

## **MADRAS SUGAR FACTORIES CONTROL ACT, 1949**

**20 of 1949**

**[19th July, 1949]**

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## **MADRAS SUGAR FACTORIES CONTROL ACT, 1949**

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An Act to provide for the licensing of sugar factories and regulating the supply and the prices of sugarcane used in such factories and for other incidental matters. Whereas, it is expedient to provide for the licensing of sugar factories and regulating the supply and the prices of sugarcane used in such factories and for other incidental matters; It is hereby enacted as follows.

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Madras Sugar Factories Control Act, 1949.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context.

(a) "Advisory Committee" means the Committee constituted under Section 3;

(e) "Inspector" means a person appointed to be Inspector under Section 5;

(f) "Notification" means a notification published in the Fort St. George Gazette;

(g) "Occupier of a factory" includes the managing agent or other person responsible for the management of the factory;

(h) "Prescribed" means prescribed by rules made under this Act;

(i) "Sugarcane Commissioner" means the officer appointed to be Sugarcane Commissioner under Section 4.

## **3. Constitution of Advisory Committee :-**

<sup>1</sup> The Government shall, by notification, constitute in such manner as may be prescribed an Advisory Committee which shall be representative as far as possible of all the interests concerned, for the purpose of advising the Government on all matters on which consultation with the Committee is obligatory under this Act or the rules made thereunder and on such other matters as the Government may refer to it.

1. Substituted for the word "Province" by A.O.1950

## **4. Sugarcane Commissioner :-**

The Government may appoint one of their officers by name, or the holder for the time being of any office subject to their administrative control to be Sugarcane Commissioner; and he shall exercise the powers and perform the duties conferred or imposed on the Sugarcane Commissioner by or under this Act.

## **5. Appointment of Inspectors :-**

(1) The Government may appoint as many persons as they may consider necessary by name or by virtue of their office to be Inspectors for the purposes of this Act, within such local limits as they may specify.

(2) The Inspector shall be subordinate to the Sugarcane

Commissioner and exercise such powers and perform such duties as are conferred or imposed on them by or under this Act.

#### **6. Licence for crushing sugarcane :-**

(1) On and after such date as the Government may, by notification, specify in this behalf, no sugarcane shall be crushed in any factory unless a licence for that purpose has been obtained in respect of that factory from the Government.

(2) Every application for a licence under sub-section (1) shall be made to the Government in such form and shall be accompanied by such fee not exceeding one thousand rupees as may be prescribed.

(4) A licence granted under this section shall be valid for a period of ten years, but may, subject to the provisions of sub-section (5), be renewed by the Government, from time to time, during the last year of its currency for a period of ten years on each occasion.

#### **7. Conditions of licence :-**

(3) Where a licence is suspended or cancelled under sub-section (2), no person shall be entitled to any compensation from the Government on the ground of any loss or damage arising from such suspension or cancellation or to the refund of any fee paid to the Government in respect of such licence.

#### **8. Estimate of the quantity of sugarcane required by factories :-**

The occupier of every factory shall submit to the Sugarcane Commissioner on or before a date specified by him in this behalf, an estimate, in the prescribed form and manner, of the quantity of sugarcane which would be required by that factory during the crushing season immediately following.

#### **9. Declaration of reserved areas :-**

(1) The Sugarcane Commissioner may, after taking into consideration the estimate, if any, submitted to him in accordance with Section 8 and any other circumstance which he may consider material by notification, declare any area to be a reserved area for such factory and during such crushing season or seasons, as may be specified in the notification.

(3) Any person aggrieved by an order of the Sugarcane Commissioner under sub-section (1) or (2) may within the

prescribed time, appeal to the Government and the Government may pass such orders as they deem fit on such appeal.

**10. Agreements with growers for sale of sugarcane :-**

(3) An appeal shall lie to the Sugarcane Commissioner against any refusal of the occupier to enter into an agreement under the proviso to subsection (2); and the decision of the Sugarcane Commissioner on such appeal shall be final.

(4) The occupier of the factory shall maintain a register in the prescribed form and manner showing (i) all sugarcane growers who offered to sell sugarcane to him under sub-section (i), and (ii) the manner in which such offers were dealt with.

**11. Certain transactions prohibited in a reserved area :-**

(2) Against any order of the Inspector refusing the permission referred to in sub-section (1), an appeal shall lie within the prescribed time to the Sugarcane Commissioner who may pass such order as he deems fit on such appeal.

(3) The Government may, either suo motu or on application, call for and examine the record of any order passed by or any proceeding recorded by, the Sugarcane Commissioner under sub-section (2) for the purpose of satisfying themselves as to the legality or the propriety of such order, or as to the regularity of such proceeding and may pass such order in reference thereto as they think fit.

**12. Power of Government to fix prices :-**

(3) The Government may, after consulting the Advisory Committee, by notification, permit the occupier of a factory to pay the price payable by him under this section in such number of instalments as may be specified in such notification.

(4) The occupier of a factory shall not make any deductions from the price payable by him in accordance with this section, except such as may be prescribed.

**13. Penalties :-**

(1) If sugarcane is crushed in any factory without a licence under Section 6 or in case a licence under that section has been granted in respect of any factory, if there is a breach of any of the conditions to which the licence was subject, the occupier of the factory concerned shall be punishable with fine which may extend

to five thousand rupees for each day on which sugarcane is so crushed or on which the breach continues.

(3) If any person imports or exports or sells any sugarcane in contravention of Section 11, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

(4) Any person contravening any of the provisions of this Act, for which no penalty is provided in sub-sections (1) to (3), shall be punishable with fine which may extend to two thousand rupees.

#### **14. Levy of cess :-**

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(1) The Government may, after consulting the Advisory Committee, by notification, levy a cess not exceeding four annas per standard maund as defined in the Standards of Weight Act, 1939, on sugarcane brought into any area specified in such notification, for consumption, use or sale therein.

(2) Subject to the maximum aforesaid, the Government may from time to time, after consulting the Advisory Committee, by notification, alter the rate of levy of such cess.

(3) The Government may, by order, remit in whole or in part any cess paid or payable under this section in respect of any sugarcane specified in such order.

1. Substituted for the word "Province" by A.O.1950

#### **15. Offences by Corporations :-**

Where a person committing any offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, the manager, secretary, agent or other principal officer managing the affairs of such company, association or body, shall be deemed to be guilty of such offence.

#### **16. Protection of action taken under the Act :-**

(1) No suit, prosecution or other legal proceeding shall lie against the Government or against any authority, officer or person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No decision of the Government or the Sugarcane Commissioner or any Inspector in the exercise of any discretion or authority

conferred by or under this Act shall be liable to be questioned in any Court of Law.

**17. Power to make rules :-**

(1) The Government may make rules to carry out the purposes of this Act.

(3) In making any rule under sub-section (1) or (2) the Government may provide that a breach thereof shall be punishable with fine which may extend to two thousand rupees.

**18. Repeal :-**

The Sugarcane Act, 1934, insofar as it applies to the<sup>1</sup> [State] of Madras, is hereby repealed.

1. Substituted for the word "Province" by A.O.1950