

ANDHRA PRADESH SUGARCANE (REGULATION OF SUPPLY AND PURCHASE) RULES, 1961

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ANDHRA PRADESH SUGARCANE (REGULATION OF SUPPLY AND PURCHASE) RULES, 1961

In exercise of the powers conferred by Section 28 of the Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1961 (Andhra Pradesh Act XLV of 1961), the Governor of Andhra Pradesh hereby makes the following rules:-

CHAPTER 1

Short Title and Definitions

1. . :-

These rules may be called the Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) Rules, 1961.

2. . :-

In these rules, unless the context otherwise requires,--

- (a) 'Act' means the Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1961 (Andhra Pradesh Act XLV of 1961);
- (b) 'agricultural year' means the agricultural year commencing on the 1st July of each year;
- (c) 'Appendix' means an appendix to these rules;
- (d) 'budget year' means the year commencing on the 1st April of each year;
- (e) 'form' means a form contained in Appendix III;
- (f) 'purchasing centre' means any place at which cane is purchased, 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) 'weigh-bridge' means any mechanism of scales (including beam scales) used to weigh cane;
- (i) words and expressions used but not defined in these rules shall have the respective meanings assigned to them in the Act.

CHAPTER 2

Sugarcane Advisory Committee

3. . :-

The meetings of the Committee shall be held in Hyderabad unless otherwise directed by the Chairman and on such dates as the Chairman may fix.

4. . :-

Notice in writing of a meeting of the Committee shall be sent by the Secretary of the Committee 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, shall be sent, at least three days before the date fixed for the meeting.

5. . :-

When the seat of any nominated member of the Committee becomes vacant by reason of resignation or death or by any other cause, the Government shall nominate another person to fill the vacancy, and the person so nominated shall hold office for the unexpired term of the member whose place has fallen vacant.

6. . :-

The procedure specified in Appendix I shall be followed by the Committee for the conduct of business at meetings.

CHAPTER 3

Cane Development Councils

7. . :-

The Council may, with the approval of the Cane Commissioner, appoint a Joint Secretary from amongst its members to assist the Secretary.

8. . :-

(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 modification as he may consider necessary.

(2) No expenditure shall be incurred unless it has been provided for in the budget and sanctioned;

Provided that with the prior approval of the Cane Commissioner given in writing, expenditure under a sanctioned item may exceed the provision for that item.

(3) The Cane Commissioner may, at any time during the currency of the budget, order expenditure on any item specified by him and enforce payment 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.

9. . :-

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.

10. . :-

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 rectify all the audit objections to the satisfaction of the Cane Commissioner.

11. . :-

The rates at which the contributions shall be made to the Council and under Clause (b) of sub-section (2) of Section 8 of the Act shall be as follows :-

(i) at the rate of fifty paise for every metric tonne of sugarcane purchased by the factory;

(ii) at the rate of fifty paise for every metric tonne of sugarcane sold by the cane growers and the Cane growers Co-operative Societies in the factory zone.

12. . :-

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.

13. . :-

The procedure specified in Appendix-II shall be followed at the meetings of a Council.

14. . :-

(1) The annual meeting of all Councils in a district shall be held not later than the 31st December during a crushing season.

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

CHAPTER 4

Inspectors

15. . :-

Every Inspector may within the local limits of his jurisdiction and with such assistance as may be necessary--

(a) enter any factory or other place which is used or which he has reason to believe is being used as a purchasing centre or for the

maintenance of any registers, accounts or other documents relevant thereto,

(b) examine the weigh-bridge and weights used, kept or possessed for the weighment or purchase of cane,

(c) cause any vehicle carrying cane or other consignments of cane to be weighed or reweighed in his presence,

(d) check weighments, purchases and payments made,

(e) inspect factory roads, cattle-sheds, cattle troughs and lighting arrangements made for weighment of cane,

(f) examine the records showing the amounts of cane purchased and crushed.

(g) call from the occupier of a factory any information relating to the purchase, supply and crushing of cane,

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

(i) examine any records, registers, accounts or documents or Cane Growers' Co-operative Societies,

(j) examine any record, register or document or call for any information relating to the payment of purchase tax and price of cane,

(k) take into his possession and remove from the 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 5

Cane Requirements of a Factory, Declaration of Factory Zone and Regulation of Supply and Purchase of Cane in Factory Zone

16. . :-

The minimum quantity of cane to be crushed by a factory during any crushing season shall be fixed by the Cane Commissioner under Section 12(2) according to the formula "140 x daily crushing capacity of the factory in that season x 6 1/2/7".

17. . :-

The Cane Commissioner may by order authorise an Inspector to arrange for a survey of the area from which a cane grower supplies cane to a factory. The cost of survey shall be recovered in equal proportion from the occupier of the factory, the cane grower, and the Government.

18. . :-

(1) The occupier of the factory shall apply to the Cane Commissioner, three months before the commencement of a planting season, to be specified in respect of each factory by the Cane Commissioner, in Form I for the declaration of factory zone for the purposes of supply of cane to the factory during the ensuing crushing season.

(2) The Cane Commissioner may, for any special reason, entertain an application for declaration of a factory zone after the commencement of a planting season.

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

19. . :-

An appeal against an order of the Cane Commissioner under Section 15 shall within 14 days of the publication of the order lie to the Government at the office of the Collector or Inspector, provided that the Government may, for any special reason, entertain an appeal made after the expiry of the above period. The appeal shall be in triplicate.

20. . :-

(1) A cane grower or a cane growers' co-operative society may within 14 days of the issue of an order declaring an area as the factory zone, offer in Form 2, to supply cane grown in that area to the occupier of the factory.

(2) The occupier of a factory for which a zone has been declared shall, within fourteen days of the receipt of the offer, enter into an agreement in Form 3 or Form 4, with the cane grower or the Cane Growers' Co-operative Society, as the case may be, for the purchase of the cane offered:

Provided that any purchase of cane made before the execution of

such agreement shall be deemed to have been made in accordance with the agreement.

(3) The Cane Commissioner may, for reasons to be recorded in writing, extend the date for making offers in respect of any factory zone.

CHAPTER 6

Growers Register

21. . :-

The occupier of a factory shall maintain a register to be called the Growers' Register in respect of the factory zone in Form 5 and it shall be open to inspection by every grower during office hours. The Register shall be brought up-to-date one month in advance of the commencement of the crushing season.

22. . :-

Any grower having or claiming to have grown sugarcane in a factory zone may apply to the occupier of the factory for the correction of any entry or the addition of a new entry in the Growers' Register. The occupier shall keep a record of such applications.

23. . :-

The occupier of the factory shall, after such inquiry as he considers necessary, pass orders on an application within fourteen days of its receipt and shall supply a copy of such orders free of charge to the applicant. An appeal from the orders of the occupier shall lie to the Cane Commissioner.

24. . :-

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

25. . :-

The Growers' Register shall be preserved by the occupier of a factory permanently.

CHAPTER 7

Weighments

26. . :-

No cane shall be purchased without actual weighment.

27. . :-

The net weight of cane shall be correctly recorded to the nearest kilogram or to a minimum weight not exceeding ten kilograms to weight correctly, to weight the weigh-bridges have been calibrated.

28. . :-

The occupier of a factory shall permit a representative of the cane grower or a Cane Grower's Co-operative Society or any other person duly authorised by the Cane Commissioner or an Inspector in this behalf, to watch or check weighments, weigh-bridges and weights and to examine the cane weighment receipts.

29. . :-

No occupier of a factory shall use, keep or possess for weighment of cane--

(a) scales or weights which are incorrect:-

Provided that if a weigh-bridge or scale is incorrect up to one per cent, the weighment may not be stopped, but extra allowance in weight and price shall be made to the supplier of cane according to the extent of the mistakes detected and that no deductions shall be permissible for incorrectness;

(b) scales, the arms of which are not legibly marked on both sides or are not accessible to the vendors of cane or their authorised agents or are not legible to persons standing near the carts which are being weighed; and

(c) scales or weights which have been disapproved by an Inspector.

30. . :-

The part of the mechanism of a scale or weigh-bridge, by which its adjustment is controlled, shall be kept suitably sealed and locked.

31. . :-

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

32. . :-

Standard weights of one metric tonne in the aggregate shall be kept by the occupier of a factory at every purchasing centre, where there is a weigh-bridge.

33. . :-

An occupier of a factory shall cause all weigh-bridges or scales used, kept or possessed by him for the purchase of cane to be tested daily and shall maintain record of such test, which shall on demand, be shown to an Inspector.

34. . :-

At every purchasing centre, adequate facilities for weighment shall be provided to the satisfaction of the Cane Commissioner by the occupier of a factory to avoid congestion and undue delay in weighment Cane carts and trucks shall not be kept waiting for more than six hours without adequate reasons.

Explanation :- 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 or at a fixed time on a certain day ignores such instructions or where the practice of issuing written instructions is in force, brings cane without receiving such instructions.

35. An occupier of a factory shall :-

(a) provide metalled approaches from the public roads to the parking ground at the factory, from the parking ground to the cane carrier of the factory, and metalled exit from the cane- carrier to the public roads, up to such distances, as may be directed by the Cane Commissioner;

(b) keep the same in a proper state of repairs;

(c) provide, to the satisfaction of the Cane Commissioner, reasonable space with metalled tracks separated by railings or walks and properly lighted, for the parking of carts waiting for weighment and keep the same in a proper state of hygienic cleanliness.

(d) provide shelter and drinking water facilities for both cart- men and bullock at the factory gates and drinking water facilities at all purchasing centres as directed by the Cane Commissioner, and

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

36. . :-

No deduction 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 Government of India.

37. . :-

The occupier of a factory shall provide adequate labour at each purchasing centre for loading or transporting of cane.

38. . :-

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

39. . :-

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

39A. . :-

Where a bank agrees to give advance to the occupier of a factory or the owner of a Khandasari Unit on the security of sugar produced or to be produced in the factory or Khandasari Unit, the agreement relating to that advance between the bank and the factory or Khandasari Unit shall provide that not less than sixty five percent of the amount advanced thereunder shall be set apart and be available for the purpose of sub-section (4) of Section 19 of the Act.

39B. . :-

If any occupier of a factory or the owner of a Khandasari Unit fails to pay in accordance with the provisions of sub-section (2-A) of Section 19 the price of the cane sold to him within a period of four months from the date of such sale, the Sugarcane Inspector concerned may furnish to the Collector of the district or any other officer authorised by him, the particulars of the amounts due from the defaulters, the nature of the dues and the details of the properties that may be attached in the course of recovery of the duties from the defaulters in accordance with the provisions of the Andhra Pradesh Revenue Recovery Act, 1964.

40. . :-

Where a dispute arises regarding the price of cane supplied or the claimants to the price of cane weighment receipts under which payments are claimed, payments to the claimants may be withheld pending enquiry. All such cases shall be entered in a register and shall be immediately referred to the Deputy Cane Commissioner for

orders. An appeal against the orders of the Deputy Cane Commissioner shall lie to the Cane Commissioner within thirty days from the date of order:

Provided that whenever payment to the claimant is withheld under this rule, the occupier of the factory shall forthwith deposit the amount in dispute in the Court of a Revenue Divisional Officer or Sub-Collector, having jurisdiction over the factory zone.

41. . :-

The occupier of a factory shall not make any deduction from the amount due to a cane grower or Cane Growers' Co-operative Society for the cane sold to him except any loan due to him or any amount due to a Cane Grower's Co-operative Society or to the Cane Development Council or the voluntary contribution made by the cane grower towards the National Defence Fund or such deductions as are obligatory under the bye-laws of a Co-operative Sugar Factory, besides any amount as decided by the management of the factory towards National Savings purely on a voluntary basis.

42. . :-

If, with the previous general permission of the Cane Commissioner given in respect of any area, the occupier of a factory has advanced any loan for meeting the expenses of cultivation to the person from whom cane has been purchased, he may deduct from the price of the cane the amount of the loan together with simple interest thereon at a rate not exceeding six percent per annum for the period the loan has been outstanding :-

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 agricultural years prior to the date of the purchase of cane.

Explanation :- A loan for the purposes of this rule shall mean an advance made in pursuance of an agreement to plant a definite area of sugarcane or to enable such area to be planted or to deliver a certain amount of cane. The Cane Commissioner or an Inspector authorised by him will decide, on application from the occupier of a factory whether a loan is proportionate to the area to be planted or the assistance necessary to plant it or the value of the cane to be delivered.

CHAPTER 8

43. . :-

Omitted.

44. . :-

The occupier of a factory shall maintain a correct day-to-day account in Form 6, of the cane purchased for use, consumption or sale in the factory.

45. . :-

(1) The occupier of a factory or the owner of a Khandasari Unit shall pay into the nearest treasury, on or before the fifteenth day of every month, the amount of tax assessed on him by the assessing authority during the month immediately preceding.

(2) The arrears of tax if any still recoverable under sub-section (5) of Section 21 shall carry interest at the rate of 16 per cent per annum.

(3) The interest, if any, recoverable shall be treated as part of outstanding purchase tax for purposes of recovery.

46. . :-

Before the close of each month, the occupier of a factory shall submit to the Cane Commissioner, a return in Form 7, showing the total quantity of cane that entered the factory during the month immediately preceding and the amount of tax deposited by him into the local Government treasury on account of cane purchased in the factory, together with the treasury receipt showing that the amount of tax due has been duly credited into the local Government treasury.

47. . :-

The Cane Commissioner shall, on receipt of the return submitted to him under Rule 46, check that the amount of the tax has been correctly calculated and that the amount due as provided in Rule 45 has been credited into the local Government treasury.

CHAPTER 9

Determination of Occupier

48. . :-

A notice of nomination of a person as occupier of a factory under Section 22 shall be given to the Collector and to the Cane Commissioner in Form 8.

49. . :-

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

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

50. . :-

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 10

Notices

51. . :-

The occupier of a factory shall cause to be put up at each purchasing centre in regional language.

- (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 purchasing centre.

52. . :-

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 places near the places mentioned in clauses (a) and (b) as the Inspector may direct.

CHAPTER 11

Registers and Records

53. . :-

- (1) An occupier of a factory shall prepare or cause to be prepared at each purchasing centre a receipt in triplicate showing correctly--

- (a) the serial number of the receipt.
- (b) the date of purchase,
- (c) the name of the person from whom the cane is purchased, with his parentage and full address together with similar particulars about the person, if any, authorised by the vendor to deliver cane on his behalf.
- (d) the number of requisition slip 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 of vehicle in which the cane is 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) omitted

(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 weigh-bridge, 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 vehicle is weighed.

54. . :-

The receipt referred to in Rule 53 shall be handed over in duplicate to the person from whom the cane is purchased or his authorised agent before the person or his authorised agent leaves the weigh-bridge. The triplicate copy of the counterfoil shall be kept at the purchasing centre.

55. . :-

When payment is made for cane purchased, the receipt of the payee shall be taken on one of the counterfoils of the receipt handed over to him in accordance with the provisions of Rule 54:

Provided that if a number of receipts are presented together for payment, the receipt of the payee for the whole amount due to him may be taken only on the latest receipt, In such case, the number

of or other reference to, the other receipt covered by the receipt shall be given in the receipt and the other receipt shall be cancelled.

56. . :-

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 53 and in addition the following:--

- (1) the amount of authorised deduction, if any;
- (2) the amount actually paid in cash;
- (3) the amount paid otherwise than in cash, if so authorised;
- (4) date of payment.

57. . :-

(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 metric tonne paid for cane,
- (iv) serial number of the relevant receipt,
- (v) net weight of cane purchased,
- (vi) progressive total weight of cane purchased,
- (vii) amount due for cane purchased,
- (viii) progressive total amount due for cane purchased,.
- (ix) amount paid for cane purchased,
- (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 (i) 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.

58. . :-

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

59. . :-

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

60. . :-

The registers, records, receipts, and the like referred to in this Chapter shall be preserved by the occupier of the factory or the Cane Growers' Co-operative Society concerned for at least five agricultural years from the date of the last transaction entered therein.

61. . :-

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

62. . :-

An occupier of a factory shall maintain or cause to be maintained for each purchasing centre an abstract in Form 9, regarding the purchases of cane and payment of cane price 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 following month.

CHAPTER 12

Cane Commissioner

63. . :-

The Cane 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 cost, the quantity and grade of sugar manufactured, in stock and issued; and the quantities in which sugar is sold.

64. . :-

The Cane Commissioner may examine or cause to be examined by a person duly authorised 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.

CHAPTER 13

Arbitration

65. . :-

Any dispute (a) regarding the supply and purchase of Cane between a factory and a Cane Growers' Co-operative Society or between members of a Cane Growers' Co-operative Society and the Society, (b) between the Council and a Cane Growers' Co-operative Society or a factory or a cane grower regarding the payment of contribution to the Council by the society, factory or cane-grower, and (d) relating to any other business of the Council, shall be referred to the Cane Commissioner for decision. The Cane Commissioner shall decide it himself or refer it to arbitration.

66. . :-

If the Cane Commissioner himself decides the dispute referred to him under Rule 65 his decision shall be final, subject to appeal or revision under Sections 17 and 18.

67. . :-

If the Cane Commissioner directs the reference of a dispute to arbitration, it shall be referred to an arbitrator to be appointed by him.

68. . :-

The Cane Commissioner or the arbitrator 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.

69. . :-

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

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

70. . :-

The arbitrator 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 for the purpose.

71. . :-

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 or form or any technical error therein.

72. . :-

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

73. . :-

(1) Any party considering itself aggrieved by the award of an arbitrator may appeal to the Cane Commissioner within one month of the date of the communication of the award.

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

74. . :-

The decision of the Cane Commissioner or the award of the arbitrator or the order of the Cane Commissioner in appeal may be enforced in one of the following ways:-

(a) On the application made to the Cane Commissioner, the Cane

Commissioner may send a requisition to the Collector for enforcement of his decision or the order of the Cane Commissioner in appeal. On receipt of such requisition the Collector shall recover all sums recoverable under such decision or award or order, as the case may be, as arrears of land revenue.

(b) On an application 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 arbitrator or the order of the Cane 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 14

Penalties, forfeiture of Securities and Power to exempt from Rules

75. . :-

No prosecution shall be instituted under these rules unless the person complained against has been given an opportunity to show cause why he should not be prosecuted.

76. . :-

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 an opportunity of explaining the charges against him and of producing evidence in defence.

77. . :-

An appeal against an order under Rule 76 shall lie to the Cane Commissioner within one month, of the date of communication of the order to the person whose security is forfeited. The order of the Cane Commissioner in appeal shall be final.

78. . :-

The Collector or the Cane 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 or breach of these rules by the occupier of a factory.

79. . :-

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

80. . :-

The Government may for reasons to be recorded, by order, exempt

any person from all or any of the provisions of these rules