

CHHATTISGARH SUGARCANE (REGULATION OF SUPPLY AND PURCHASE) ACT, 1958

•76, iWo PRADESH •SUGARCANE (of Supply and Purchase) ACT, 1958 I OF 1959) Price 50 raise R.UNANDGAON GOVERNMENT REGIONAL PRE.Q,•.; 1966 GOVERNMENT OF MADHYA PRADESH .Law Bhopal, dated the 6th March, _ 1959 No. 8570/XX12A following Act of the Legislative Assembly, have y t •President on the IS iereby published for general information. By Order and•in the name of the. Governor of Madhya Pradesh, S. M. N. RAINN, Deputy Secretary to Government. MADHYA PRADESH ACT No. 1 of 1959 THE MADHYA PRADESH SUGARCANE (REGULATION •OF SUPPLY AND PURCHASE) ACT, 1958 LIST OF CONTENTS Chapter Sections Short title, extent and commencement. —2. —DefiliiitiöliS 5. IO. 11. 13. 14

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CHAPTER I—PRELIMINARY L Short title, c.xtent and This Act may be cited as the Madhya Pradesh Sugarcane (Regulation of Supply and Purchasc) Act, 1958. (2) It extends to the whole of Madhya Pradesh: (3) It shall come into force on. such date •as .thé State Government may,- by notification, appoint: 2. subject or context— this. Act; unless in the (a) .•pmVårea a section 16; a factory •undec mems the SugercandBoâcd established under section• 3; sugai _cane inqcded for uscjn a,,factory .7 (d) l"C.anc Commissioner'.'. Incans the OIT:ccr -appointed Canc:. Commissioner undcf section 9, and includes •an •Additional Cane Conunjs.s_ioner sectiöli• 10%, (e) .person_who_ EultivatZ:s7 calié either : by himselflorv.by members:ofifiis family or by hiked läEF•andÄ'he•, is not a member of a Cane-growers* , (f) "Carp-growers' Co-operative Society" means a Society•registered under any Jaw relating to Co-operative Focieties in force in •any cane grown by its mclübers and includes the federation orsuch societies, rcgi?tercd under such Law ; (g) "Collector" includes any person whom (he State Government nvay, by notification, appoint Io exercise and perform the•powers and duties of a Collector under this Act; (h) "Council" Incans the Cane Development Council establiShcd under section 5; the period beginning on the 1st Octo- ber in any S•ca-r and ending on the 30th Junc next following ; j "Factory" means any .premises, including the precincts thereof wherein twenty or more workers are working or were working on any day during the preceding twclvc months and in any part of whichany manufacturing process connected with thöproducts of sugar by means of vacculü pans is being carried on or is ordinarily carried on with the aid of mechaniscd power ; (IO - 'C •assigned-to Companies Act,—1956 (I of 1956) ; (l) "occupier of a factory" means the person Who has ultimate control over the affairs of the factory, and where the said affair. are entrusted to a managing agent, such agent shall be deemed to bc the occupier of the factory ; (In) "purchasing agent" means a person licensed under this Act to act as a purchasing agent; and (n) "reserved arca" means. an area specified in an order issued under section 15

CHAPTER II—ADMINISTRATIVE MACHINERY 3. Sugarcane There shall be established by the State Governincent, by notification, Sugarcane Board for Madhya Pradesh. (2) The Board shall consist of— (a) •thc" inister-in-charge of Agriculture; (b) the Minister-in-charge of Industries ; (e) the Secretary to the State Government -in the Agriculture Department or such other officer as may be nominated by the State Government. (3) The Minister-in-charge of Agriculturc shall bc the Chairman of the Board and the officer

nominated under clause (e) of sub-section (2) shall be the Secretary of the Board. (4) The term of office of a member appointed under clause (c) or sub-section (2) shall be three years from the date of the publication of the name of such member in the Gazette. (5) The Chairman shall, if present, preside at all meetings of the Board and in his absence the Minister-in-charge of Industries. If the Chairman and the Minister-in-charge of Industries are both absent at a meeting of the Board, then the members present shall elect a Chairman for the meeting.

4. Functions of the Board.—The Board shall advise the State Government on the following (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 purchasing agents; and (d) such other matters as may be prescribed.

5. The Cane Development Council.—(1) There shall be established, by notification, for the reserved area of a factory a Cane Development Council which shall be a body corporate by the name of such area or such other name as the State Government may notify in this behalf having perpetual succession, 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 or 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 Council is established shall be called a zone. (3) The Council shall consist of— (a) the Chairman to be nominated by the State Government; (b) one member representing sugar factories to be nominated by the Cane Commissioner; (c) two members representing the cane-growers and the Cane-growers' Co-operative Societies of the zone to be nominated by the Cane Commissioner; (d) any area comprised in the zone to be nominated by the State Government; and (e) the District Agriculture Officer or an officer nominated by the Cane Commissioner who shall be Member-Secretary. (4) Every person nominated under sub-section (3) shall enter upon his office on the date on which the notification nominating him is published in the Gazette and the term of office of such person shall be three years from the date of such notification. (5) The Cane Commissioner, if he is satisfied that it is necessary so to do, may with the approval of the State Government, dissolve the Council before the expiry of its term, or remove any member thereof for reasons to be recorded : Provided that no action under this sub-section shall be taken unless the Council or any member, as the case may be, has been given a reasonable opportunity of being heard in the matter. (6) Where a Council is dissolved, the following consequences shall follow: (a) all members including the Chairman shall on a date to be specified in the order vacate their offices but without prejudice to their eligibility for re-nomination; (b) the Council shall be reconstituted by the Cane Commissioner in accordance with the provisions of sub-section (3); and (c) the duties, powers and functions of the Council shall, pending its reconstitution, be discharged, exercised and performed by the Cane Commissioner or such other officer as he may direct. 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, caneseed, sowina programme, fertilisers and manures; (c) to undertake the development of irrigation and other agricultural facilities in the zone; necessary steps for the prevention and control of diseases and pests and to render all possible help in the soil extension work; (d) to impart technical training in matters of the production of cane, (e) to administer the funds at its disposal for the execution of the development scheme subject to such conditions as may be prescribed; and (g) to perform other prescribed functions pertaining and conducive to the general development of the zone. (2) The State Government may at any time direct the Cane Commissioner to constitute two or more Councils. Every such joint session to convene a meeting shall be presided over by such person as may be nominated in that behalf by the State Government.

7. Casual vacancy.—A casual vacancy in the Council shall be filled up in the manner stated in sub-section (3) of section 5 and any person nominated to fill the casual vacancy shall hold office for the unexpired term of his predecessor.

8. Council fund.—(1) There shall be a fund at the disposal of the Council to meet the with the discharge of its duties and performance of its functions under this Act. (2) The fund of the Council shall consist

or— (a) (b) (c) (d) grants, if any, made by the Indian Central Sugarcane Committee; grant, if any, made by the State Government; sums received by the Council by way of commission under section 21 ; and any other sum which may be or special orders of the State Government

9. Cane Commissioner.—The State Government may, for purposes of this Act, appoint Cane Commissioner who shall perform such duties and exercise such powers as are conferred or imposed upon him by or under this Act. The State Government may appoint or designate such Government officer as it thinks fit to be Additional Cane Commissioner. (2) An Additional Cane Commissioner shall exercise such powers and discharge such duties of the Cane Commissioner as the State Government may direct

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

CHAPTER III.—SUPPLY AND PURCHASE OF CANE

12. Estimate of The Cane Commissioner.—(1) For purposes of sections 15, 16 or 17 by order, require the occupier 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 each crushing season 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 under sub-section (2) may be revised by an authority to be prescribed.

13. Register of Cane-growers and Cane-growers' Co-operative Society or Societies.—(1) The occupier shall maintain in the prescribed form a register of all such cane-growers and Cane-growers' Co-operative Societies, as shall sell cane to that factory. (2) The State Government may make rules for the inspection of such register and the procedure for the correction of any entry therein and obtaining copy of an entry from such register and in making such rules the State Government may also provide for payment of charges for corrections and supply of copies

14. Power Of survey, etc.—(1) The State Government may, for purposes of sections 15, 16 or 17 by order, provide for— (a) a survey to be made of the area proposed to be reserved or assigned for supply of cane to a factory and the recovery of the cost of such survey from the occupier; (b) the appointment of an Officer for purposes of such survey, 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 or 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 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.—Without prejudice to any order under clause (d) of sub-section (2) or section 19, the Cane Commissioner may, after consulting in the manner prescribed, the occupier and Cane-growers' Co-operative Society, if any, in any area to be reserved for a factory reserve such area for such factory and thereupon occupier thereof shall subject to the provisions of section 22 be liable to purchase all cane grown in such area which is offered for sale to the factory.

16. Declaration of assigned area.—Without prejudice to any order under clause (d) of sub-section (2) of section 19, the Cane Commissioner may after consulting in the prescribed manner occupier and Cane-growers' Co-operative Society, if any, in any area to be assigned, assign such area for the purpose of the supply of cane to a factory and thereupon the occupier thereof shall subject to the provisions of section 22 be liable to purchase such quantity of cane grown in that area and offered for sale to the factory as may be determined by the Cane Commissioner.

17. Cancellation or alteration of reserved or assigned area.—The Cane Commissioner may, at any time, if he considers it expedient so to do cancel any order reserving or assigning any area or alter the boundaries of an area so reserved or assigned.

18. Appeal.—An appeal shall lie to the State Government against the order of the Cane Commissioner passed under sections 15, 16 or 17 before the expiry of thirty days from the date of the order. Provided that the State Government may for sufficient cause admit any appeal after the expiry of such period

19. Regulation of purchase and supply of cane in the reserved and assigned areas.—(a) the distribution, sale or purchase of cane in any reserved or assigned area; and (b) purchase of cane in any area other than a reserved or assigned area

rea. (2) Without prej -foregoing powers -suc order may provide for— (a) the quantity of cane to be supplied by each cane-grower or (h) (c) (d) (e) Cane-growers' Co-operative Society in such area to the factory for which the area has been so reserved or assigned; 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 the form and terms and conditions of the agreement to be executed by the occupier of the factory for which an area is reserved or assigned for the purchase of cane offered for sale; the circumstances under which permission may be granted— (i) for the purchase of cane grown in reserved or assigned area by a purchasing agent or any person other than the factory for which area has been reserved or assigned; and (ii) for the sale of cane proximate in a reserved or assigned area to any other person or factory other than the factory for which the area is reserved or assigned; such incidental and inay appear to necessary or desirable for this purpose. —20. Payment of cane The occupier shall make suitable of the Collector, for the payment of the price of Cane. • AJ pon- the delivery of cane the occupier shall be liable to pay— the price of the cane so supplied together with all other sums therewith and where the supplies have been made through purchasing agent, the purchasing agent also shall be similarly liable in addition to the occupier. • sec 10 IS. In case in making the payment of the price for a period exceeding fourteen days from the date of delivery he shall pay interest at the rate of 11 per cent per annum from the said date of delivery up to the date of payment but the Cane Commission may, in any case, if it appears to the State Government that no interest shall be paid or be paid at such reduced rate as he may fix. (4) The Cane Commissioner shall forward to the Collector a certificate under his signature specifying the amount of arrears on account of the price of cane plus interest if any, due from the occupier and the Collector, on receipt of such certificate, shall proceed to recover from such occupier the amount specified therein as if it were an arrear of land revenue together with further interest up to the date of recovery.

21. Commission on purchase of cane.—(1) There shall be paid by the occupier a commission for every one maund of cane purchased by the factory— (a) where the purchase is made through a cane-growers' Co-operative Society, the commission shall be payable to the Cane growers' Co-operative Society and the Council in such proportion as the State Government may decide; and (b) where the purchase is made directly from the cane-grower, the commission shall be payable to the Council. (2) The commission payable under clauses (a) and (b) of sub-section (1) shall be at such rates as may be prescribed; provided, however, that the rate fixed under clause (b) shall not exceed the rate at which the commission 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 commission under sub-section (1)

22. Power to declare varieties of cane to be unsuitable for use in—(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 a factory situated in the said area; (b) ratoon cane of any variety grown in any area specified in such notification is unsuitable for use in a factory situated in the said area; (c) seed cane or any variety is unsuitable for distribution to cultivators in the area specified in such notification. (2) A notification issued under sub-section (1) shall not be issued later than the 30th November of the year immediately preceding respect to which the notification is issued. (3) Where any seed cane of any variety has been declared under sub-section (1) to be unsuitable for distribution to cultivators in that area, the occupier or any other person acting on his behalf or Cane-growers' Co-operative Society shall not use 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 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 23. Levy of cess on cane.—(1) The State Government may, by notification, impose a cess not exceeding 25 paise a maund, on the entry of cane into an area, specified in such notification, for consumption, use or sale therein; Provided that no cess under this sub-section shall be leviable on the entry of any cane into an area for consumption or use in or sale to a factory unless the quantity of such cane exceeds ten lakhs maunds in a crushing season; —Provided further that the State Government may, by notification, remit in whole or in part such cess in respect of cane 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 manner in which the cess shall be collected. (3) Notwithstanding the terms of any contract or agreement for the sale or cancellation whether entered into before or after the imposition of the cess under this section the buyer of the cane shall be liable to pay the amount of the cess in addition to and as part of the contracted price of such cane. (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 from such person the 'liability 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 the cess. 1-4, 11 24. Reference or disputes to -Commissioner. (a) between cane-growers' Cooperative and a factory, or cooperative OCIC Cane-growers'. or; or (b) between the Council and Cane-growers' Cooperative, or between the Council and a cane-grower regarding the payment of contribution to the Council by a Society or a factory; or (c) relating to the business of the Council; 25. Determination of occupier for the purpose of this Act.--- (1) Where the occupier is a firm or other association of individuals, any one or more of the partners or members thereof may be prosecuted and punished under this Act for any offence for which the occupier 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 for the purpose of this Act, and such individual shall be deemed to be the occupier for the purpose of this Act 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 is a company any one or more of the Directors thereof, or in the case of a private company may be prosecuted and punished under this Act for any offence for which the occupier is punishable: Provided that the company may give notice to the Collector that it has nominated a Director, or in the case of a private company, a shareholder to be the occupier for the purposes of this Act and such Director or shareholder shall be deemed to be the occupier for the purposes of this Act until further notice cancelling his nomination is received by the Collector or until he ceases to be a Director or shareholder. 26. any person contravenes any of the provisions of this Act or any rule or order made thereunder he shall be liable to imprisonment extending to six months or to a fine not exceeding rupees five thousand or both and in the case of continuing contravention to a further fine not exceeding rupees one thousand for each day during which the contravention continues

27. Institutions of No prosecution shall be instituted under this Act except upon complaint made by or under authority from the Cane Commissioner or the Collector of the district. (2) On the application of a person accused of an offence under this Act, the Cane Commissioner or the Collector of the district with the previous concurrence of Cane Commissioner may at any stage compound such 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.

28. Special powers of Magistrate.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure for a Magistrate of the First Class 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 five thousand rupees on any person convicted for any offence under this Act. or on a person under this Act. 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

30. Power to make) The State Government may make rules for the purpose of carrying into effect the provisions of this Act. (2) Without prejudice to the generality of foregoing power, rules may provide for— (a) (b) (d) (e) (g) (i) the conduct of business by the Board and Council; the business to be transacted at meetings convened under sub-section (2) of section 6; the disposal of the Council under section 8 shall be maintained and the application and payment from such fund; the duties, powers and functions of the

Cane Commissioner; the matters relating to the appointment and other conditions of service of inspectors to be appointed under section 11 and their duties, powers and functions; the fees to be paid -in respect of applications and appeals under this Act; the appointment and licensing or purchasing agents, and other persons to be employed by the purchasing agents and the sugar factories for the purchase of cane, their functions and duties and the securities to be deposited by them and the conditions under which these securities may be forfeited. the form of the agreement to be entered into by or under the provisions of this Act and the penalty to be paid for breach of conditions or agreement; the constitution, operation, management, supervision and audit of Cane-grower: Co-operative Societies and federation and conditions relating to recognition of such societies or federation for purposes of this Act and rules and control of their staff and finances; 13 (j) the rate at which and the manner in which commission shall be paid to the Cane-growers'- Co-operative Society on supply of cane by them; (k) the correct weighment of cane, the provision of facilities for weighments and for checking, weighments and of timings of weighments; the provision of approach roads, parking space for carts bringing cane to factories, sheds for bullocks and cart-drivers, water troughs for bullocks and other connected matters; (m) the authority empowered to assess and collect the cess under section 23, and the manner in which cess shall be collected; (n) the procedure for matters falling under section 24; (o) the form of the statements, returns, registers and other forms required to be maintained by or under this Act and the filling of such returns, statements and forms; (p) the form and manner in which applications shall be made for various purposes under this Act; (q) the duties of an officer or authority having jurisdiction under this Act and the procedure to be followed by such officer or authority, and (r) the matters which are to be or may be prescribed. (3) The rules made under this section shall come into force from a date to be appointed by the State Government. (4) All rules made under this section shall, as soon as may be, after they are made, be laid before the Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make. cane Commr., M.P., Bks. [Pub [Published in Part IV of "Madhya Pradesh Rajpatra" dated the 6th January, 1961] fxfää t 7TGTT t fq?rq I f«qq 3 1-11 f*ÄT G f«tF &TT, (3iT) (3) (3) (q) (3it) 'ttFTT' t; rrr 0; ' *nzx" t, grxrr "qfzqq" aqT t; 1 (i) #raii 5TZi (ägq qivq) (Rüü)' xtr c zr. • fir (R) qå-e (31T) qqt-q, fifäzii Or O, \ 3Fqqr a; (g) 3Fq ft' Ffq zq-qrxr (R) OTT I (Y) eq-q-rxr. (R) 4 äqr OT f+afå«-g QZTT, (31) Ägq; (31r) frä, ft) é-T7 (Far Orr aqr (3) (311) qrü, 'ærqrq«z Gtffi Orr (v) (O fütö trr ær*trr, : fq vq-qrqr fzqr (O ft; qftqz qrq, qfvrrq : (30 fiaifi frää q-\$rr; (%T) eq-qrxr qrFir; (O Oar (31) (air) (q) (3) (g) *Tii # fF#, qfiâq Grä . \$ g*üFT) ftfä füt I C. GET---(?) (Zi) üt) (BIT) ti, öTI (R) 3{TF---xFtr «RFT, (2) ZTTF, Qf*i qrzi, föEt qr ffaTTq-T (?) Vq-qa-r (R) Gil f*qr u.. Räæ€— fi?r, t (R) kTTFT, fh Z<fqzii 2". ZTQF.'. fir föqr qrör qtr; (an) avr (q) fiqT, qrqr; (a-Tj fäg-*ä Qr GRTfiT, • G?rq 1. f<7T, •a•TTF, fö q-rq zrr (31) qr f«RZT, (3TT) (3) qfiqrq, srz-rq f•-r q-rqqr, O, fötr Qr *trr; Roll FT tasrq 3Fq fö <qrqr trtrt 0, vr;-qrr (R) * äÄf#a, ä, å, \$3Tr füt OTT, \$rq, OTT I (R) (R) * (Q) aqr Gi) Orr (3iT) att Ot, (q) qftq-q 1 (or) (FTT, (sqr) f*-UT (e) f<ZTT 0, fift fqfä q-fiiTfä, (Y) (RTF) ffiR fir Ft\$f« (NIF) —ft) gTRT, fa t vq-qrqr . * qtr fö \$TXT, ö, qtFTT, i GT frT\$eä €1, (q) €q-qrqr (Y) Fro •i (31Tj ztr qfqfä frTUiq, O, snca (5#) zrr I föt, O, 3Tf*rÄfG füt Rf.q. GT, 0, öT, Orr, (R) fötr (a) 95 FT föt, •i (31T)' •Itr i qTFrr QT fruitr, O, fir I • a Q•qr füt (5#) zrr I *ait .fur f?.å i. «rr OTT füt 3F•qqT 1 +1 RZ... äTbaqt-----üe ugg) 0, fqüq er Rt. föEt fG5r O, Oir I ff..a2r O qr füt 0, (R) za 37T, (31) (31r) (R) qTöt ; fqfq fäqzr azrr qizi, (3ft) (31:) ä-ä .frÅ (T) .qf*Tör «fi-q*i (q) tfr, xrfiTQ 6) qTä ti, 1 cane Commr., M.p.,