspector appointed under Section 11 or *ex officio* Inspector specified in Rule 19].

1. Subs. by Notl. No. 3996-S/XVIII-C—1723-53, dated May 18, 1961.
2. Subs. by Notl. No. 7297-S/XVIII-(5)—2050-64, dated 1-2-1978.
3. Subs. by Notl. No. 3996-S/XVIII-C—1723-53, dated May 18, 1961 for R. 32 and Rr. 29, 30, 31 renumbered as 30, 31 and 32.
4. Subs. by Notl. No. 3996-S/XVIII-C—1723-53, dated May 18, 1961 for R. 32 and Rr. 29, 30, 31 renumbered as 30, 31 and 32.
5. Subs. by Notl. No. 7279-S/XVIII-(5)—2050-61, dated 1-2-1978.
6. Subs. by Notl. No. 7297-S/XVIII-(5)—2050-64, dated February 1, 1978.

¹[33-B. The beam scales provided under sub-rule (ii) of Rule 33-A may be used by a cane-grower to ascertain the weight of his cane if he so desires before its weighment at the weighbridge].

34. All weights used, kept or possessed for the purchase of cane ²[or for checking the weighments] shall be ³[standard weights] made of iron, brass or other suitable metal and shall be clearly stamped or marked to indicate the denomination.

35. The part of the mechanism of a weighbridge by which its adjustment is controlled, shall be kept sealed and locked ⁴[in such a manner as not to allow any tampering being done with its mechanism.]

36. All weighbridges and weights used, kept or possessed for purchase of cane shall, at all times without notice, be made available for inspection, and test when required by an Inspector or such other person as may be authorised by the Cane Commissioner.

⁵[37. Only standard weights consisting of six weights each of 50 kilograms, four weights each of 20 kilograms and two weights each of 10 kilograms shall be kept by the occupier of a factory at every purchasing centre where there is a weighbridge].

⁶[38. An occupier of a factory shall cause all weighbridges used, kept or possessed by him for the purchase of cane, to be tested twice daily once before starting weighment of cane for the day and again at midday and shall maintain record of such tests which shall on demand be shown to an Inspector.

⁷[38-A. (1) At every purchasing centre at least one weighment clerk shall be appointed and deputed by the occupier of a factory to do the work connected with the purchase and weighment of cane.

(2) A weighment clerk shall—

- (i) weigh the cane accurately;
- (ii) calculate the cane price correctly;
- (iii) prepare correctly all such records as he may be required by an occupier of a factory in connection with the transaction of cane;
- (iv) where he is so required by the occupier of a factory make each and every entry correctly in the 'purcha' referred to in Rule 96; and
- (v) use correct weights or weighbridges which have not been disapproved for use due to any defect.

(3) An occupier of a factory shall as far as possible exercise close and strict supervision over the work of the weighment clerk to ensure that the duties entrusted to him are carried out properly.

(4) At every purchasing centre at least one society clerk shall be appointed by the Cane-growers' Co-operative Society who shall—

1. Added by Notl. No. 3129-S/XVIII-C—1601-63, dated April 28, 1964 (w.e.f. 2-5-1964).
2. Added by Notl. No. 3096-S/XVII-C—1723-53 of 18th May, 1961.
3. Added by Notl. No. 3096-S/XVII-C—1723-53 of 18th May, 1961.
4. Added by Notl. No. 3096-S/XVII-C—1723-53 of 18th May, 1961.
5. Subs. by Notl. No. 2797-S/XVIII-(5)—2050-64, dated 1-2-1978.
6. Subs. by Notl. No. 2797-S/XVIII-(5)—2050-64, dated 1-2-1978.
7. Subs. by Notl. No. 2797-S/XVIII-(5)—2050-64, dated 1-2-1978.

- (i) regularly and carefully watch and check weighment of cane, weighbridges and also examine the 'purcha' in which weights and prices of cane are recorded; and
- (ii) make correct entries in the requisition slips and such other records as the Cane-growers' Co-operative Society requires him to maintain.

(5) A society clerk shall, where he finds that weighment of cane or cane price or any entry in the 'purcha' referred to in Rule 96 has not been correctly mentioned by the weighment clerk or incorrect weight or defective weighbridge has been used or any other contravention connected with the transaction of cane has been made report the discrepancy to the Inspector appointed under Section 11 or *ex officio* Inspector sanctioned in Rule 19 and forward one copy each of his report to the occupier of the factory and the Cane-growers' Co-operative Society.

(6) No weighment clerk shall work as such without possessing a licence under Rule 89.

¹[39. (i) At every purchasing centre adequate facilities for weighment and particularly adequate staff, sufficient number of scales and adequate transport, shall be provided by the occupier of a factory to the satisfaction of the Cane Commissioner with a view to avoid congestion and undue delay in weighment. Cane-carts and trucks shall be weighed in the order of their arrivals and shall not be kept waiting for more than ten hours without adequate reasons].

Explanation.—(1) A cart shall not be deemed to have been kept waiting unduly if the supplier of cane, having received instructions in writing to deliver cane on a certain day, ignores such instruction or where the practice of issuing written instructions is in force, brings cane without receiving such instructions.

²[*Explanation.*—(2) Non-placement of wagons or non-availability of labour, trucks, tractors etc., for purposes of loading unloading and carrying cane to the factory premises from a cane purchasing centre shall not be regarded as adequate reasons for detention, unless it is for reasons beyond the control of the occupier or agent].

40. The occupier of a factory shall—

- ³[(a) provide cement and concrete tracks or metalled approaches from the public road to the parking ground at the factory premises and from the parking ground to the cane carrier of the factory and the metalled exist from the cane carrier to the public road and the roads provided shall be of not less than 3.6576 metres width;]
- (b) keep the same in a proper state of repairs;

1. Subs by Notl. No. 3096-S/XVIII-C—1723-53, of 18th May, 1961.
2. Subs. by Notl. No. 3129-S/XVIII-C—1601-63, dated 28th April, 1964 (w.e.f. 2nd May, 1964).
3. Subs. by Notl. No. 3129-S/XVIII-C—1601-63, dated 28th April, 1964 (w.e.f. 2nd May, 1964).

(c) provide to the satisfaction of the Cane Commissioner adequate space for at least [33 per cent of]¹ the average number of carts requisitioned per day with metalled tracks separated by railings or walls for parking of carts waiting for weighment and keep the same in a proper state of hygienic cleanliness;

²[(d) provide to the satisfaction of the Cane Commissioner, shelter and drinking water facilities at all purchasing centres. At least two pucca troughs of 1.2192 metres X 3.0480 metres X 0.9144 metres size shall be constructed on each side of the parking yard at the factory and kept constantly filled with clean water. Sufficient number of water taps but in no case less than four in the factory yard and one each at outstation purchasing centre shall be provided for the cartmen at convenient places. In case it is not possible to provide water tap at any outstation purchasing centre at least one handpump shall be provided at such outstation purchasing centre;]

(e) provide such other facilities as may be directed by the Cane Commissioner from time to time.

³[41. Weighments of cane shall not be made more than half an hour after sunset :

Provided that the Inspector or the Chairman of the concerned Cane-growers' Co-operative Society with the concurrence of the Inspector may allow weighments of cane to be done after sunset :

Provided further that weighments of cane after sunset shall be made only if adequate lighting arrangements, approved by an Inspector and as may be sufficient for the easy reading of scale arms, are made and maintained.]

42. No deductions shall be made from the weight of cane on the ground that the cane is improperly stripped or on any other ground except in so far as it may be permissible under any order or direction of the Central Government.

⁴[43. The occupier of a factory shall provide adequate labour for loading and unloading of cane at each purchasing centre.]

CHAPTER IX

Payments

44. Payment of the price of cane shall be made on the basis of the recorded weight of the cane at the purchasing centre. The price shall be calculated to the nearest naya paisa.

1. Subs. by Notif. No. 3129-S/XVIII-C—1601-63, dated 28th April, 1964 (w.e.f. 2nd May, 1964).
2. Subs. by Notif. No. 3129-S/XVIII-C—1601-63, dated 28th April, 1964 (w.e.f. 2nd May, 1964).
3. Subs. by Notif. No. 3096-S/XVIII-C—1723-53, dated 18th May, 1961.
4. Subs. by Notif. No. 7297-S/XVIII-(5)—2050-64, dated February 1, 1978.

45. Payments for cane shall be made only to the cane-grower or his representative duly authorized by him in writing to receive payment or to a Cane-growers' Co-operative Society :

¹[Provided that the payment to the members of Cane-growers' Co-operative Society may be made by the factory with the mutual agreement between the factory and the society. This remuneration to the factory for the payment to the members of a Cane-growers' Co-operative Society shall be determined by the Cane Commissioner :

Provided further that all arrears of cane price shall be remitted to the Cane-growers' Co-operative Society concerned within fifteen days of the close of the factory].

²[46. Where a dispute arises regarding the price of cane supplied or the claimants to the price or the 'parchas' under which payments are claimed payment to the claimants may be withheld pending inquiry. All such cases shall be entered in a register and shall be immediately referred to the Sub-Divisional Officer for orders. An appeal against the orders of the Sub-Divisional Officer shall lie to the Collector within thirty days :

Provided that whenever payment to the claimant is withheld under this rule, the occupier of the factory shall forthwith deposit the amount in dispute in the Court of the Sub-Divisional Officer.

47. The occupier of a factory shall not make any deduction from the amount due for cane sold to him by a cane-grower or Cane-growers' Co-operative Society :

Provided that recovery of the dues of a Cane-growers' Co-operative Society may be made by deduction from the price payable for cane.]

48. If with the previous general permission of the Cane Commissioner given in respect of any area any loan was advanced by the occupier of a factory for meeting the expenses of cultivation, to the cane-growers from whom cane has been purchased, the amount of such loan, together with simple interest thereon at a rate not exceeding, 6-1/4 per cent per annum for the period the loan has been outstanding, may be deducted from the price of the cane :

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

³[Provided further that intimation of previous general permission of the Cane Commissioner for loan advances is given to the Cane-growers' Co-operative Societies concerned at the time of advancing loans.]

Explanation.—A loan for the purposes of this rule shall mean an advance made in pursuance of an agreement to sow a definite area of sugarcane or to enable such area to be sown or to deliver a certain

1. Added by Notification No. 3096-S/XVIII-C—1723-53, of 18th May, 1961.
2. Subs. by Notif. No. 7297-S/XVIII-(5)—2350-64, dated February 1, 1978.
3. Added by Notification No. 3096-S/XVIII-C—1723-53, of 18th May, 1961.

amount of cane. The Cane Commissioner will decide, on application from the occupier of a factory whether a loan is proportionate to the area to be sown or the assistance necessary to sow it or the value of the cane to be delivered.

¹[48-A. (1) The percentage of the total amount to be set apart under sub-section (5) of Section 17 shall be equivalent to the cost of cane (in rupees) estimated to go into the production of each bag containing one quintal of sugar which shall be arrived at in the manner hereinafter provided, multiplied by one hundred and divided by the amount of advance (in rupees) per such bag to be given by the bank to the owner or any other person having control over the affairs of the factory or any other person competent in that behalf.

(2) In respect of any factory the cost of cane estimated to go into the production of each bag containing one quintal of sugar shall be a sum (in rupees) equivalent to the price of sugarcane per quintal (in rupees) payable by that factory (in the crushing season for which the percentage is to be worked out) including the commission of any cane-growers' co-operative societies in respect thereof, divided by the average recovery of sugar per quintal of sugar-cane worked out to the third place of decimal, in that factory (in the preceding crushing season), determined in each case by the Collector.

Illustration.—If the price of sugarcane per quintal (including society's commission 15 paise per quintal) is Rs. 7.50 and the average recovery of sugar-cane in the factory is 9.5 per cent i.e., .095 per quintal then the cost of cane estimated to go into the production of each bag containing one quintal of sugar works out to Rs. $7.50/.095/78.94$ rupees.

Explanation I.—If the factory was under production during only a part of any such previous crushing season, it shall be sufficient to take into consideration that part of the crushing season during which the factory was actually under production.

Explanation II.—If the factory had not commenced production before the crushing season for which the specification is made the Collector may specify the rate of direct payment per bag of sugar on the basis of comparable date relating to other factories, if any, in the same region or of any other relevant factory.

²[(3) The percentage arrived at under sub-rule (1) shall be subject to review by the Collector either of its own motion or on representation being made by the owner or other person having control over the affairs of the factory or by a cane grower's co-operative society, if the Collector having regard to subsequent variations in the recovery of sugar, price of cane and the amount of the Bank advance is satisfied that it is necessary to do, and in that case the references in sub-rule (2) to the said factors shall be construed as references to those factors as varied, and the revised percentage so arrived at shall have effect from such date as the Collector may by order specify.

1. Subs. by Notification No. 9952-S/5-C—1808-68, dated 14th January, 1972.
2. Subs. by Notif. No. 6819-S/XVIII-(5)—1739-72, dated 20-2-1973.

(4) Where the owner or any other person having control over the affairs of the factory represents to the Cane Commissioner that having regard to his immediate requirement of finance for meeting wages and other dues payable to workmen and other current manufacturing expenses the amount of advance left with him after setting apart of the percentage arrived at under sub-rule (1), together with other funds available or expected to be available with him through the proceeds of sale of sugar or from any other source, will be insufficient to meet such requirements, the Cane Commissioner may, with the prior approval of the State Government reduce the percentage arrived at under sub-rule (1) by not more than twenty per cent. thereof and thereupon the percentage referred to in sub-section (5) of Section 17 shall be the percentage as so reduced.]

(5) The agreement referred to in sub-section (5) of Section 17 shall provide for the opening of a separate account in the same bank by the owner or other person having control over the affairs of the factory or any other person competent in the behalf, and the percentage of advance referred to in that sub-section shall be credited into that account.

(6) The percentage arrived at under sub-rule (1) shall be intimated by the Collector to the owner or other person having control over the affairs of the factory or any other person competent in that behalf before 1st October, each year :

Provided that in relation to the crushing season beginning on October 1, 1971, each intimation shall be given within two weeks from the commencement of this rule.

(7) (i) The owner or the occupier of a factory shall furnish to the Collector of the district, sending a copy to the Cane Commissioner, a fortnightly statement in Form No. 12 within three days of the close of the fortnight.

(ii) The owner or any other person as aforesaid shall furnish such other information to the Collector as he may require for the proper enforcement of the provisions of sub-section (5) of Section 17.]

¹[(8) If in the case of any factory any balance is left from the amount set apart on the basis of a percentage arrived at under sub-rule (1) or as a result of review under sub-rule (3) or of reduction under sub-rule (4), as the case may be, the owner of the factory or other person having control over the affairs of the factory may apply to the Collector for the refund of such balance and the Collector may, after such enquiry as he may deem fit, pass order for the refund of such balance.]

CHAPTER X

Commission on purchase of Cane

²[49. The occupier of a factory shall pay commission on cane purchase at the rate of three percent of minimum statutory cane price fixed by the Government of India, out of which seventy five percent shall

1. Added by Notif. No. 6819-S/XVIII-(5)—1739-72, dated 20-2-1973.
2. Subs. by Notif. No. 2778/S.Chl.U.Anu-I-2002—1623/96, dated December 5, 2002. Published in U.P. Gazette Extra Part 4 Khand (Kha) dated 5 December 2002.

be payable to the cane grower's co-operative society and Twenty five percent to the Council :

Provided that out of the Commission payable on cane purchased during crushing season 2002-2003 an amount of 75 paise per quintal shall be paid to the cane growers directly.

[49-A. Every occupier of a Gur, Rab or Khandsari Sugar Manufacturing Unit, liable to pay Purchase Tax under Section 3 of the Uttar Pradesh Sugarcane (Purchase Tax) Act, 1961 (U.P. Act No. IX of 1961), shall pay to the Council for every quintal of cane purchased by the Unit, commission at the rate of seventeen paise per quintal for the crushing season 1990-91 (w.e.f.1-6-1991) till 1994-95 and for the crushing season 1995-96 and onward at the rate of half per cent of the minimum statutory cane price. The entire amount of the commission will be utilised for the construction of roads and other development work.]

50. In determining the proportion in which payments out of the commission shall be made to the Council and the Cane-growers' Co-operative Society of an area the State Government may take into consideration the financial resources and the working requirements of the Council and Cane-growers' Co-operative Society.

51. Necessary adjustment in the payment of the commission to a Council or a Cane-growers' Co-operative Society in respect of a crushing season, shall be made before the end of that season.

CHAPTER XI

Cane-growers' Co-operative Society

52. The terms and conditions of service including the qualifications, grades, and scales of salaries of the permanent as well as temporary staff of the Cane-growers' Co-operative Society shall be determined by the Federation subject to the approval of the Cane Commissioner.

53. The strength of staff to be maintained by a Cane-growers' Co-operative Society shall be fixed by the Cane Commissioner or an officer authorized by him in that behalf, with due regard to the working requirements and financial resources of the society.

54. The power to appoint, grant leave of absence to, punish, dismiss, transfer and control Secretaries, Assistant Secretaries and Accountant of Cane-growers' Co-operative Societies, whether permanent or temporary, shall be exercised by the Federation subject to the general control of the Cane-Commissioner who may rescind or modify any order of the Federation :

Provided that Cane Commissioner may himself exercise any of such powers in case of emergency.

55. Similar powers as stated in Rule 54 may be exercised by the society in respect of the other staff, subject to the regulations made by the Federation and the general control of the Cane-Commissioner.

1. Subs. by Notl. No. 534/S-Chl-4-A-1-96--2560-94, dated June 6, 1996.

56. [* * *].

57. All arrangements in connection with the sowing, sale and supply of cane by Cane-growers' Co-operative Societies shall be in accordance with such general or special instructions as may be issued by the Cane-Commissioner from time to time.

58. Every Cane-growers' Co-operative Society shall prepare a budget annually and submit it for sanction to the Cane-Commissioner not later than thirty days before the commencement of the budget year.

59. (1) Expenditure shall be incurred unless it has been provided for in the budget as sanctioned.

(2) In an emergency or to meet an unforeseen contingency the Cane Commissioner may order expenditure on any specified item from the funds of a Cane-growers' Co-operative Society, provided that such expenditure is in the furtherance of the objects of the society.

60. If the Cane Commissioner finds that the management of a society or any member thereof is misusing the resources of the society or is utilising its funds against the provisions of the Co-operative Societies Act and Rules or the bye-laws of the society or any standing or specific instructions of the Cane Commissioner, he may prohibit the society or the member concerned from incurring the expenditure or the liability, and the management of the society or the member concerned, as the case may be, shall be bound to carry out such instructions.

61. [* * *].

62. [* * *].

63. An appeal against an order of the Cane Commissioner under the provisions of this Chapter shall lie to the State Government within one month of the date of the communication of the order to the society or the persons concerned.

CHAPTER XII

Collection of Cess

64. The Collector shall be the authority empowered to assess and collect cess.

65. The occupier of a factory shall maintain a correct account day to day in Form 3, Appendix III, of the cane entering the area specified in the notification under Section 20.

66. Before the fifteenth day of each month the occupier of a factory shall pay into the treasury the amount due as cess on the quantity of sugarcane which has entered the specified area during the month immediately preceding.

67. Before the close of each month the occupier of a factory shall submit to the Collector, a return in Form 4, Appendix III, showing the quantity of cane that has entered the specified area during the month immediately preceding and the amount of cess deposited by him into the

1. Omitted by Notl. No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.
2. Omitted by Notl. No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.
3. Omitted by Notl. No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.

treasury on account of such cane, together with the treasury receipt, showing that the amount of cess due has been duly credited into the treasury.

68. The Collector shall, on receipt of the return submitted to him under Rule 67 check that the amount of the cess has been correctly calculated and that the full amount thereof has been credited into the treasury.

CHAPTER XIII

Determination of Occupier

69. A notice of nomination of a person as "occupier of a factory" under Section 21 shall be given to the Cane Commissioner and the Collector in Form 5, Appendix III.

¹[On receipt of the notice, the Collector shall examine the contents thereof and would either accept or reject it, but while rejecting, he shall record reasons in writing].

70. The person declared as "occupier of a factory" shall deposit as security a sum of rupees one thousand in cash or in Government securities of the market-value of rupees one thousand or post-office cash certificates of the present encashment value of rupees one thousand. Such security shall be deposited with the Collector and shall be retained so long as that person acts as occupier :

Provided that, for reasons to be recorded in writing, the Collector may dispense with the security deposit or permit the deposit of such smaller security as he may think proper.

71. Government will have the first charge on such sum for the recovery of any fine, penalty due from the factory under the Act or these rules.

CHAPTER XIV

Licensing of purchasing agents

72 to 86. ²[* * *].

CHAPTER XV

Licensing of other Employers

³[87. No weighment clerk or any other person shall be employed by the occupier of a factory to do any transaction for the purchase of cane including survey and preparation of lists of cane-growers or allotment and distribution of requisition slips for cane, unless he has been licensed by the Collector of the district in which such transaction takes place. The fee for each such licence shall be one rupee. Where the applicant wishes to carry on such transaction in more than one district he shall apply for a licence to the Collector of any one of such districts and for endorsement thereon to the Collector of other districts making the licence valid for such districts also. Unless there are valid reasons to the contrary such endorsement shall be made without any extra charge thereof.

1. Added by Notif. No. 3096-S/XVIII-C—1728-53 of 18th May, 1961.
2. Omitted by Notif. No. 7297-S/XVIII-(5)—2050-64, dated 1-02-1978.
3. Subs. by Notif. No. 7297-S/XVIII-(5)—2050-64, dated 1-2-1978.

¹[88. An application for a licence under Rule 87 shall be made in Form 9, Appendix III, to the Collector of the district in which the applicant wishes to carry on any transaction in connection with the purchase of cane. Such application shall be accompanied by (a) a treasury receipt showing that the licence fee prescribed under Rule 87 has been paid, (b) a nomination from the occupier of the factory concerned in Form 10, Appendix III. An application may be made jointly for more than one employee but the licence fee of one rupee shall be payable for each employee :

Provided that an occupier of a factory shall not nominate within three years of dismissal any person dismissed from the service of a Cane-growers' Co-operative Society supplying cane to the factory.]

89. On receipt of an application for licence under Rule 88, the Collector may issue a licence in Form II, Appendix III. Before granting a licence under this rule the Collector may demand a security not exceeding rupees one hundred in cash or in Government securities for the due observance of the conditions of the licence.

²[89-A. The licensee shall keep with him the licence granted by the Collector during the duty hours and on demand produce the same to the Inspector.]

90. The security prescribed in Rule 89 shall remain in deposit with the Collector throughout the period of the licence and for six months thereafter. Government will have the first charge on such security for the recovery of any fine imposed on the licensee under the Act or these rules.

³[91. (a) The Collector may cancel a licence issued under Rule 89 or breach of any provision of the Act or these rules or any condition of the licence, without prejudice and in addition to any other penalty which the licensee may have incurred under the Act or these rules. No order for the cancellation of the licence shall be issued until an opportunity for explanation has been given to the employee concerned and to the occupier of the factory who has nominated him. Pending enquiry under this rule Collector or Inspector may suspend a licence, but such suspension shall not take effect until the expiry of seventy-two hours from the giving of notice thereof to the occupier of the factory concerned.

(b) The Collector may also cancel the licence of such employee if—

- (i) there have been persistent complaints against him of misbehaviour with the cane-growers, or
- (ii) Irregularities have been found against him in the purchase of cane.]

92. A licence issued under Rule 89 shall be cancelled on the application of a licensee's employer.

93. An appeal from the order of the Collector refusing, suspending or cancelling a licence shall lie to the Commissioner within one month of the date of the order. The decision of the Commissioner shall be final.

1. Subs. by Notif. No. 7297-S/XVIII-(5)—2050-64, dated 1-2-1978.
2. Added by Notif. No. 3095-S/XVIII-C—1723-53, dated 18th May, 1961.
3. Subs. by Notification No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.

¹[94. The occupier of a factory shall cause to be put up at each purchasing centre in Devanagari script—

- (a) a copy of an abstract of these rules, and
- (b) a notice of suitable size in clear bold letters showing the minimum price of cane fixed by Government and the rates at which cane is being purchased at the centre.]

95. Such notice shall be put up—

- (a) at each entrance to the factory,
- (b) at the place at which weighments of cane are made for the factory, and
- (c) at such other conspicuous place near the places mentioned in (a) and (b) as the Collector or an Inspector may direct.

CHAPTER XVII

Registers and records

²[96. (1) No occupier of a factory shall purchase cane without preparing or causing to be prepared at the purchasing centre a 'parcha' in quadruplicate showing correctly—

- (a) the serial number of the 'parcha';
- (b) the date of 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, if any, authorised by the vendor to deliver cane on his behalf,
- (d) the number of the requisition slip or *purzi* issued to the vendor,
- (e) the gross weight of the cane, including the weight of the vehicle in which cane is brought,
- (f) the weight (tare) of the vehicle in which the cane was brought,
- (g) the weight of the binding material to be deducted,
- (h) the net weight of the cane is 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.

(2) The entries under items (e) and (f) of sub-rule (1), shall be made and announced in the presence of the person who actually delivers the cane while the vehicle is still standing on the weighbridge, and in the case of weighment on beam scales, immediately on completion of the weighment; entries under items (a) to (d) shall be made as soon as weighment takes place; and entries under items (g) to (j) shall be made as soon as the empty cart is weighed.]

³[97. The *parcha* referred to in Rule 96 shall be handed over in duplicate to the person from whom cane is purchased or to his authorised agent before the person or his authorised agent leaves either the gross or the tare weigh-bridge. The triplicate copy shall be passed on to the Cane-

1. Subs. by Notif. No. 7297-S/XVIII-(5)—2050-64, dated 1-2-1978.
2. Subs. by Notif. No. 7297-S/XVIII-(5)—2050-64, dated 1-2-1978.
3. Subs. by Notification No. 3096-S/XVIII-C—1722-53, dated 18th May, 1961.

grower's Co-operative Society and the quadruplicate copy counterfoil shall be kept at the purchasing centre.]

98. When payment is made for cane purchased, the receipt of the payee shall be taken on one of the counterfoils of the *parcha* handed over to him in accordance with the provisions of Rule 97 :

Provided that if a number of *parchas* are presented together for payment, the receipt of the payee for the whole amount due to him may be taken only on the latest *parcha*. In such case the number of, or other references to, the other *parchas* covered by the receipt shall be given in the receipt and the other *parchas* shall be cancelled.

¹[98-A. When the payment is made by the Cane-growers' Co-operative Society to the cane supplier, the occupier of the factory shall make payment of cane price to such society on the basis of one of the counterfoils of the *parcha* kept at the purchasing centre on presentation of the bill for price of total quantity of cane supplied by such society to the factory, on date or dates to be mentioned therein and the society shall issue receipt for the amount so received from the factory, which receipt shall be kept by the said factory.]

²[99. An occupier of a factory shall maintain or cause to be maintained at each purchasing centre, a register or record showing correctly the particulars mentioned at items (a) to (j) of sub-rule (1) of Rule 96, and in addition, the following—

- (i) the amount of authorised deduction, if any;
- (ii) the amount actually paid in cash;
- (iii) the amount paid otherwise than in cash, if so authorised;
- (iv) date of payment.]

100. (1) An occupier of a factory shall maintain or cause to be maintained, except in respect of cane purchased through a Cane-growers' Co-operative Society, separately for each cane-grower, an account containing the following particulars :

- (i) Name of the supplier (with the necessary details to ensure his identity, e.g., father's name address, etc.).
- (ii) Date of purchase.
- (iii) The rate per maund paid for cane.
- (iv) Serial number (s) of the relevant *parcha(s)*.
- (v) Net weight of cane purchased.
- (vi) Progressive total weight of cane purchased.
- (vii) Amount due for cane purchased.
- (viii) Progressive total amount due for cane purchased.
- (ix) Amount paid for purchase.
- (x) Progressive total amount paid for cane purchased.

When the cane is supplied through a Cane-growers' Co-operative Society, the society shall maintain the account referred to in sub-rule (1)

1. Added by Notification No. 3096-S/XVIII-C—1723-53, dated 18th May, 1961.
2. Subs. by Notif. No. 7297-S/XVIII-(5)—2060-64, dated 1-2-1978.

In respect of each of its members. In addition, this account shall also show deductions, if any, made from the price of cane payable to a member. A separate register or record shall be maintained for each factory to whom cane is supplied.

101. An occupier of a factory shall maintain or cause to be maintained at each purchasing centre an inspection book in which Inspectors or other persons authorised by Cane Commissioner, may record their remarks and instructions.

102. The registers and records maintained and copies of counterfoils or *parchas* issued, including the copies or counterfoils of the *parchas* containing the receipts of the payees shall be kept at the purchasing centre until it is finally closed for the year. They shall be open to inspection and checked by an Inspector or such other public servant as may be appointed by him for the purpose :

Provided that the registers and the records may be taken for check to the factory once in a calendar month and retained there for a period not exceeding twenty-four hours at a time when no purchases of cane are being made at the purchasing centre.

103. The registers, records, *parchas*, etc., referred to in this Chapter shall be preserved by the occupier of the factory or the Cane-growers' Co-operative Society concerned for two years from the date of the last transaction entered therein.

104. The occupier of a factory shall submit correct returns relating to the production and sale of sugar and purchase of cane in such form, by such date and to such authority as may be directed by the Cane Commissioner.

105. An occupier of a factory shall maintain or cause to be maintained for each purchasing centre an abstract in the following form regarding the purchases of cane and payment of cane price and commission and send a copy thereof to the Cane Commissioner, or to any authority specified by the Cane Commissioner, in respect of each month by the 14th day of the next following month—

- (i) Period from.....to.....
- (ii) Quantity of cane purchased.
- (iii) Rate.
- (iv) Price of cane due.
- (v) Price paid.
- (vi) Balance of price due up-to-date.
- (vii) Commission due to societies.
- (viii) Commission due to councils.
- (ix) Commission paid to societies.
- (x) Commission paid to councils.
- (xi) Balance of commission up-to-date.
- (xii) Cane cess due.
- (xiii) Cane cess paid.
- (xiv) Balance of cess-to-date.

CHAPTER XVIII

Sugar Commissioner

106. The Sugar Commissioner may, by order, require the occupier of a factory to submit to him or to any other authority specified in such order, any information, return or statement relating to the production, supply and crushing of cane ; the manufacture of sugar including its costs ; the quantity and grades of sugar manufactured, in stock and issued ; and the quantities in which and the prices at which such sugar is sold.

107. The Sugar Commissioner may examine or cause to be examined by a person duly authorized by him in this behalf—

- (a) any machinery used, kept or possessed for the production of sugar;
- (b) such register, return, accounts and documents as in his opinion are relevant for the purpose of checking the recovery of sugar or of estimating the capacity of a machinery or any part thereof.

CHAPTER XIX

Arbitration

108. Any dispute touching the business of (a) a Cane growers' Co-operative Society between members, or between members and society, between two registered societies, or between a society and a factory, or between a cane grower and a factory, (b) a council and a Cane-growers' Co-operative Society, or between a council and a factory or between a council and a cane-grower, regarding the payment of contribution to a council by a society or a factor and any other dispute relating to the business of a council, shall be referred to the Cane Commissioner for decision. The Cane Commissioner shall decide it himself or refer it to arbitration. No suit shall lie in a Civil or Revenue Court in respect of any such dispute.

109. If the Cane Commissioner decides the dispute referred to him under Rule 108 himself his decision shall be final.

110. If the Cane Commissioner directs the reference of a dispute to arbitration, it shall be referred to a sole arbitrator to be appointed by him, or to a board of three arbitrators of whom one shall be nominated by each of the parties to the dispute and the third by the Cane Commissioner who shall also appoint one of the arbitrators as Chairman.

111. In case it is decided to appoint a board of three arbitrators—

- (a) the Cane Commissioner shall issue a notice calling upon each of the parties to nominate one person as its nominee within 15 days of the receipt of the notice;
- (b) if a party consists of more than one person, such persons shall jointly make one nomination;
- (c) If more than one person is nominated by the party, the Cane Commissioner shall appoint any one of the nominees as the nominee of the party;

- (d) if a party fails to nominate an arbitrator within the appointed time, or its nomination is not valid, the Cane Commissioner may himself make the nomination;
- (e) if one of the arbitrators fails to attend or refuses to act as an arbitrator, the remaining arbitrators may decide the dispute and, in case of difference of opinion between them, the dispute shall be referred to the Cane Commissioner;
- (f) if two of the arbitrators fail to attend or refuse to act as arbitrators, the remaining arbitrator shall refer the case to the Cane Commissioner who may authorise him to proceed with the reference or may decide the case himself;
- (g) in case of difference of opinion among a board of three arbitrators, the views of the majority shall prevail.

112. The Cane Commissioner, the sole arbitrator to be Chairman of the board of arbitrators shall have power to administer oath and to require by summons the attendance of the parties concerned and of witnesses and the production of all books and documents relating to the matter in dispute.

113. (1) In these proceedings the Cane Commissioner or the sole arbitrator or the Chairman of the Board of arbitrators shall fix the date, time and place of hearing of the dispute and carry on the necessary correspondence in connection with the disposal of the case.

(2) The summons and notices in these proceedings shall be served by registered post or by personal service or by affixing copies at the last known residence or place of business of the person concerned.

114. The award of the sole arbitrator or the board of arbitrators shall be binding on both parties and shall not be called into question in any civil or revenue Court.

115. The sole arbitrator or the board of arbitrators shall give an award within the time originally fixed or as extended by the Cane Commissioner, failing which the Cane Commissioner may decide the dispute himself, or appoint another arbitrator or board of arbitrators for the purpose.

116. No award shall be invalid merely on the ground that it has been given after the expiry of the time fixed or by reason of any defect of form or any technical error therein.

117. The Cane Commissioner may *suo motu* or on an application for review being made to him within one month of the communication of his decision, review such decision, provided that such review is necessary in the interest of equity, justice and good conscience.

118. (1) Any party considering itself aggrieved by the award of a sole arbitrator or a board of arbitrators may appeal to the Commissioner within one month of the date of the communication of the award.

(2) The order of the Commissioner in appeal shall be final.

119. The decision of the Cane Commissioner or the award of the sole arbitrator or the board of arbitrators or the order of the Commissioner in appeal may be enforced in one of the following ways :

- (a) On an application being made to the Cane Commissioner, the Cane Commissioner may send a requisition to the Collector for enforcement of his decision or the award of an arbitrator or a sole board of arbitrators or the order of the Commissioner in appeal. On receipt of such requisition the Collector shall recover all sums recoverable under such decision or award or order, as the case may be, as arrears of land revenue.
- (b) On an application being made to the Civil Court having jurisdiction over the subject-matter of the decision or award or order, the decision of the Cane Commissioner or the award of the sole arbitrator or the board of arbitrators or the order of the Commissioner in appeal shall be enforced by the Court, as if such decision, award, or order in appeal were a decree of that Court.

CHAPTER XX

Penalties

120. No prosecution shall be instituted under these rules unless the person complained against has been given an opportunity by the Cane Commissioner or the District Magistrate to show cause why he should not be prosecuted.]

121. No Court shall take cognizance of any offence under the Act or these rules except upon complaint made within one year of the date on which the offence is alleged to have been committed.

CHAPTER XXI

Forfeiture of Securities

122. The Collector may, by order in writing, forfeit, in whole or in part, any security deposited with him under these rules after giving the occupier of a factory or a licensee an opportunity of explaining the charges against him and of producing evidence in his defence.

123. An appeal against an order under Rule 122 shall lie to the Commissioner within one month of the date of communication of the order to the person whose security is forfeited. The order of the Commissioner in appeal shall be final.

124. The Collector or the Commissioner, in appeal, may order compensation to be paid out of the forfeited security to any person who has suffered loss owing to the misconduct of the occupier of a factory or licensee.

125. The Collector may order the payment of any sum payable under an award given under these rules by forfeiture of the security deposited with him.

CHAPTER XXII

Power to exempt from Rules

126. The State Government may, by order, exempt any person from the operation of all or any of these rules.

1. Subs. by Notification No. 5032-S/XVIII-C-1601-63, dated 17th November, 1965.

CHAPTER XXIII

Interpretation of Rules

127. All matters connected with the interpretation of these rules shall be referred to the Cane Commissioner whose decision shall be final.

APPENDIX I

Rules of procedure at meetings of Sugarcane Board

(Rule 7)

1. At all meetings of the Board five members inclusive of the Chairman shall form a quorum.

2. Notice of a resolution or a motion to be moved at a meeting of the Board other than the first meeting, shall be sent to the Secretary at least eight days before the date fixed for such meeting.

3. The Secretary shall send to each member at least four days before the date fixed for a meeting other than an emergency meeting a notice of the business to be brought forward at the meeting.

4. No business other than that 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. In case of the 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 day.

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.

APPENDIX II

Rules of procedure at meetings of Cane Development Councils

(Rule 17)

1. All meetings of the Council shall be held at a place notified by the Secretary with the approval of the Chairman.

2. Notice in writing of meetings of the Council and the agenda shall be circulated to all members of the Council not less than one week before the meeting. Notice of a resolution or motion to be moved at a meeting of the Council shall be made available to the Chairman at least ten days before the meeting.

3. All meetings of the Council shall be presided over by the Chairman. In the absence of the Chairman the member present shall elect a Chairman from among themselves.

4. At meetings of the Council half the members, inclusive of the Chairman, shall form a quorum.

5. No business other than that contained in the agenda shall be transacted at a meeting except with the approval of the Chairman.

6. A motion or amendment may be withdrawn with the permission of the Chairman by any member who has given notice thereof.

7. Every question shall be decided by a majority of votes of the members present. In the case of votes being equally divided, the Chairman shall have a second or casting vote.

8. 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 day.

9. If at any meeting there is no quorum according to Rule 4, the Chairman shall adjourn the same to any subsequent date not earlier than the 10th day from the date of the meeting adjourned.

10. Notice in writing for the adjourned meeting together with the agenda shall be circulated to all members not less than one week before the meeting.

11. No quorum will, however, be necessary for an adjourned meeting.

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

APPENDIX III

FORM I

Application for Reservation and Assignment of Area

(Rule 12)

PART A

1. Name and address of the applicant factory.....

2. Name(s) and address (es) of the occupier(s) of the factory—

(1)

(2)

(3)

(4)

(5)

(In case a nomination has been made mention only the name of the individual so (nominated).)

3. Model crushing capacity of the mills.....

(a) Last season.....

(b) Now.....

4. Particulars of crushing of cane in the last three seasons:

1. Added by Notification No. 3096-S/XVIII-C-1723-53, dated 18th May, 1961.

Season	Quantity crushed In lakh maunds	Number of working days	Date of		Remarks
			Starting	Closing	
1	2	3	4	5	6
19 -19...					
19 -19...					
19 -19...					

Average of the three seasons.....

5. Particulars of payments of cess, cane price and commission :

Nature of dues	Balance due in respect of seasons before the last season	In respect of the last crushing season			Total of Columns 2 and 5	Remarks
		Amount due	Amount due	Balance		
1	2	3	4	5	6	7
Cess	...					
Commission	...					
Cane-price	...					
Total	...					

6. Particulars of purchases, if any, at more than the minimum cane price during the last crushing season :

Name of purchasing centre	Increased rate of purchase	Period		Quantity purchased at increased rate	Remarks
		From	To		
1	2	3	4	5	6

7. Assuming that last year's area would be available to the factory give the expected duration of the season :

Days.....From.....to.....

8. Loans, if any, advanced by the mill :

Particulars of area	Total amount advanced	Total amount to be realised during the season	Reference of the Cane Commissioner's order sanctioning advance of loans	Remarks
1	2	3	4	5

9. Requirements of wagons, assuming the availability of last year's area :

Number of wagons.

Broad gauge	...	...	...	...	...
Meter gauge	...	...	...	...	...

PART B

10. Name of purchasing centres that may be reserved or assigned :

Serial No.	Name of centre	Rail or Road	To be reserved or assigned	Whether reserved or assigned for the mills last season—yes or no	Quantity of cane supplied last season (in lakh maunds)	Acreage this season	Estimated supply (in lakh maunds)	Name of Co-operative Society	Remarks
1	2	3	4	5	6	7	8	9	10

11. Any new road or rail centre proposed to be opened :

Name of centre	Rail or Road	Distance from the factory and exact location	Name of villages to be affected	Tahsil		Whether villages already reserved for the mills	Remarks
				District			
1	2	3	4	5	6	7	

12. Names of villages proposed to be added to or deleted or transferred from the existing lists of villages attached to various centres :

Name of village	District		At present attached to centre	Proposed to be deleted added transferred	Name of centre to which it may be attached	Remarks
	Tahsil					
1	2	3	4	5	6	

Date.....

Signature of occupier of the factory.....

FORM 2
Grower's Register
(Rule 24)

Name of village, pargana or district.....
Name of factory.....
Name of purchasing centre.....

Serial number	Name of cane-grower with father's name and caste	Total holding	Quota of supply	Khasra number of plots under cane in his cultivation	Area under cane			Amount of cane bounded	Remarks
					Desi	Improved			
						Ratoon	Plant		
1	2	3	4	5	6	7	8	9	10

FORM 3
(Rule 65)

Local area.....

Date	Quantity which entered local area (maunds)					
	Carts	Lorries	Tram	Rail	Others	Total

Date.....

Signature of occupier

FORM 4
(Rule 67)

Return for calendar month.....

Local area.....

Quantity of cane which entered local area	Amount of cess due and credited into treasury Rs. np.	Number and date of treasury chalan or receipt

Date.....

Signature of occupier

FORM 5
Notice of nomination
(Rule 69)

I/Wehereby give notice that I/we have nominated.....to be the occupier of thefactory for the purpose of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 and that he has accepted the nomination as such, with effect from.....

Signature of person nominated.

(Signature).....

(Witness, name and designation of witness).

Signature of occupier.

(Signature).....

(Witness, name and designation of witness).

FORM 6

[Omitted by Notl. No. 2797-S/XVIII-(5)—2050-64, dated
1st February, 1978]

FORM 7

Nomination to be made by the occupier or manager of a factory
(Rule 73)

I.....being the occupier of the.....factory hereby nominate.....son of.....for the purchase and supply of cane intended for use in the said factory and recommend that he may be given a licence to work as a purchasing agent at.....purchasing centres on behalf of the said factory. I further declare that he is to the best of my knowledge a suitable person for the grant of such licence.

Date.....

Signature of occupier of the factory.

FORM 8

[Omitted by Notl. No. 7297-S/XVIII-(5)—2050-64, dated
1st February, 1978]

FORM 9
(Rules 88)

Application for a licence to work on behalf of an occupier of a factory in connection with any transaction for the purchase of cane.

1. Subs. by Notl. No. 7297-S/XVIII-(5)—2050-64, dated 1-2-1978.

I.....son of.....resident of.....having been.....selected by the occupier of.....factory to work as.....In connection with the transaction for the purchase of cane at.....purchasing centres on behalf of the aforesaid occupier of the factory hereby apply for a licence under the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953, and the rules made thereunder.

I hereby agree to abide by the terms and conditions of the licence and declared that it shall be lawful for the Collector to realize any penalty or any money due as compensation or which I may become liable under the condition of the licence or under the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953, and the rules made thereunder, from the security which I have given under the Act, or Rules without prejudice and in addition to any other lawful remedy for the realization of such penalty.

Dated.....

.....
Signature of Applicant

¹[FORM 10
(Rule 88)]

Nomination to be made by the occupier of a factory

I.....being the occupier of the.....factory, hereby nominate.....son of.....as.....to work on my behalf at.....purchasing centre in connection with the transaction for the purchase of cane. I further declare that he is to the best of my belief and knowledge a suitable person for the grant of such a licence.

Dated.....

.....
Signature of occupier of factory

²[FORM 11
(Rule 89)]

License for an employee of a factory

This is to certify thatresident of.....is authorised to work as.....at.....purchasing centre on behalf 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 Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) 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 Act and the rules made thereunder and shall obey all lawful direction which may be issued to him by the Inspector of the Collector.

1. Subs. by Notl. No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.
2. Subs. by Notl. No. 7297-S/XVIII-(5)-2050-64, dated 1-2-1978.

- (3) The licensee shall be responsible for the proper discharge of his duties, and shall not show favour or disfavour to any person, in connexion with any transaction for the purchase of cane, on behalf of the aforesaid factory.
- (4) The licence shall be liable to be suspended or cancelled by the Collector at his discretion 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.
- (5) The licensee shall be responsible for returning the licence to the Collector on expiry of the term thereof in the event of the licence being suspended or cancelled, on such suspension or cancellation.

Dated.....

.....
Signature of the Collector of District.

FORM 12¹

1. Name of the factory.....
2. District.....
3. Statement of the fortnight ending on :

Quantity of sugar produced	Cane price due	Commission payable to the society	Recovery of sugar to date	Sugar bags produced	Sugar bags pledged	Bank advance obtained	Amount of Advance credited to cane price	Cane price paid	Rs mak ars
1	2	3	4	5	6	7	8	9	10

1. During the fortnight
2. Total up to the end of fortnight

.....
Signature.....

²APPENDIX IV

[Rule 33(a)]

Permissible errors for weighbridge of different capacity

Capacity of Machines	Maximum error allowed in deficiency when fully loaded
Kg.	Kg.
1,000	1.4
2,000	1.8
3,000	2.5
5,000	3.6
10,000	5.4
15,000	6.0
20,000	9.0

1. Added by Notl. No. 9952-S/5-C-1808-68, dated 14th January, 1972.
2. Added by Notl. No. 3129-S/XVIII-C-1601-63, dated 28th April, 1961 (w.e.f. May 2, 1964).

Capacity of Machines	Maximum error allowed in deficiency when fully loaded
Kg.	Kg.
25,000	10.8
30,000	12.2
40,000	14.6
60,000	18.0
80,000	21.0
1,00,000	25.4
2,00,000	38.0

THE U.P. SUGARCANE SUPPLY AND PURCHASE ORDER, 1954

Notification No. 2662-III-S-XVIII-C-1723-53, dated
September 1, 1974, Published in U.P. Gazette,
dated September 4, 1954 Part I-A

In exercise of the powers conferred by Section 16 of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (U.P. Act No. XXIV of 1953), the Governor is pleased to make the following Order and to direct that it shall come into force from the date of its publication in the Gazette.

1. Short title and commencement.—(1) This Order may be called the U.P. Sugarcane Supply and Purchase Order, 1954.

(2) It shall come into force at once.

2. Definitions.—In this Order unless there is anything repugnant in the subject or context :

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

(b) "Rules" means the U.P. Sugarcane (Regulation of Supply and Purchase) Rules, 1954;

(c) The terms and expressions used in the order shall have the same meaning as in the Act and the Rules.

3. Purchase of cane in reserved area.—(1) The occupier of a factory shall estimate or cause to be estimated by the 31st day of the October or such late date in a crushing season as, on an application being made to the Cane Commissioner by the occupier of a factory, may be fixed by the Cane Commissioner, the quantity of cane with each grower enrolled in the Growers Register, and shall on demand submit the estimate to the Cane Commissioner and the Collector.

(2) A cane-grower or a Cane-Grower's Co-operative Society may within 14 days the issue of an order reserving an area for a factory, offer in Form A of the Appendix, to supply cane grown in the reserved area, to the occupier of the factory.

(3) The occupier of the factory for which an area has been reserved, shall, within fourteen days of the receipt of the offer enter into an agreement in Form B or Form C of the Appendix, with the cane-grower or the Cane-growers' Co-operative Society, as the case may be, in respect of the cane offered :

Provided that any purchase of cane made before the execution of the prescribed agreement shall be deemed to have been made in accordance with such agreement.

(4) The Cane Commissioner may, for reasons to be recorded in writing, extend the date for making offers in respect of any reserved area.

4. Purchases of cane in assigned area.—(1) The occupier of a factory for which an area has been assigned, shall within fourteen days of the order of assignment of the area, enter into an agreement in Form B or C of the Appendix, as the case may be with the Cane-grower or Cane-growers' Co-operative Society for the purchase from the assigned area, of such quantity of cane as may be fixed by the Cane Commissioner :

Provided that any purchase of cane made before the execution of the prescribed agreement shall be deemed to have been made in accordance with such agreement.

5. General provisions regarding purchase of cane.—(1) Cane grown in the reserved or assigned area of a factory shall not except with the permission of the Cane Commissioner, be purchased by the person without the previous issue, at convenient centres in the said area of requisition slips and identification cards to the growers by the occupier of the factory.

(2) Notwithstanding anything in sub-clause (1) requisition slips and identification cards to members of a Cane-growers' Co-operative Society shall not be issued except by such Society.

(3) An occupier of a factory or Cane-growers' Co-operative Society shall maintain a record of the identification cards issued and a daily account of the requisition slips issued to the growers and returned by them.

²[(4) Purchase of cane shall be spread over the entire crushing season in an equitable manner and due consideration shall be given to variety and maturity of sugarcane :

Provided that this restriction shall not apply where the quantity of cane purchased does not exceed one cart load from a cane-grower in a crushing season.]

(5) A dispute whether a particular system adopted for the purchase of cane is equitable or not, may be referred to the Cane Commissioner whose decision shall be final.

³[(6) No person other than a cane-grower or Cane Grower's Co-operative Society shall sell cane to the occupier of factory.]

1. Subs. by UP Sugarcane Supply and Purchase (Third Amendment) Order, 1980, dated 1-11-1980. (Notification No. 5678-S-XVIII-(5)-1565-80, dated Nov. 1, 1980.
2. Subs. by No. 4864-S/XVIII-C-1618-1963, dated July 21st, 1964.
3. Subs. by U.P. Sugarcane (Supply and Purchase) (Third Amendment) Order, 1981.