

SUGAR CANE ACT, 1934

15 of 1934

[1st May, 1934]

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STATEMENT OF OBJECTS AND REASONS "It was announced by the Honourable Finance Member in the course of his speech introducing the budget proposals for 1934-35 that the Government of India would introduce legislation which would enable Provincial Governments to apply schemes for enforcing a minimum price for cane to be paid by the factory to the grower. This decision is consequential upon the imposition of an excise duty on factory sugar. As initiative in the matter of fixing prices for cane must be left to Provincial Governments so as to suit local conditions, it is proposed that the Act should come into force in any Province on such date as the Local Government may direct. The scheme of the Bill is that after prior publication of its proposals and due consideration of the objections received a Local Government should declare controlled areas within which purchase of cane by factories shall be limited, to growers of cane or licensed persons and societies at fixed prices. In order to provide for elasticity of procedure in the administration of the scheme, it is also proposed to give wide rule making powers to Local Governments",- Gaz. of

Ind.. 1934, Part V. page 72.

1. Short title, extent and commencement :-

(1) This Act may be called THE SUGAR-CANE ACT, 1934.

¹[(2) It extends to the whole of India, except ²[the territories which immediately before the 1st November, 1956, were comprised in Part B States].]

(3) This section shall come into force at once; the remaining sections of this Act shall come into force in any ³[State] on such date as the ³[State Government] may, by notification in the ⁵ [Official Gazette], appoint in that behalf,

1. Substituted by A. I..0.. 1950 (26-1-1950).

2. Substituted for the words "Part B States" by 3 A.L.O., 1956 (1-11-1956).

3. Substituted for the words 'Province' and 'Provincial Government' by A.L.O., 1950.

5. Substituted for the words "local official Gazette" by A.O., 1937.

2. Definitions :-

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

(1) "controlled area" means any area specified in a notification issued under sub-section (1) of section 3 :

(2) "factory" means any premises (including the precincts thereof) where- in twenty or more workers are working or were working on any day of the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on with the aid of power; and

(3) "sugar" means any form of sugar containing more than ninety per cent of sucrose.

3. Declaration of controlled areas and fixing of prices :-

(1) The ¹[State Government] may, by notification in the ²[Official Gazette], declare any area. specified in the notification to be a controlled area for the purposes of this Act.

(2) ³[* * *] The ¹(State Government] may, by notification in the ²[Official Gazette], fix a minimum price or minimum prices for the purchase in any controlled area of sugar cane intended for use in

any factory.

(3) The ¹[State Government] may, by notification in the ²[Official Gazette] prohibit in any controlled area the purchase of sugar cane intended for use in any factory otherwise than from the grower of the sugar cane or from a person licensed by the ¹ [State Government] to act as a purchasing agent.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
2. Substituted for the words 'Local Official Gazette' by A.O., 1937.
3. The words "Subject to the control of the Governor-General in Council" were omitted by A.O., 1937 (1-41937).

4. Previous publication of notifications under section 3 :-

Not less than thirty days before the issue of any notification under sub-section (1) or sub-section (2) of section 3 , the ¹[State Government] shall publish in the ² [Official Gazette] and in such other manner (if any) as it thinks fit a draft of the proposed notification specifying a date on or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
2. Substituted for the words 'Local Official Gazette' by A.O., 1937.

5. Penalty for purchase of sugar-cane in contravention of notification under section 3 :-

Whoever in any controlled area purchases any sugar cane intended for use in a factory at a price less than the minimum price fixed therefor by notification under sub-section (2) of section 3 or in contravention of any prohibition made under sub-section (3) of section 3 shall be punishable with fine which may extend to two thousand rupees.

6. Sanction for prosecution under this Act :-

No Court shall take cognizance of any offence punishable under section 5 except upon complaint made by order of, or under authority from, the District Magistrate.

7. Power of State Government to make rules :-

(1) The ¹[State Government] may, by notification in the ²[Official Gazette], make rules for the purpose of carrying into effect the

objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the carrying out of inquiries preliminary to the exercise of the powers conferred by section 3 ;

(b) establishing Advisory Committees for any purpose connected with the administration of this Act and defining the powers, functions and procedure of such Committees;

(c) the issue of licences to purchasing agents, the fees for such licences, and the regulation of the purchase and sale of sugar-cane by and to such agents;

(d) the organisation of growers of sugar-cane into societies for the sale of sugar cane to factories;

(e) the authorities by which any functions under this Act or the rules made thereunder are to be performed; and

(f) the records registers and accounts to be maintained for ensuring compliance with the provisions of this Act.

(3) In making any rule under sub-section (1) or under clause (c) or Cl. (f) of sub-section (2), the ¹ [State Government] may provide that a breach of the rule shall, where no other penalty is provided by this Act, be punishable with fine not exceeding two thousand rupees.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

2. Substituted for the words 'Local Official Gazette' by A.O.. 1937.

8. Power of State Government to make rules :-

The ¹[State Government] after previous publication may, by notification in the ² [Official Gazette], make rules providing for the exemption of factories or any class of factories from the provisions of this Act.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

2. Substituted for the words 'Local Official Gazette' by A.O" 1937.