

[Authorised English Translation]

HARYANA GOVERNMENT  
AGRICULTURE DEPARTMENT

## Notification

The 14th May, 1993

No. SO43/PA40/53/S.20/93.— In exercise of the powers conferred by section 20 of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the purchase and supply of the sugarcane, namely :—

1. These rules may be called the Haryana Sugarcane (Regulation of Purchase and Supply) Rules, 1992.

Short title.

2. In these rules, unless the context otherwise requires—

Definitions.

- (a) "Act" means the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.
- (b) "Bond" means an agreement made under these rules.
- (c) "form" means a form appended to these rules.
- (d) "purchasing centre" means any place at which cane is purchased, supplied, delivered, weighed or paid for by or on behalf of the factory and includes such portion of the premises of the factory at which any of these operations take place;
- (e) "register" means a register mentioned in rule 17 ;
- (f) "section" means the section of the Act ;
- (g) "society" means the Cane Growers' Co-operative Society ;
- (h) "treasury" means the Government treasury at the headquarters of a district or a sub-treasury at the headquarters of a tehsil or sub-tehsil in Haryana ;
- (i) "weigh bridge" means any mechanism used to weigh cane and includes any weigh-bridge maintained or used by the occupier, manager or purchasing agent or by any person acting on his behalf ;
- (j) "year" means the agricultural year commencing on the first day of July and ending on the 30th day of June, next.

3. (1) The Board shall consist of fifteen members including the Chairman.

(2) The Government shall, by notification, nominate seven official and seven non-official members which shall include representatives of the cane growers and sugar factories.

Sugarcane  
Control Board.  
Sections 3 and  
20 (2) (a).

(3) The Minister for Agriculture shall be the *ex officio* Chairman of the Board.

(4) The Cane Commissioner shall be the Secretary of the Board.

(5) The Board shall, in addition to the powers and duties conferred or imposed upon it by the provisions of the Act, advise the Government on matters referred to it.

(6) The Board shall meet at least twice a year. Notice, in writing, of all meetings shall be circulated by the Secretary to all members not less than one week before the date fixed for the meeting, except in urgent cases, in which case, a meeting may be held on three days notice which may be sent by letter to all members residing at the headquarters and by telegram to members not so residing.

(7) The term of office of the nominated members shall be three years from the date of notification of the Board.

(8) When the place of a member nominated to the Board becomes vacant by resignation, death, removal or otherwise of such member, the Government shall nominate within three months a new member to fill the vacancy in accordance with the provision of sub-rule (2) and such new member shall hold office for the unexpired period of the term of office of the member in whose place he has been nominated.

(9) The procedure in from 1 to these rules shall be followed at the meetings of the Board.

Functions  
of committee  
or body.  
Section 20(2)(C).

4. (1) When a committee or body is established for the State or for any area thereof or a cane varieties committee or body for the State, is established under section 4, the Government shall, appoint the Chairman and secretary thereof. In addition to the representatives of cane growers, the factories the Government may appoint other persons not being growers or persons interested in factories to be members or *ex officio* members who shall ordinarily be residents of the area in respect of which the committee or body is established.

(ii) The functions of the committee or body shall be—

- (a) to recommend ways and means of maintaining healthy relations between occupiers or managers of factories, cane growers societies and purchasing agents;
- (b) to offer advice on any matter which may be referred to it by the Government, the Board or the Cane Commissioner, especially in respect of the regulation of the purchase of cane and to advise the Cane Commissioner with regard to the cane estimates submitted under section 10 and assigning of the area from which the cane may be purchased;
- (c) to bring to the notice of the Cane Commissioner cases of breach of any of the provisions of the Act and of the rules made thereunder and to make suggestions for the prevention of the same;

(d) to advise the Government regarding suitability or otherwise of cane varieties for different tracts; and

(e) to advise the Cane Commissioner in the cane development work.

(iii) The Secretary of the committee or body may subject to the control of the Chairman thereof convene meeting of the committee or body as often as may be necessary and shall do so when required by one-third of the members. He shall circulate the agenda, keep minutes of the meeting, carry on correspondence on behalf of the committee or body and discharge such other functions as may be necessary for the proper performance of his duties. He shall forward a copy of the minutes of the meeting to the Cane Commissioner.

(iv) The term of appointment of the committee or body shall be one year or such other period as may be specified in the order of appointment.

(v) When the place of a member of the committee or body becomes vacant by the resignation, death, removal or otherwise of such member, the Government may appoint a new member to fill the vacancy within three months and such new member shall hold office for the unexpired period of the term of office of the member in whose place he has been appointed.

(vi) The procedure prescribed in form II of these rules shall be followed at the meeting of the committee or body.

5. (i) The Financial Commissioner, the Secretary, Agriculture, the Director of Agriculture and the Cane Commissioner shall be the *ex-officio* Inspectors for the whole of the State. The Commissioners, Deputy Commissioners and the Sub-Divisional Officers (Civil) shall be *ex-officio* inspectors within the respective jurisdiction.

5 Other authorities, Section 20 (2) (e).

(ii) The Government may appoint, when required, such other Government servants as it may think fit to be Additional Cane Inspectors within such limits as may be assigned to them.

(iii) Every Inspector may, within the local limits of his jurisdiction and within such assistance as he thinks necessary:—

(a) enter any place which is or which he has reasons to believe to be used as a factory or purchasing centre, or any place where sugarcane, intended for use in a factory, is weighed or payment is made therefor and make examination of the weigh bridge and of any records, registers and accounts maintained in connection with the purchase of sugarcane; provided that he shall not enter any portion of such factory other than the weigh bridge, the cane carriers, premises and the office of the factory;

(b) cause carts carrying sugarcane or consignments of sugarcane to be weighed or re-weighed in his own presence; provided

that sugarcane loaded in wagons may not be required to be unloaded for the purposes of re-weighment ;

- (e) record the statement of any person whom he may deem necessary to examine for the proper discharge of his duties ;
- (d) examine such records as are maintained at a factory showing the amount of cane purchased, the amount of cane crushed, the sucrose content thereof, the quantity of sugar manufactured, the percentage of extraction of sugar from cane, the quantity of sugar produced, issued and in stock ;
- (e) examine the weigh bridges or weights used, kept or possessed for the weighment or purchase of cane ;
- (f) check weighment, purchased and payments made ;
- (g) inspect factory roads, cattle sheds, cattle troughs and lighting arrangements made for weighment of cane ;
- (h) examine the receipts showing the accounts of cane purchased and crushed ;
- (i) call for from the occupier of the factory any information relating to the purchase supply and crushing of cane ;
- (j) issue from time to time such instructions as may be necessary to ensure equitable purchase of cane ;
- (k) examine any record, register, accounts or documents of cane growers co-operative societies ;
- (l) examine any records, register or documents or call for any information relating to the payment of cess, commission and price of cane ; and
- (m) exercise such other powers as may be necessary including suspension or cancellation of bond for carrying out the purposes of the Act or of the rules made thereunder.

Form of notice.  
Section 6 and  
20(4) (d).

Provision regard-  
ing purchase  
of cane.

6. The notice required to be given by the occupier of a factory under section 6 shall be in Form-III.

7. (i) The agent of every factory or every purchasing agent shall notify to the Cane Commissioner and the Inspector within a fortnight before the commencement of crushing season each year, the location of each weigh bridge and the names of the persons responsible for weighment and for payment of cane at each such weigh bridge.

(ii) The cane Commissioner may after consulting the committee, if any, call upon the agent of a factory or purchasing agent to change the location of a weigh bridge under this control or to instal a weigh bridge at a particular place for the supply of cane to the factory concerned.

(iii) The agent or the purchasing agent, as the case may be, shall within two days of the installation of a new weigh bridge or the occurrence of a change in the location of any existing weigh bridge or in the list of persons responsible for weighment and payments, notify such change to the Cane Commissioner and the Inspector.

(iv) The agent or the purchasing agent, as the case may be, shall cause a list to be put up on a conspicuous place at each weighment and payment centre showing the names of persons responsible for weighment and payments made at that center and shall cause such lists to be maintained up to date.

8. (1) The occupier of a factory shall, on receipt of an order from the Cane Commissioner, submit before the last day of October each year in form IV, an estimate of the quantity of cane required for crushing season next following the ensuing crushing season.

Estimate of  
the quantity of  
cane required  
by factories.

(2) The Cane Commissioner shall submit the estimate with such modification as may be considered to be necessary, within a month of its receipt, to the Sugarcane Control Board for approval and paste the same at the office of the factory and at the tehsil or sub tehsil in which the supply area is situated.

9. (1) The Cane Commissioner may cause a survey of sugarcane in the area proposed to be assigned to any factory in form V by an officer authorized by him in this behalf (hereinafter called the "authorized officer") within one month of the decision of the Sugarcane Control Board to this effect and report the result to the Board in its next meeting. The officer authorized by the Cane Commissioner to conduct the survey of cane area shall be afforded such assistance and facilities by the occupier of a sugar factory or cane growers co-operative society as may be necessary.

Section 10.  
Survey of  
area.  
Section 11 and  
S9(2) (e)

(2) The authorized officer shall prepare a register in form VI to be called the 'Cane Growers Register' which shall be open to inspection by every cane grower for verification of survey figures.

(3) Any cane grower or member of the society, having or claiming to have grown sugarcane in the assigned area, may apply to the authorized officer for the correction of any entry or the addition of any entry in the said register. In the event of a refusal by the authorized officer, the decision of the Cane Commissioner shall be final.

(4) The said officer shall give a copy of the entries in the register on an application made before the 15th December in any year to any cane grower or member of the society on receiving payment at the rate of Re. one for each cane grower.

(5) The register shall be preserved by the authorized officer for a period of three years following the crushing season to which it relates.

(6) The amount of salary and travelling allowance etc. paid to the staff for the period it is assigned the duty of conducting survey of area by the Cane Commissioner shall be recoverable from the occupier of the factory concerned.

(7) The occupier of the factory concerned on receipt of demand notice from the Cane Commissioner in respect of survey charges shall, within one month, deposit the amount into the Government Treasury/ Sub-Treasury under appropriate head of account, failing which such amount shall be recoverable from him as arrears of land revenue.

Decla-  
ration of  
assigned  
areas.  
Section 10.

10. (1) In declaring assigned area under sub-section (2) of section 10 of the Act, the Sugarcane Control Board may take into consideration---

- (a) the distance of the factory from the area proposed to be assigned ;
- (b) facilities for transport of cane;
- (c) whether the area has previously supplied cane to the said factory ;
- (d) previously existing zoning arrangements among the factories; and
- (e) the quantity of cane to be crushed in a factory as determined under section 10 of the Act.

(2) An order of the Sugarcane Control Board, declaring any area to be assigned for any particular factory or altering the boundaries of an area already assigned, cancelling any previous orders declaring an area to be assigned, shall be communicated to the occupier of the factory concerned as well as the cane growers by the publication of such order at the office of the factory, panchayat Samities falling in the areas and at the tehsil or tehsils in which such area are situated.

Purchase  
of cane  
grown in  
assigned  
areas.  
Section 14  
and 20 (2)  
(B).

11. (1) (i) The occupier or agent of a factory or society shall estimate or cause to be estimated by the 30th September each year, the quantity of sugarcane with each cane grower and shall send a copy of the same to the Cane Commissioner before the 10th of October, who after such enquiries and notifications of the estimates as he considers necessary, shall order these entries to be pasted in the growers' register by the occupier of the factory.

(ii) By the 20th October, each year a cane grower and by the 31st of October each year a society, in an assigned area may offer in form VII to supply, during the ensuing crushing season, to the occupier or agent of the factory for which the area has been assigned, cane not exceeding the quantity approved by the Cane Commissioner, Haryana, provided that the Cane Commissioner may, for reasons to be recorded in writing, extend the date for making offer in respect of a particular season.

(iii) The agent of a factory for which the area is assigned, shall enter into an agreement with a cane grower or with a cane growers co-operative society, as the case may be, in form VIII within one month of the offer mentioned in sub-rule (ii).

(iv) The occupier or agent of a factory or society shall spread the purchases to be made in the assigned area in an equitable manner, and shall make purchase of cane only after issuing requisition slips. In order to comply with this rule, the occupier or agent or society shall

cause identification cards to be distributed to all cane growers of the assigned area to whom requisition slips have been issued and shall maintain a record of their issue and return.

(v) Cane grown in an assigned area shall not, except with the permission of the Cane Commissioner, be purchased by any person without the previous issue of requisition slips and identification cards to the cane growers, by the society, the occupier or agent of the factory for which the area is assigned.

(vi) Requisition slips and identification cards to members of the society shall be issued by such society. A factory can also purchase cane direct from the members of the society only if permitted by the Cane Commissioner for special reasons to be recorded in writing.

(vii) If the Cane growers or the societies in the assigned area are not willing to enter into agreements to supply or fail to supply the requisite quantity of cane, the occupier of the factory may, after giving notice in form VII, purchase the balance of the cane required by him from outside the assigned area, if permitted by the Cane Commissioner.

(viii) In case of dispute, whether a particular system of purchase adopted by the occupier or agent of factory or his employee of the purchasing agents or the society in the assigned area is equitable or not, the dispute may be referred to the Cane Commissioner whose decision shall be final.

(ix) The Cane Commissioner shall be the prescribed authority for the purposes of sub-section (4) of section 14. The communication of the order issued by the Cane Commissioner under the aforesaid sub-section to the occupier of the factory and the cane growers or cane growers co-operative society, as the case may be, shall be affected by publication of such order at the office of the factory and at the offices of the Panchayat Samitis or Samities and Tehsil/Tehsils in which the area specified under the aforesaid sub-section is situated.

12. (1) An occupier of a factory or agent or purchasing agent of factory or any person employed by him shall not purchase cane for a factory or pay for it at a price below the minimum price.

Minimum  
price.  
Section 15 A  
and 20 (2) (1)  
and (1).

(2) The minimum price payable for cane shall be rupees per quintal.

13. (i) An application for a licence to act as purchasing agent or to do any work in connection with any transaction for the purchase of cane including survey and preparation of lists of cane growers or allotment and distribution of identity cards or requisition slips for cane, or to do any of the aforesaid acts as employee of an occupier of a factory or of a purchasing agent, shall be made in form IX to the Cane Commissioner.

Licensing  
Purchasing  
agents and  
others  
employees  
section 7  
and 20 (2) (j).

(ii) Such application shall be accompanied by treasury receipt showing that the licence fee of rupees ten has been deposited in any state treasury/sub-treasury in Haryana.

(iii) The purchasing agent shall deposit as security a sum of rupees ten thousand in cash or Government promissory notes and each of the other applicants shall execute a bond in personal securities for a sum of rupees ten thousand for the period be works.

(iv) The Government will have the first charge on such security, for the recovery of any fine or compensation due from such persons under these rules.

(v) On receipt of such application, the Cane Commissioner shall issue a licence in form X if he is satisfied regarding the suitability of the applicant and has in respect of him received a notice of his nomination in form III.

General provisions regarding purchase of cane. sections 14 and 20 (2)

14. (i) No person shall transfer, or abet the transfer of, a requisition slip for the supply of cane of a grower to another person with the object of enabling cane, other than the belonging to the grower to whom the requisition slip has been issued, to be sold to a factory.

(ii) No person shall accept or obtain, or agree to accept or attempt to obtain, from any person for himself, any payment whatever as a motive or reward for weighing or purchasing cane or making payment therefor, or for bearing to show, in connection with weighing or purchase or supply or payment for cane, favour or disfavour to any person.

(iii) The occupier or agent of factory or a purchasing agent shall establish a purchasing centre at a particular place for the supply of cane to the factory, if so directed by the Cane Commissioner.

(iv) An occupier or agent or a purchasing agent, who opens a purchasing centre, shall send intimation thereof within 24 hours of the start of operations to the Inspector within whose jurisdiction such purchasing centre is situated and to the Cane Commissioner.

(v) If a purchasing centre has to be closed temporarily, owing to a breakdown of a machinery or other causes necessitating an abrupt but temporary suspension of operations, the occupier or the purchasing agent concerned shall:—

- (a) cause to be posted immediately, at the purchasing centre concerned notice indicating the probable duration of suspension;
- (b) cause the suspension of purchase to be otherwise advertised as widely as possible;
- (c) send intimation thereof immediately to the Inspector within whose jurisdiction the purchasing centre is situated and to the Cane Commissioner; and
- (d) purchase all requisitioned cane, brought within 12 hours of pasting of notice under clause (a).

(vi) The occupier or agent or the purchasing agent shall, at least seven days before the permanent closure of the factory:—

- (a) affix a notice to that effect at the purchasing centres specifying clearly the date on which each centre is to be closed; and
- (b) intimate the date of the proposed closure to the Inspector within whose jurisdiction the purchasing centre is situated, and to the Cane Commissioner:

Provided that the Cane Commissioner has agreed to the closure of the factory after previously satisfying himself that the cane in the assigned area will be finished by the date.

(vii) An occupier or purchasing agent shall:

- (a) cause a list to be put up at each purchasing centre, showing the names of the persons employed by him for making weighments, purchases and payments;
- (b) cause such list to be maintained up-to-date; and
- (c) send a copy of the names of, and full particulars about, the persons whose names are entered in these lists, within 24 hours of their employment to the Inspector within whose jurisdiction such purchasing centre is situated and to the Cane Commissioner.

(viii) No person, who is not licensed in accordance with the Act or those rules, shall make or supervise weighments, purchases, or payments at any purchasing centre on behalf of an occupier or agent or purchasing agent.

*Note*:—This rule is not intended to prevent responsible officers of a factory above the rank of agent from exercising supervision.

(ix) All licensee's shall produce their licence on demand by the Inspector.

(x) The occupier of a factory situated outside Haryana or his licensed purchasing agent purchasing cane in Haryana shall also be bound by these rules.

15. The agent or purchasing agent, as the case may be, shall cause to be posted on a notice board at each weighment centre throughout the cane purchasing season notices showing the rates at which cane is being purchased at that particular centre, if any, and also the minimum price for cane, if any, fixed by law for the time being in force. Such notices shall be legibly written or printed only on one side of the paper in Hindi Devnagri script.

Notice  
section 20  
(2) (b)

16. The occupier or agent or the purchasing agent, as the case may be, and all persons working under him, shall comply with or cause to comply with the following conditions:—

Weighment  
etc. section  
20(2)(k).

- (i) All dealings and contracts in connection with the purchase and supply of cane shall be had and made according to

the metric system of weights and multiples or sub-multiples thereof, and all weightments shall be made by means of weigh-bridge or scale and recorded correctly to the nearest 1/20 th of a quintal.

(ii) It shall not be lawful to use any other weight in relation to any such transaction.

(iii) No scales or weights shall be used, kept or possessed by or on behalf of an agent or a purchasing agent which are inaccurate or which do not permit an easy reading of the recorded weight by the vendors of cane or their authorised agents and are not according to the metric system of weights and multiples and sub-multiples thereof to the nearest 1/20th of a quintal :

Provided that margin of error up to five kilograms or one per cent, whichever is less, in weightment may be condoned :

Provided further that a weigh-bridge shall not be deemed to be incorrect which weighs within one per cent of the correct weight and can not be adjusted more correctly.

(iv) All scales and weights used, kept or possessed by or on behalf of the agent or purchasing agent, shall be open to inspection examination and test at all reasonable times without notice and shall be made available for such inspection, examination or test whenever required. To facilitate such inspection, the agent or purchasing agent shall keep at least ten standard weights of fifty kilograms each at each weightment centre in the custody of the person incharge of weightments.

(v) (a) Deductions not more than those allowed by Government on the net weight of cane purchased, shall be made for binding materials etc.

(b) No other deduction without the approval of the Cane Commissioner, shall be made from the net weight of cane on the ground of driage, improper stripping or for any other reason.

(vi) Weightments of cane shall not be made more than half-an-hour after sunset unless adequate lighting arrangements are made at the weigh-bridge.

(vii) There shall be no detention of cane carts for more than 4 hours without adequate cause. The occupier of a factory shall cause the time of arrival and departure of carts etc. to be recorded in the pass book .

(viii) Adequate arrangements to the satisfaction of the Cane Commissioner shall be made at all purchasing centres for :—

(a) regulating the entry and parking of carts to avoid congestion;

- (b) roads and approaches to the weigh-bridges; and
- (c) cattle sheds and troughs.
- (ix) Any representative of growers shall be allowed to be present at the time of weighment of cane at any weigh-bridge to watch or check weighments and examine records in which weights are recorded.
- (x) In no case shall cane be purchased without actual weighment.
- (xi) That part of the mechanism of a weigh-bridge by which its adjustment is controlled shall be kept suitably sealed or locked.
- (xii) All weigh-bridges or scales at purchasing centres shall be tested at least once a week in the presence of any person nominated by the Cane Commissioner in this behalf and record of such tests shall be properly maintained. Any cane grower wishing to be present at the time of testing shall also be allowed.
- (xiii) Excess cane brought by a cane grower to the extent of 10 per cent of the weight prescribed in the unitwise requisition slip shall be accepted and there shall be no objections to the acceptance of less weight up to any extent.
17. (i) An agent or a purchasing agent shall prepare, or cause to be prepared, at each purchasing centre a parchi in triplicate, showing correctly,—
- (a) the serial number of the parchi;
- (b) the date of purchase;
- (c) the name of the person from whom the cane is purchased with his parentage and full address together with similar particulars about the person authorised by the vendor to deliver cane on his behalf;
- (d) the number of the requisition assigned to the vendor, if any;
- (e) the weight of the cane, including the weight of the cart or wagon, as the case may be;
- (f) the weight of the cart (tare) or wagon, as the case may be;
- (g) the weight to be deducted under sub-rule (v) of rule 16;
- (h) the net weight of the cane purchased;
- (i) the rate at which the cane is purchased; and
- (j) the price that has to be paid for the cane at that rate. The entries as regards items (e); and

Receipts (i)  
registers and  
records section  
16 and section  
20(2) (b).

(f) shall be made announced in the presence of the person who actually delivers the cane while the cart or wagon is still standing on the weigh-bridge, and in the case of weighing on beam scales, immediately on completion of the weighing. Entries as regards items (a) to (e) shall be made as soon as weighments take place and entries as regards items (f) to (j) as soon as the empty cart is weighed.

(ii) The parchi referred to in sub-rule (i) shall be handed over in duplicate to the person from whom cane is purchased or to his authorised agent before the cane grower or his authorised agent leaves the weigh-bridge. The third copy of counterfoil shall be kept at the purchasing centre concerned.

(iii) When payment is made for cane purchased, the receipt of the payee shall be taken on one of the counterfoils of the parchi handed over to him in accordance with the provision of sub-rule (ii);

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

(iv) An agent or a purchasing agent shall maintain, or cause to be maintained, at each purchasing centre a register or record showing correctly the particulars specified in items (a) to (j) as given in sub-rules (i) and also the following further particulars :—

- (a) the amount of loan, if any, advanced to the person from whom the cane is purchased;
- (b) the amount of interest upto the date of recovery of the same;
- (c) the amount actually paid in cash on account of the cane purchased;
- (d) the date of payment.

(v) An agent or a purchasing agent shall maintain at each purchasing centre an inspection book in triplicate in which Inspector may record their remarks and instructions.

(vi) The registers, records, parchis etc, referred to in this rule shall be preserved for one year.

(vii) The Cane Commissioner may direct the use of such other registers, records and forms as may be considered necessary.

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

18. (i) The occupier, agent or purchasing agent unless otherwise permitted by the Cane Commissioner, shall make payment every week on a fixed day to all cane growers or society for the cane purchased at each purchasing centre in such a manner that payments for purchases of a particular date are made within fourteen days of such purchases:

Payment (i)  
section 15-A and  
20 (2) (i).

Provided that when the purchasing centre is closed, all payment must be made within ten days;

Provided further, if any grower does not appear to receive payment within the specified period after the close of the purchasing centre, payment to him shall thereafter be made by the factory within twelve hours of demand.

(ii) Payment shall be made on the basis of the recorded weight of the cane at the purchasing centre. The price of the cane to be paid shall be calculated to the nearest paise.

(iii) An occupier or agent shall be liable for all payments due for cane supplied to him or on his behalf, and if a purchasing agent fails to make payment for cane purchased by him for the factory, the occupier of such factory shall be responsible for making such payments.

(iv) The payment for cane purchased for a factory shall be made to the grower or his duly authorised representative in writing only.

(v) The days of the week or the dates and the hours at which payment will be made shall from time to time be exhibited on a notice board on each weighing or payment centre throughout the cane crushing season and shall also be notified to the Cane Commissioner and Inspector concerned.

(vi) The Cane Commissioner shall forward to the Collectors a certificate under his signatures specifying the amount of arrears on account of price of cane plus interest, if any, due from the occupier or agent and the Collector, on receipt of such certificate, shall proceed to recover from such occupier or agent the amount specified there in as if it were arrears of land revenue.

19. (i) The Cane Commissioner shall be the authority to collect the tax on the purchase of cane imposed under section 17.

Collection etc.  
of tax, section  
7 and 20 (2)(m).

(ii) The occupier or agent of a factory shall maintain in a correct day-to-day account of the cane purchased in form XI.

(iii) Before the fifteenth day of each month, the occupier or agent of a factory shall pay in to the treasury/sub-treasury the amount due as tax on the quantity of sugarcane intended for use in the factory during the month immediately preceding.

(vi) Before the close of each month the occupier, or agent of a factory shall submit to the Cane Commissioner return in form XII showing :

(a) the quantities of cane that have been purchased by the factory during the month immediately preceding;

- (b) the amount of tax deposited by him in the treasury/sub-treasury;
- (c) number and date of the treasury receipt with which the amount has been deposited; and
- (d) balance outstanding, if any.

(v) The Cane Commissioner shall, on receipt of such returns, check that the amount of tax has been correctly calculated and that the full amount thereof has been credited into the treasury/sub-treasury.

Forfeiture of securities section 7 and 20 (2) (m).

20. (i) The Cane Commissioner may forfeit the securities or impose a fine upto Rs. five thousand after giving in writing the licensee an opportunity of explaining the charges against him and of producing evidence in his defence.

Repeal and savings.

21. (ii) The Cane Commissioner may order compensation to be paid out of the forfeited security to any person who has suffered loss owing to the misconduct of the licensee or his employees, as the case may be.

The Punjab Sugarcane (Regulation of purchase and supply, Rules, 1958, are hereby repealed.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

FORM I

[See rule 3(9)]

Procedure to be followed at the meetings of the Board :-

1. All meetings of the Board shall be presided over by the Chairman. In his absence, any member nominated by the Chairman or in the absence of any such nomination, a Chairman elected by the members present shall preside.
2. In order to constitute a meeting of the Board, the quorum shall be one-third of the total number of members of the Board including the Chairman, fraction being ignored.
3. Notice of resolution of a motion to be moved at a meeting of the Board, other than the first meeting shall be sent to the Secretary, at least seven days before the date fixed for the meeting. The secretary shall circulate agenda to be brought forward at the meeting.
4. No business other than contained in the agenda sent to members shall be transacted at a meeting, except with the permission of the Chairman.
5. No motion or amendment shall be discussed at a meeting. Unless it is seconded.
6. Every question shall be decided by a majority of votes of the members present and voting. In case of votes being equally divided, the Chairman shall have a casting vote.
7. The Chairman shall be the sole judge of any point of order and may, if necessary, dissolve the meeting or adjourn it to any other date.
8. If at any meeting there is no quorum, the Chairman shall adjourn the meeting to any subsequent date and no quorum shall be necessary for such an adjourned meeting.
9. In respect of any matter not provided by these rules, the procedure shall be in accordance with the ruling of the Chairman.
10. The Secretary shall keep minutes of each meeting of Board, carry on correspondence on behalf of the Board and discharge such other functions as may be necessary for the proper performance of the Board.

## FORM II

[See Rule 4(6)]

## Procedure to be followed at the meetings of Committee or Body.

1. Notice in writing of meeting of the committee or the body shall be circulated to all the members of the committee or the body not less than two weeks before the meeting. Notice of a resolution or a motion to be moved at a meeting of the committee or the body shall be made available to the chairman at least ten days before the meeting. The agenda shall be circulated at least one week before the meeting.
2. All meetings of the Committee or the body shall be presided over by the chairman. However, in the absence of the Chairman, the members present shall elect a Chairman for that meeting from amongst themselves.
3. At the meeting of the committee or the body, one-third of the total members inclusive of the Chairman, the fraction if any being ignored, shall form a quorum.
4. Every question shall be decided by a majority of votes of the members present and voting. In case of votes being equally divided, the Chairman shall have a casting vote.
5. The Chairman shall be the sole judge for deciding any point of order and may call any member to order and may, if necessary, adjourn the meeting to any other date.
6. In respect of any matter not provided by these rules, the procedure shall be in accordance with the ruling of the Chairman.

FORM III

(Section 6)

Notice of nomination of agent

I/we \_\_\_\_\_ hereby give notice that I/We have nomi-  
nated:—

1. \_\_\_\_\_, son of \_\_\_\_\_,  
resident of \_\_\_\_\_.

2. \_\_\_\_\_, son of \_\_\_\_\_,  
resident of \_\_\_\_\_.

3. \_\_\_\_\_, son of \_\_\_\_\_,  
resident of \_\_\_\_\_.

Tehsil/district \_\_\_\_\_ to act as the agent of the sugar factory  
namely \_\_\_\_\_ for the purpose of the Punjab Sugarcane  
(Regulation of purchase and Supply) Act, 1953, with effect from \_\_\_\_\_  
to \_\_\_\_\_ and that he/they has/have accepted the nomination as  
such and in token thereof has/have affixed his/their signature below. A receipt of the  
required deposit is enclosed herewith.

Occupier.

Signature of the agent(s) \_\_\_\_\_

Signature of witness (s) \_\_\_\_\_

Date \_\_\_\_\_

## FORM IV

(See rule 8)

## Form of estimate of normal cane requirements of a factory

1. Name of the factory.
2. Total quantity of cane crushed during any 15 consecutive days in the months of January and February of the last crushing season, mentioning the quantity of cane crushed on each date separately.
3. Total number of hours of actual crushing during the 15 consecutive days recorded in item 2 above mentioning the number of hours of actual crushing on each date separately.
4. Average quantity of cane crushed per hour and per day of 22 hours on the basis of item 2 above.
5. The estimate of the normal cane requirement of the factory arrived at by multiplying by 120 the average quantity of cane crushed per day of 22 hours as calculated under item 4.
6. Any extension of the plant of the factory since the last statement was submitted.
7. Date of submission.
8. Specification of area desired to be declared as assigned area.

Signature of person empowered  
to sign on behalf of the occupier  
of the factory.

## FORM V

[See rule 9(1)]

## (Form of the survey of sugarcane)

Name of the village, tehsil and district \_\_\_\_\_

Serial No.	Name of the cane grower with father's name	Khasra No. of plots under cane in his cultivation	AREA UNDER CANE				Remarks
			Early varieties		Other Varieties		
			Ratoon	Plant	Ratoon	Plant	
1	2	3	4	5	6	7	8

Signature of the authorised  
officer.

FORM VI

[See rule 9(2)]

Cane Growers Register

Name of village, tehsil and district

Name of the factory or purchasing centre

Serial No.	Name of the cane grower with father's name	Total holding	Quota of supply in the last three years	Khasra number of plots under cane in his cultivation	AREA UNDER CANE				Remarks
					Early varieties		Other varieties		
					Ratoon	Plant	Ratoon	Plant	
1	2	3	4	5	6	7	8	9	10

Signature of the authorised officer.

## FORM VII

[See rule 11 (ii)]

**Form of application by a cane grower or a Cane Growers Co-operative Society in an assigned area offering cane to the factory**

1. Name of the cane grower with father's name or name of the Cane Growers Co-operative Society \_\_\_\_\_
2. Village, tehsil/sub-tehsil and district \_\_\_\_\_
3. Name of the factory concerned \_\_\_\_\_
4. Total area of land in his cultivation fit for growing sugarcane (for individual only) \_\_\_\_\_
5. Total area of land in his/the members cultivation under cane in 19 \_\_\_\_\_
6. Varieties cultivated with percentage area under each \_\_\_\_\_
7. Estimated yield per acre \_\_\_\_\_
8. Quantity of cane estimated for sale (in quintals) \_\_\_\_\_

Dated \_\_\_\_\_

Signature of the cane grower or  
authorised representative of a  
Cane Growers Co-operative  
Society.

FORM VIII

[See Rule 11 (ii)]

**Form of agreement between a Cane Grower/Cane Growers Co-operative Society and the Agent of a factory**

This agreement is made on the \_\_\_\_\_ day of \_\_\_\_\_ between \_\_\_\_\_ the Cane Grower/Cane-growers Co-operative Society, village \_\_\_\_\_ district \_\_\_\_\_ (hereinafter referred to as the "first party") and \_\_\_\_\_ the agent of \_\_\_\_\_ factory (hereinafter referred to as the "second party") for the sale and purchase of cane;

Whereas the first party agrees to sell during the year of 19\_\_\_\_ the sugarcane crop standing on \_\_\_\_\_ acres as detailed below with an approximate yield of \_\_\_\_\_ quintal to the second party at the minimum price of Rs \_\_\_\_\_ subject to such deductions, if any, as may be notified by the Government from time to time;

And whereas the first party further agrees to supply good cane free from leaves, tops and roots at the factory gate or at \_\_\_\_\_ purchasing centre in such quantities and on such dates, as may be specified in the unit-wise requisition slip issued by the second party. Now this agreement witnesseth as under :-

1. The cane shall be taken by the second party in instalments equitably spread over the whole working period of the factory.

2. In the case of Cane Growers Co-operative Society, the second party shall pay to the first party commission at the rate of 50 paise per quintal or at such rate as the Government may, from time to time, for sufficient reasons, fix by notification published in the official Gazette for any specified period. The commission shall ordinarily be paid monthly and the last instalment shall be paid within one month of the close of the crushing season. If it is not so paid, interest shall accrue at the rate of 15 per centum per annum on all sums left unpaid. The first party shall spend at least 50 per centum of the commission so earned on the development of sugarcane of its members in consultation with the second party and in accordance with the directions of the Cane Commissioner.

3. In the case of a cane grower, the second party shall spend an amount equivalent to at least 50 per centum of the Commission prescribed under paragraph (2) above for the development of sugarcane of such cane grower in accordance with the directions of the Cane Commissioner.

4. The 50 per centum of the commission prescribed under paragraph (2) above for the development of sugarcane will be deposited in a separate bank account which will be operated jointly by the representative of concerned cane growers cooperative society, a representative of concerned sugar mills and a representative of Cane Commissioner.

5. In the event of wilful failure to supply at least eighty-five per centum of the total quantity of cane contracted to be sold, the first party shall be liable to pay to the second party compensation equal to twenty per centum of the price of deficit quantity of cane which the first party fails to supply wilfully and the second party shall distribute the amount so realised amongst the cane growers/cane growers co-operative societies who supply cane in the last thirty working days of the factory during the season in proportion to the quantity of cane supplied by each of them during the said period of thirty days.

6. In case of the first party wilfully fails to supply cane to the second party on three consecutive occasions in accordance with the requisition made by the second party, the first party shall cease to have a claim to sell cane to the second party.

7. The second party shall ordinarily send the requisition for cane to the first party at least four days before the cane is required and will not make changes within this period without sufficient reasons.

8. In the event of the second party wilfully failing to purchase cane in accordance with the provisions of this agreement, it shall be liable to pay to the first party compensation equal to twenty per centum of the price of such quantity of cane as the second party fails to buy; provided that for any deficiency in the purchases in the instalments fixed for the period after 1st April, the second party shall be liable to pay to the first party compensation equal to forty per centum of the price of such quantity of cane as the second party fails to purchase after 1st April.

9. In the event of a break down at the factory or of other circumstances due to natural causes, calamities or accidents beyond human control arising to show that the second party will not be able to purchase the cane it has agreed to purchase, the first party, after giving a week's notice to the second party and with the prior intimation to the Cane Commissioner, shall have the option of making other arrangements for the disposal of the cane and in such case no compensation shall be payable by either party to the other.

10. No compensation for breach of this agreement shall be payable by either party when such breach is due to natural causes, calamities, or accident, beyond human control.

11. Any dispute arising out between the parties regarding the quality any condition of the cane, the place of delivery, the instalments and other matters pertaining to this agreement shall be referred to the Cane Commissioner whose decision shall be final and binding on both the parties.

In witness whereof the parties hereto have signed this agreement on the dates respectively mentioned against their names.

Witness :

1 \_\_\_\_\_

2 \_\_\_\_\_

Witness :

1 \_\_\_\_\_

2 \_\_\_\_\_

Signatures of Cane grower/Cane Growers Coop. Society.

Signature of the agent of the Society

for and on behalf of the agent of a factory.

Date :

Address :

**FORM VIII-A**

[See Rule 11 (vii)]

**Form of notice for purchasing cane from outside the assigned area.**

Whereas the \_\_\_\_\_ factory has been allowed to crush \_\_\_\_\_ quintals of cane during \_\_\_\_\_ crushing season;

And whereas the cane growers or the Cane Growers Co-operative Society or societies in the assigned area of the said factory are not willing to enter into agreement to supply or have failed to supply the requisite quantity of cane or have offered to supply only \_\_\_\_\_ quintals of cane;

Now, therefore, the \_\_\_\_\_ factory intends to purchase the balance quantity viz. \_\_\_\_\_ quintals of cane from outside the assigned area.

Dated \_\_\_\_\_

Agent  
(Name of the factory)

**FORM IX**

(See rule 13)

**Form of application for a licence to work as purchasing Agent of a factory or to do any work in connection with any transaction for the purchase of cane within the State of Haryana**

I \_\_\_\_\_, son of \_\_\_\_\_, resident of \_\_\_\_\_, having been nominated by the occupier of \_\_\_\_\_ factory to work as purchasing agent or to do any work in connection with any transaction for the purchase of cane at \_\_\_\_\_ purchasing centre on behalf of the aforesaid occupier of the factory hereby apply for a licence under the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953.

I hereby agree to abide by the terms and conditions of the licence.

Dated \_\_\_\_\_

Signature of the applicant.

## FORM X

(See rule 13)

## Form of licence to work as purchasing agent of a factory.

This is to certify that \_\_\_\_\_, resident of \_\_\_\_\_, is authorised to work as \_\_\_\_\_ at \_\_\_\_\_ purchasing centre on behalf of \_\_\_\_\_ factory or \_\_\_\_\_ purchasing agent of \_\_\_\_\_ in connection with the transaction for the purchase of cane, subject to the terms and conditions hereinafter mentioned and to the provisions of the Punjab Sugarcane (Regulation of purchase and Supply) Act, 1953, and the rules made there under :-

1. The licence shall remain in force till the \_\_\_\_\_.
2. The licensee shall comply with the provisions of the said Act and the rules made thereunder and shall obey all lawful directions which may be issued to him by the Inspector/Additional Inspector or the Cane Commissioner.
3. The licensee shall be responsible for the proper discharge of his duties and shall not show favour, disfavour to any person, in connection with any transaction for the purchase of Cane on behalf of the aforesaid factory or the purchasing agent.
4. The licensee shall be liable to be suspended or cancelled by the Cane Commissioner without prejudice to and in addition to any penalty which the licensee may incur under the provisions of the Act and the rules made thereunder, after giving him reasonable opportunity to show cause why his licence should not be suspended or cancelled.
5. The licensee shall be responsible for returning the licence to the Cane Commissioner on expiry of the term thereof or in the event of the licence being suspended or cancelled on such suspension or cancellation.

(\_\_\_\_\_)  
Cane Commissioner, Haryana.

HARYANA GOVT GAZ., MAY 25, 1998  
(JYST 4, 1915 SAKA)

**FORM XI**

[See rule 19(ii)]

Cane record for Levy of tax

Local area \_\_\_\_\_

Quantity purchased and intended for use in a factory (in quintals) dated \_\_\_\_\_

_____	_____	_____	_____	_____	_____
Carts	Lories	Tractor trolly	Rail	Others	Total

Dated : \_\_\_\_\_

Signature of Agent

**FORM XII**

[See rule 19 (iv)]

Return of purchase tax on Cane purchase

Cane Commissioner, Haryana

Name of the Sugar factory

_____	_____	_____	_____
1	2	3	4
Quantity of sugarcane purchased during preceding month	Amount of purchase tax deposited in treasury	No. & date of treasury receipt	Balance outstanding
	Rs. Ps.		

(Sd.) . . .  
Secretary to Government, Haryana,  
Agriculture Department.

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