

The Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Rules, 1954

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The Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Rules, 1954

(As amended)

In exercise of the powers conferred by section 28 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 1 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 or the assigned area or the headquarters of a Council or a Zone or a Society, as the case may be, is situate;

(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;

(h) ¹["Society clerk" means any person appointed as such by a cane growers' co-operative society to do any work connected with supply, purchase, payment and weighing of cane at a purchasing centre;]

(i) ²["Sub-Divisional Officer" means the officer-in-charge of a revenue sub-division;]

(j) ³["Weighbridge" means any mechanism or scales (including beam scales) used to weigh cane;]

(k) ⁴["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 weighing of cane at a purchasing centre;]

(l) ⁵["Year" means the agricultural year beginning from July 1.]

¹Added by Rule 1 (a) of Amendment Rule Notification dated 28.04.1964.

²Renumbered by Rule 1 (a) of Amendment Rule Notification dated 28.04.1964

³Added by Rule 1 (b) of Amendment Rule Notification dated 28.04.1964.

⁴Renumbered by Rule 1 (b) of Amendment Rule Notification dated 28.04.1964

⁵Renumbered by Rule 1 (c) of Amendment Rule Notification dated 28.04.1964

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 a 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. ¹[***]

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.

11-A (1) No resolution expressing want of confidence in any person elected as the Chairman of a Cane Development Council shall, -

(a) be moved except in the manner laid down in these rules; and

(b) where twelve months have not elapsed after the date of his election as Chairman be moved except with the prior permission of the authority specified in sub-rule (11).

(2) Notice for non-confidence motion shall be addressed to the authority specified in sub-rule (11) (hereinafter referred to as the "Specified Authority") stating clearly the grounds on which such motion is proposed to be moved and shall be signed by at least more than half of the members of the Council.

(3) At least three members of the Council signing the notice of non-confidence motion shall personally present to the specified authority the notice together with an affidavit signed by them to the effect that the signatures on the non-confidence motion are genuine and have been made by the signatories after hearing or reading the contents of the notice.

¹Deleted by Rule 1 of Amendment Rule Notification dated 18.05.1961

(4) (a) On receipt of the notice of non-confidence as provided in sub-rule (2) and (3), the Specified Authority shall fix such time, date and place, as he may consider suitable for holding a meeting for the purpose of consideration of the proposed non-confidence motion:

Provided that such meeting shall be held within thirty-five days of the receipt of the notice of non-confidence:

Provided further that at least twenty-one days notice shall be given for holding such meeting:

(b) The notice for meeting under sub-rule (1) shall also provide that in the event of the non-confidence motion being duly carried, election of the new Chairman who shall be elected according to sub-section (3-A) of section 5 of the Act, shall also be held in the same meeting.

(5) (a) The Specified Authority shall also nominate any Gazetted Government Servant (Other than an officer of the cane department which is conceded with the supervision and administration of the council conceded) to act as a Presiding Officer of the meeting in which the resolution for non-confidence shall be considered;

(b) The quorum for such a meeting of the Council shall be more than half of the total number of members of the Council.

(6) The resolution for non-confidence motion shall be deemed to be carried, if passed by a majority of two-third of total members of the Council.

(7) When a resolution for non-confidence is carried, the Chairman against whom it is carried shall cease to hold that office forthwith and shall be succeeded by his successor, who shall be elected by another resolution in the same meeting.

(8) Election of new Chairman, under sub-rule (7), shall be conducted in the meeting under the chairmanship of the Presiding Officer referred to in sub-rule (5) in the following manner:-

(a) the Chairman, shall be elected from amongst the members of the council;

(b) nomination of candidates for Chairman, shall be proposed and seconded in the meeting itself. Election after withdrawal, if any, shall be held by show of hands;

(c) in the same meeting presided over by the Presiding Officer appointed under clause (a) of sub-rule (5) the new Chairman will be elected by simple majority of the members present in the meeting. In case equality of votes, the matter shall be decided by drawing of lots;

(d) the proceeding of the meeting shall be signed by the Presiding Officer.

(9) The new Chairman, elected under the sub-rule (7), shall hold office only up to the remainder of the term of the Chairman removed by the vote of non-confidence.

(10) If the motion for non-confidence fails for want of quorum or lack of requisite majority at the meeting, no subsequent meeting for considering the motion of non-confidence shall be held within six months of the date of the previous meeting.

(11) The Specified Authority referred to in the rules of this part shall be District Magistrate of the concerned district, where the headquarters of the Cane Development Council is situated.

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.

¹Inserted by Rule 2 of Amendment Rule Notification dated 28.06.1973

(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 therefor from the funds of 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.

¹[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.

15. ²[The Cane Commissioner may veto or modify any resolution or decision of the Council after assigning reasons 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 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 Councils in a district ³[as required under Section 6 (2) of the Act] 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

19. ⁴[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 form special checking squads headed by such *ex officio* Inspectors.]

¹Added by Rule 2 of Amendment Rule Notification dated 17.11.1965

²Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

³Inserted by Rule 3 of Amendment Rule Notification dated 18.05.1961

⁴Substituted by Rule 2 of Amendment Rule Notification dated 10.03.1975

20. ¹[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 maintenance of any records, registers, accounts or other documents relevant thereto,

(b) examine the weighbridge or weights used, kept or possessed for the weighing 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, cattle-sheds, 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.

(h) issue from time to time such instructions as may be necessary to ensure equitable purchase of cane,

(i) examine any records, registers, account or documents of Cane-growers' Co-operative Societies,

(j) examine any records, register or document or call 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) The occupier of a factory shall apply to the Cane Commissioner in Form 1 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 or 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.]

¹*Substituted* by Rule 2 of Amendment Rule Notification dated 01.02.1978

²*Substituted* by Rule 2 of Amendment Rule Notification dated 31.08.2001

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 the factory,
- (f) the arrangements made by the factory in previous years for payment of purchase tax, cane price and commission,
- (g) the views of the Cane-growers' Co-operative Society of the area,
- (h) efforts made by the factory in developing the reserved or assigned area.
- (i) ¹[efforts made by the factory to provide information to the farmers pertaining to survey, supply tickets, weighment, payment etc. through the use of website, Short Messaging Service (SMS), Interactive Voice Response System (IVRS), Hand Held Computer (HHC), Global Positioning System (GPS), electronic weigh-bridge etc.]

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

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

²[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

24. ³[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 open 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 ⁴[concerned] for the correction of an entry in or the addition of a new entry to the Growers' Register. The occupier shall keep a record of ⁵[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 shall lie to the Sub-Divisional Officer having jurisdiction.

¹Substituted by Rule 2 of Amendment Rule Notification dated 13.02.2013

²Added by Rule 7 of Amendment Rule Notification dated 18.05.1961

³Substituted by Rule 8 of Amendment Rule Notification dated 18.05.1961

⁴Inserted by Rule 9 of Amendment Rule Notification dated 18.05.1961

⁵Substituted by Rule 9 of Amendment Rule Notification dated 18.05.1961

27. The occupier of a factory shall, on an application made to him in writing and on payment of a fee or ¹[25 naye paise] 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 of a factory for a period of two years following the crushing season to which it relates.

CHAPTER VIII WEIGHTMENTS

29. ²[The Cane Commissioner may authorize any person including such employees and representatives of the Cane-growers' Co-operative societies as he may consider necessary to watch or check weighments, weighbridges and weights, as also to examine the parchas in which weights and prices of cane are recorded.

29-A. ³(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.)]

30. ⁴[All transactions in connection with the purchase and supply of cane shall be made according to the quintal (equivalent to 100 kilograms), and it shall not be lawful to use any other weight in relation to any such transaction.]

31. ⁵[No cane shall be purchased without actual and correct weighment.]

32. ⁶[The gross, tare and net weighs of cane shall be correctly recorded. The net weight of cane shall be rounded to the nearest of a kilogram for purposes of calculating cane price.]

33. ⁷[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 weighbridge 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 weighbridge 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 Devnagari 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.]

¹Substituted by Rule 10 of Amendment Rule Notification dated 18.05.1961

²Substituted, renumbered as Rule 29 and split up in Rule 29 and 29-A by Rule 13 of Amendment Rule Notification dated 18.05.1961

³Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

⁴Substituted by Rule 3 of Amendment Rule Notification dated 24.10.1961

⁵Substituted by Rule 11 of Amendment Rule Notification dated 18.05.1961

⁶Substituted by Rule 4 of Amendment Rule Notification dated 24.10.1961

⁷Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

¹[**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 a 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 where after weighments on the beam scales shall not be continued except with the written permission of the Inspector appointed under Section 11 of *ex officio* Inspector specified in Rule 19.]

²[**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 ³[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 purchased 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 authorized by the Cane Commissioner.

37. ⁵[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.]

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

¹Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

²Added by Rule 7 of Amendment Rule Notification dated 28.04.1964

³Inserted by Rule 17 of Amendment Rule Notification dated 18.05.1961

⁴Added by Rule 18 of Amendment Rule Notification dated 18.05.1961

⁵Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

⁶Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

¹[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 'parcha' 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-

- (i) regularly and carefully watch and check weighment of cane, weighbridges and also examine the 'parchas' 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 'parchas' 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.]

39. 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.

¹Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

¹[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-

(a) ²[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 exits 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.

(c) ³[provide to the satisfaction of the Cane Commissioner adequate space for at least ⁴(33 percent) of 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.]

(d) ⁵[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 cart-men at convenient places. In case it is not possible to provide water tap at any outstation purchasing centre at least one hand pump 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.

41. ⁶[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.

43. ⁷[The occupier of a factory shall provide adequate labour for loading and unloading of cane at each purchasing centre.]

¹Added by Rule 21 of Amendment Rule Notification dated 18.05.1961 and substituted by Rule 10 of Amendment Rule Notification dated 28.04.1964

²Substituted by Rule 11 (i) of Amendment Rule Notification dated 28.04.1964

³Substituted by Rule 22 of Amendment Rule Notification dated 18.05.1961

⁴Substituted by Rule 11 (ii) of Amendment Rule Notification dated 28.04.1964

⁵Substituted by Rule 11 (iii) of Amendment Rule Notification dated 28.04.1964

⁶Substituted by Rule 23 of Amendment Rule Notification dated 18.05.1961

⁷Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

CHAPTER IX
PAYMENT

44. Payments 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 ¹[naye paisa].

45. Payments for cane shall be made only to the ²[cane] -grower or his representative duly authorized by him in writing to receive payment or to a Cane-growers' Co-operative Society:

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. The remuneration to the factory for the payment to the members of a Cane-growers' Co-operative Society shall be determined by the Cane Commissioner:

³[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.]

46. ⁴[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 claimants 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. ⁵[The occupier of the 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 ⁶[cane-growers] from whom cane has been purchased, the amount of such loan, together with simple interest thereon at a rate not exceeding ⁶[$6^{1/4}$ 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.

⁷[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.]

¹Substituted by Rule 24 of Amendment Rule Notification dated 18.05.1961

²Inserted by Rule 25 of Amendment Rule Notification dated 18.05.1961

³Added by Rule 25 of Amendment Rule Notification dated 18.05.1961

⁴Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

⁵Substituted by Rule 2 of Amendment Rule Notification dated 01.02.1978

⁶Substituted by Rule 26 of Amendment Rule Notification dated 18.05.1961

⁷Added by Rule 26 of Amendment Rule Notification dated 18.05.1961

Explanation- A loan for the purpose 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 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.] ²[(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 or per 60 litres of ethanol (directly produced from the sugarcane juice or B-Heavy molasses) 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 sugarcane 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 sugarcane 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.

³[(3) The percentage arrived at under sub-rule (1) shall be subject to review by the Collector either of his 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 growers' 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.]

¹Added by Rule 12 of Amendment Rule Notification dated 28.04.1964 and substituted by Rule 2 of Amendment Rule Notification dated 14.01.1972

²Substituted by Rule 2 of Amendment Rule Notification dated 09.03.2009

³Substituted by Rule 2 (a) of Amendment Rule Notification dated 20.02.1973

¹[(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 that 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 October 1, each year:

Provided that in relation to the crushing season beginning on October 1, 1971, such 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.

²[(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 orders for the refund of such balance.]

¹*Substituted* by Rule 2 (a) of Amendment Rule Notification dated 20.02.1973

²*Added* by Rule 2 (b) of Amendment Rule Notification dated 20.02.1973

CHAPTER X
COMMISSION ON PURCHASE OF CANE

¹[49. The occupier of a factory shall pay contribution on cane purchase at the rate of three per cent of minimum statutory cane price, presently known as Fair and Remunerative Price (F.R.P.) fixed by the Government of India, out of which seventy five percent shall be payable to the cane-growers' co-operative society and twenty five percent to the Council:

Provided that the contribution payable on cane purchased during crushing season 2021-2022, shall be paid at the rate of five rupees and fifty paise per quintal instead of three percent of Fair and Remunerative Price (F.R.P.)]

²[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 (with effect from 1.6.1991) till 1994-95 and for the crushing season 1995-96 and onward at the rate of half percent of minimum statutory cane price. The entire amount of the commission will be utilized 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 adjustments 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 Accountants 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 the Cane Commissioner may himself exercise any of such powers in case of emergency.

¹Substituted by Rule 2 of Amendment Rule Notification dated 13.12.2021

²Added by Amendment Rule Notification dated 07.12.1959 and Substituted by Rule 2 of Amendment Rule Notification dated 06.06.1996

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

56. ¹[***]

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) No expenditure shall be incurred unless it has been provided for in the budget as sanctioned.

(2) In an emergency or to meet and 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 utilizing 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. ²[***]

62. ³[***]

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 person concerned.

CHAPTER XII COLLECTION OF CESS

64. ⁴[***]

65. ⁴[***]

66. ⁴[***]

67. ⁴[***]

68. ⁴[***]

¹Omitted by Rule 3 of Amendment Rule Notification dated 01.02.1978

²Omitted by Rule 3 of Amendment Rule Notification dated 01.02.1978

³Deleted by Rule 28 of Amendment Rule Notification dated 18.05.1961

⁴Deleted by Rule 6 of Amendment Rule Notification dated 24.10.1961

**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 ²[one lakh] in cash or in Government securities of the market value of rupees one lakh or post office cash certificate of the present encashment value of rupees one lakh. Such security shall be deposited with Collector and shall be retained so long as that person acts as occupier:

Provided that, for reasons to 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 or penalty due from the factory under the Act or these rules.

**CHAPTER XIV
LICENSING OF PURCHASING AGENTS**

72. ³[***

73. ***

74. ***

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86. ***]

¹Added by Rule 30 of Amendment Rule Notification dated 18.05.1961

²Substituted by Rule 2 of Amendment Rule Notification dated 27.04.2022

³Omitted by Rule 3 of Amendment Rule Notification dated 01.02.1978

CHAPTER XV
LICENSING OF OTHER EMPLOYEES

87. ¹[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 list 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 rupees five hundred.]

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 district also. Unless there are valid reasons to the contrary such endorsement shall be made without any extra charge thereof.]

88. ²[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 license 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 rupees five hundred 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. ³[On receipt of an application for licence under rule 88, the Collector may issue a licence in Form 11, Appendix III. Before granting a licence under this rule Collector may demand a security not exceeding rupees ten thousand in cash or Government securities for the due observance of the conditions of the licence.]

⁴**[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.

¹ *Substituted* by Rule 3 of Amendment Rule Notification dated 13.03.2008

² *Substituted* by Rule 3 of Amendment Rule Notification dated 13.03.2008

³ *Substituted* by Rule 2 of Amendment Rule Notification dated 27.04.2022

⁴ *Added* by Rule 33 of Amendment Rule Notification dated 18.05.1961

91. ¹[(a) The Collector may cancel a licence issued under Rule 89 for 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 the 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 misbehavior 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.

CHAPTER XVI NOTICES

94. ²[The occupier of a factory shall cause to be put up at each purchasing centre in Devnagri 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.

¹*Substituted* by Rule 4 of Amendment Rule Notification dated 01.02.1978

²*Substituted* by Rule 4 of Amendment Rule Notification dated 01.02.1978

CHAPTER XVII
REGISTERS AND RECORDS

96. ¹[(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, authorized 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 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.]

97. ²[The *parcha* referred to in rule 96 shall be handed over in duplicate to the person from whom cane is purchased or to his authorized agent before the person or his authorized agent leaves either the gross or the tare weighbridge. The triplicate copy shall be passed on to the cane growers' 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.

³[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.]

¹ Substituted by Rule 4 of Amendment Rule Notification dated 01.02.1978

² Substituted by Rule 36 of Amendment Rule Notification dated 18.05.1961

³ Substituted by Rule 37 of Amendment Rule Notification dated 18.05.1961

99. ¹[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 authorized deduction, if any;
- (ii) the amount actually paid in cash;
- (iii) the amount paid otherwise than in cash, if so authorized;
- (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 ²[quintal] paid for cane,
- (iv) Serial number (s) of the relevant *parcha (s)*,
- (v) Net weight of cane purchase,
- (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.

(2) When the cane is supplied through a Cane-growers' Co-operative Society, the society shall maintain the account referred to in sub-rule (1) 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. ³[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 authorized by the Cane Commissioner, may record their remarks and instructions.]

102. The registers and records maintained and copies of counterfoils of *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 check 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.

¹ *Substituted* by Rule 4 of Amendment Rule Notification dated 01.02.1978

² *Substituted* by Rule 7 of Amendment Rule Notification dated 24.10.1961

³ *Substituted* by Rule 4 of Amendment Rule Notification dated 01.02.1978

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 to date.
- (xii) ¹[Purchase tax] on sugarcane due.
- (xiii) ¹[Purchase tax] on sugarcane paid.
- (xiv) Balance of ¹[purchase tax] 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 registers, returns, accounts and documents as in his opinion are relevant for the purpose of checking the recovery of sugar or for estimating the capacity of a machinery or any part thereof.

¹ *Substituted* by Rule 8 of Amendment Rule Notification dated 24.10.1961

CHAPTER XIX
ARBITRATION

108. Any dispute touching the business of (a) a Cane-growers' Co-operative Society between members or between members and society or 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 factory 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 authorize 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 the Chairman of the board or 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 summonses 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 moto 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 the 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:

(1) 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 a sole arbitrator or a 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.

(2) 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. ¹[No prosecution shall be instituted under these rules unless the person complained against has been given an opportunity by the Cane Commissioner or 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.

¹Substituted by Rule 3 of Amendment Rule Notification dated 17.11.1965

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.

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 Sugar Cane 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 meeting 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 members 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. ¹[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. ²[In any case not provided for by these rules, the procedure shall be in accordance with the ruling of the Chairman.]

¹ Added by Rule 2 of Amendment Rule Notification dated 18.05.1961.

² Renumbered as Rule 12 by Amendment Rule Notification dated 18.05.1961.

APPENDIX III

FORM 1

Application for Reservation and Assignment of Area
(RULE 21)

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:

Season	Quantity crushed in lakh quintals	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 payment of purchase tax, 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 paid	Balance		
1	2	3	4	5	6	7
Purchase tax						
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 mills:

Particulars of area	Total amount advanced	Total amount to be realized 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 quintals)	Average this season	Estimated supply (in lakh quintals)	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/ District	Whether villages already reserved for the mills	Remarks
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 villages	District/ Tahsil	At present attached to centre	Proposed to be deleted/ added/ transferred	Name of centre to which it may be attached	Remarks
1	2	3	4	5	6

Date ...

Signature of the occupier of the factory

APPENDIX III

FORM 2

Growers' 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 bonded	Remarks
					Desi	Improved Ratoon	Plant		
1	2	3	4	5	6	7	8	9	10

APPENDIX III
FORM 3

¹[***]

¹ Deleted by Rule 9(iii) of Amendment Rule Notification dated 24.10.1961.

APPENDIX III
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. Naye Paise	Number and date of treasury chalan or receipt
--	--	--

...

Date ...

Signature of occupier.

APPENDIX III
FORM 5
Notice of nomination
(Rule 69)

I/We hereby give notice that I/We have nominated to be the occupier of the Factory 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 of occupier

(Signature)...
(Witness,
name and designation of witness)

(Signature)...
(Witness,
name and designation of witness).

APPENDIX III
FORM 6

¹[***]

¹*Omitted* by Rule 5 of Amendment Rule Notification dated 01.02.1978.

APPENDIX III

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 a licence.

...

Signature of occupier of the factory.

Dated ...

APPENDIX III
FORM 8

¹[***]

¹*Omitted* by Rule 5 of Amendment Rule Notification dated 01.02.1978.

APPENDIX III

¹[FORM 9]

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

(Rule 87)

I,, son ofresident of
having been selected by the occupier offactory to work as
in connexion 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 there
under.

I hereby agree to abide by the terms and conditions of the licence and declare 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 conditions of the licence or under the Uttar Pradesh Sugarcane (Regulation of
Supply and Purchase) Act, 1953, and the rules made there under, 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.

Signature of Applicant

Dated

¹Substituted by Rule 6 of Amendment Rule Notification dated 01.02.1978.

APPENDIX III

¹[FORM 10]

Nomination to be made by the occupier of a factory
(Rule 88)

I, ,being the occupier of the factory,
hereby nominate ,son of ,as
..... to work on my behalf at purchasing centre in
connexion 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.

¹*Substituted* by Rule 6 of Amendment Rule Notification dated 01.02.1978.

APPENDIX III

¹[FORM 11]

Licence for an Employee of a factory

(Rule 89)

This is to certify that, resident of
....., is authorized 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 directions which may be issued to him by the Inspector or the Collector.
- (3) The licensee shall be responsible for the proper discharge of his duties, and shall not show favour or disfavor to any person, in connection with any transaction for the purchase of cane, on behalf of the aforesaid factory.
- (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 or in the event of the licence being suspended or cancelled, on such suspension or cancellation.

Dated ...

Signature of the Collector of district

¹ Substituted by Rule 6 of Amendment Rule Notification dated 01.02.1978.

APPENDIX III

¹[FORM 12]

1. Name of the factory
2. District
3. Statement for 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	Remarks	
	1	2	3	4	5	6	7	8	9	10
1. During the fortnight										
2. Total up to the end of fortnight										

Signature

¹Added by Rule 3 of Amendment Rule Notification dated 14.01.1972.

¹[APPENDIX IV]

Permissible errors for weighbridge of different capacity
(Rule 33(a))

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
25,000	10.8
30,000	12.2
40,000	14.6
60,000	18.0
80,000	21.0
100,000	25.4
200,000	38.0

¹Added by Rule 17 of Amendment Rule Notification dated 28.04.1964.