

THE SUGAR FACTORIES CONTROL ACT, 1950
(XXII of 1950)

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TEXT

"THE SUGAR FACTORIES CONTROL ACT 1950

(XXII of 1950)

[11 April 1950]

An

Act

to provide for the regulated supply of sugarcane to the sugar factories.

Preamble. WHEREAS it is expedient to provide for regulating the supply of sugarcane intended for use in such factories and the price at which it may be purchased and for such other matters as may be incidental thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Sugar Factories Control Act, 1950.

(2) It extends to the whole of the Province of West Pakistan, except "[the Tribal Areas].]

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context:—

(a) "assigned area" means an area assigned to a factory under sub-section (1) of section 14;

(b) "Board" means the Sugarcane Control Board established under section 3;

(c) "Cane" means sugarcane intended for use in a factory;

(d) "Cane Commissioner" means the officer appointed to be Cane Commissioner under section 6;

(e) | "Cane-grower" means a person who cultivates cane either by himself or by members of his family or by hired labour and who is not a member of a Cane-growers' Co-operative Society;

(f) "Cane-growers' Co-operative Society" means a society registered under the Co-operative Societies Act, 1912 (Act II of 1912), [or the Sind Co-operative Societies Act, 1925,] one of the object of which is to sell cane grown by its members;

'This Act was passed by the N.W.F.P. Legislative Assembly and was assented to by the Governor of that Province on April 5, 1950, published in the N.W.F.P. Gazette (Extraordinary), dated April 11, 1950. It was adopted for West Pakistan by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961).

Substituted by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961), published in the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212, s. 2.

3Substituted for the words "the Federal Capital and the Special Areas" by the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (VII of 1964), published in the Gazette of West Pakistan (Extraordinary), dated May 25, 1964, pp. 1679-1688 s. 2 read with Schedule which amended section 2 of the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961).

'Inserted by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961), published in the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212, s. 2.

the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212, s. 3.

[(ff) "Cane Purchase Receipt (CPR)" means receipt of cane purchased by an occupier of a factory or a purchasing agent mentioning weight and price for cane purchased from a person who cultivates cane either by himself or by members of his family or by hired labour and who is not a member of a Cane Growers Co-operative Society;]

(g) "Collector" in any provision of this Act includes any officer whom the Governor may, by notification, appoint to exercise and perform the powers and duties of a Collector under that provision;

(h) "Crushing season" means the period beginning on the 1st October in any year and ending on the 30th June, next following;

(i) "Factory" means any premises, including the precincts thereof, wherein twenty or more workers are working or were working on any one day of the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar by means of vacuum pans is being carried on or is ordinarily carried on, with the aid of power;

(j) "Inspector" means an Inspector appointed under section 7 of the Act and includes an ex-officio or additional Inspector;

(k) "Occupier of a factory" means the person who has ultimate control over the affairs of a factory;

Provided that where the affairs of a factory are entrusted to a managing agent, or a Managing Director or a Director in-charge, such managing agent, Managing Director or Director in-charge shall be deemed to be the occupier of the factory;

(l) "Prescribed" means prescribed by rules;

(m) "Purchasing agent" means a person licensed under this Act to act as a purchasing agent;

(n) "Reserved area" means an area specified in an order issued under section 10; and

(o) "Rule" means a rule made under this Act.

3. Sugarcane Control Board.— The Provincial Government may, by notification, establish a Sugarcane Control Board for the Province.

4. Constitution of the Board— The Board shall consist of a Sugarcane Commissioner, who shall be the chairman of the Board as such and so many members from the cane growers, factory owners and servants of the State, as may be prescribed.

5. Powers and duties of the Board.— The Board shall exercise and perform such powers and duties as may be prescribed, and its business shall be conducted in such manner and in accordance with such procedure as may be prescribed.

6. Appointment of Cane Commissioner.— (1) The Provincial Government may by notification, appoint any officer, not below the status of a Collector, to be the Cane Commissioner to exercise and perform, in addition to the powers and duties conferred and imposed on him by this Act such powers and duties, as may by prescribed from time to time.

(2) [The Cane Commissioner shall be deemed to have powers of a Collector under the Punjab Land Revenue Act, 1887¹, and the Punjab Tenancy Act, 1887, ‘[or any other enactment relating to land-revenue and tenancy in force in any part of the Province].

[6-A. Appointment of Additional Cane Commissioners.— The Provincial Government may, by notification, appoint the “[District Coordination Officer] to be an Additional Cane Commissioner to exercise such powers and perform such duties and functions of the Cane Commissioner, within the district or any part thereof, as may be specified.]

7. Appointment of Inspectors— (1) The Provincial Government may, by notification, appoint such persons as it thinks fit, to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an Inspector under sub-section (1) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) Every Inspector, who shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, shall be officially subordinate to such authority as the Provincial Government may specify in this behalf, and shall exercise such powers and duties as may be prescribed from time to time.

8. ‘[Crushing.— The occupier of a factory shall start crushing of cane not later than a date specified by the Government which shall not be later than 30% November.]

9. Estimate of Quantity of Cane Required by Factory— (1) The Cane Commissioner may, by order, require the occupier of any Factory to submit to him on or before a date to be fixed by him, an estimate in the prescribed form and manner of the quantity of the cane, which will be required during such crushing season, as may be specified in the order.

‘Repealed by the Punjab Land Revenue Act, 1967.

Substituted for the words “as applicable to this Province” by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961), published in the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212, s. 4.

³Inserted by the Sugar Factories Control (West Pakistan Amendment) Ordinance, 1963 (XLV of 1963), published in the Gazette of West Pakistan (Extraordinary), dated November 25, 1963, pp. 4513-4514, s. 2.

⁴Substituted for the word “Collector” by the Sugar Factories Control (Amendment) Ordinance, 2001 (LVIII of 2001), published in the Punjab Gazette (Extraordinary), dated December 22, 2001, pp. 2319-2320, s. 2.

⁵Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 3.

®Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (XV of 2021), published in the Punjab Gazette (Extraordinary), dated June 22, 2021, pp. 9923-9924, s. 2.

(2) | The Cane Commissioner shall examine every such estimate and shall publish the same in the prescribed manner with such modifications, if any, as he may think fit to make therein after consultation with the Board.

(3) | The Cane Commissioner may revise an estimate published under sub-section (2) at any time without consulting the Board.

10. Declaration of Reserved Area.— (1) The Cane Commissioner may, after consulting the Board, issue an order declaring any area to be a reserved area for the purposes of the supply of cane to a particular factory during a particular crushing season or seasons, and may likewise, at any time, cancel such order or alter the boundaries of an area so reserved.

(2) | An appeal shall lie against the order of the Cane Commissioner under sub-section (1) to the '[Secretary to Government of the Punjab, Food Department].

11. Survey of Reserved Area.— (1) The Provincial Government may order a survey to be made of the area proposed to be reserved for or assigned to a factory and may recover the cost of such survey from the occupier of such Factory.

(2) Every survey mentioned in sub-section (1) shall be made by an officer appointed by the Provincial Government for this purpose, and the said officer shall exercise and perform such powers and duties in making such survey as may be prescribed and the survey shall be made in accordance with the prescribed procedure.

(3) Every person owning or occupying land in any area in respect of which a survey is being made under sub-section (2) shall afford to the officer making the said survey such assistance and facilities for making the said survey as may be prescribed.

(4) | Any amount due from the occupier of a Factory under sub-section (1) shall be recoverable from such occupier as an arrear of land revenue.

12. Maintenance of Register.— The occupier of a Factory for the purposes of which an area has been reserved, shall maintain a register in the prescribed form and manner of all cane growers and Cane-Growers' Co-operative Societies in such area.

13. Purchase of Cane in a Reserved Area.— (1) A cane-grower or a Cane-Growers' Co-operative Society in a reserved area may, if required to do so by the Cane Commissioner shall, offer in the form and by the date prescribed, and supply to the occupier of the Factory, for which the area is reserved, such quantity of cane grown by the cane-grower or by the members of such Cane-Growers' Co-operative Society, as the case may be, as is generally prescribed for, or specially directed by the Cane Commissioner, for such cane-grower or Cane-Growers' Co-operative Society.

'Substituted for the words "Provincial Government" by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961), published in the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212 s.6.

Substituted for the words "Commissioner of the Division" by the Sugar Factories Control (Amendment) Ordinance, 2001 (LVIII of 2001), published in the Punjab Gazette (Extraordinary), dated December 22, 2001, pp. 2319-2320, s. 3.

'[(2) The occupier of a factory shall purchase cane from a cane grower or a Cane Growers Co-operative Society, as the case may be, against Cane Purchase Receipt (CPR) at the rate notified under section 16 of the Act, and shall make payment to the cane grower [through a bank directly into the bank account of the cane grower within fifteen days of supply of sugar cane]:

provided that the occupier of a factory shall not purchase cane from a person who is a member of a Cane Growers Co-operative Society.]

(3) Unless the Provincial Government otherwise directs, cane grown in a reserved area shall not be purchased by a purchasing agent or by any person other than the occupier of the factory for which such area has been reserved except by another grower for the bona-fide purpose of seed.

(4) Cane grown in a reserved area shall not be sold by any person other than a cane-grower or a Cane-Growers' Co-operative Society, provided that a cane-grower or a Cane-Growers' Co-operative Society may deliver cane intended for a factory through another cane-grower of that area, or through a carrier.

[(5) * * * * *]

'T[13-A. Powers of the Cane Commissioner to determine the liability of an occupier of a factory.— (1) The Cane Commissioner shall determine the liability of the occupier of a factory for payment of cane price to a cane-grower or the cane-growers, as the case may be, not later than forty five days of the end of the crushing season.

(2) When the Cane Commissioner makes a determination under sub-section (1) and the amount so determined is not paid within the stipulated time period of fifteen days, the amount shall be recoverable as arrears of land revenue under the Punjab Land Revenue Act, 1967 (XVII of 1967).

(3) | An amount recoverable as arrears of land revenue under sub-section (2) shall be recovered by the Additional Cane Commissioner of the concerned District from an occupier of the factory and the recovered amount shall be paid to the cane-grower in question.

(4) The powers granted under subsections (1), (2) and (3) shall be deemed to have always been vested in the Cane Commissioner and the Additional Cane Commissioner, as the case may be.

(5) An appeal shall lie to the Secretary Food against an order passed by the Cane Commissioner or Additional Cane Commissioner under this Section.]]

'Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 4(a).

Inserted by the Sugar Factories (Control) (Amendment) Act, 2021 (XV of 2021), published in the Punjab Gazette (Extraordinary), dated June 22, 2021, pp. 9923-9924, s. 3.

3Omitted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 4(b).

'Inserted by the Act ibid., s.5.

5Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (XV of 2021), published in the Punjab Gazette (Extraordinary), dated June 22, 2021, pp. 9923-9924, s. 4.

14. Declaration of Assigned Areas and Purchase of Cane therein.— (i) The Cane Commissioner may, after consulting the Board, issue an order declaring an area to be an assigned area for the purposes of the supply of cane to a particular factory.

'[(ii) The occupier of a factory shall purchase cane from a cane grower or a Cane Growers Co-operative Society or a purchasing agent, duly authorized by the Cane Commissioner, and shall issue Cane Purchase Receipt (CPR) to the cane grower or the Cane Growers Co-operative Society, as the case may be:

provided that the purchasing agent nominated by the occupier of a factory shall also issue Cane Purchase Receipt (CPR) of the sugar factory for purchase of cane from the cane grower as may be prescribed.]

'{(iii) If the occupier of a factory enters into an agreement with a purchasing agent for purchase of cane, the purchasing agent shall issue Cane Purchase Receipt (CPR) of the sugar factory for purchase of cane from cane grower and shall be liable to pay to the cane grower for the cane purchased from him through a bank as may be prescribed.]

'T(iv) * * * * *]

(v) In the event of failure to supply the requisite quantity of cane, the occupier of the Factory or the purchasing agent, may, after giving the prescribed notice to the Cane-Commissioner, purchase the balance of the cane required from outside the assigned area, unless otherwise directed by him.

(vi) An appeal shall lie against the order of the Cane-Commissioner under sub-section (i) or sub-sections (ii) and (iv) to the '[Secretary to Government of the Punjab, Food Department].

[14-A. Power of Cane Commissioner to prohibit cultivation of unsuitable varieties of sugar-cane.— The Cane Commissioner may, by an order in writing, prohibit the cultivation in any reserved area by cane-growers or Cane-Growers Cooperative Societies of any variety of sugar-cane declared by the Provincial Government under section 18 to be unsuitable for distribution.]

15. Purchase of cane outside Reserved area.— In any area, other than a reserved area, no person shall purchase cane except (a) the occupier of a Factory or

'Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 6(a).

Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 6(b).

3Omitted by the Act ibid., s.6(c).

4Substituted for the words "Provincial Government" by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961), published in the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212 s.6.

5Substituted for the words "Commissioner of the Division" by the Sugar Factories Control (Amendment) Ordinance, 2001 (LVI of 2001), published in the Punjab Gazette (Extraordinary), dated December 22, 2001, pp. 2319-2320, s. 3.

®Inserted by the North-West Frontier Province Sugar Factories Control (Amendment) Ordinance, 1961 (III of 1961), published in the Gazette of West Pakistan (Extraordinary), dated January 18, 1961, pp. 211-212, s. 7.

a person employed by him for the purpose of making such purchases; (b) a purchasing agent or a person employed by him for the purpose of making such purchases; or (c) a Cane-growers' Co-operative Society, (d) a Cane-grower for bona fide seed purpose:

Provided that a person entitled to purchase cane, may take delivery thereof through a cane-grower or through a carrier.

16. Power of Provincial Government to fix minimum price.— (i) The Provincial Government, after consultation with the Board, may by notification, determine in respect of any area the minimum price to be paid by occupiers of Factories or purchasing agents for cane purchased in that area either generally or related to the sugar contents of the cane or direct that such minimum price shall be calculated in the manner prescribed.

(ii) The Provincial Government may from time to time vary, by notification, the price fixed under sub-section (1).

(iii) | The occupier of Factory or a purchasing agent shall not make any deduction from the amount due for cane sold to him by a cane-grower or a Cane-Growers' Co-operative Society, except such deductions as may be prescribed or as the Provincial Government may, by notification, from time to time, allow.

(iv) |The Provincial Government may, after consultation with the Board, by notification, direct that in addition to the minimum price to be paid for cane, the occupier of a factory shall pay for special varieties of cane to be specified in the notification and which the cane-grower or Cane-growers' Co-operative Society has agreed to supply, such additional price as the provincial Government may direct.

[16-A. Quality Premium.— The Provincial Government may direct the factories to pay quality premium at the end of the crushing season at such rate as may be specified by the Provincial Government in proportion to the sucrose recovery of each factory in excess of base level sucrose contents determined by the Provincial Government, from time to time.]

17. Licensing of Purchasing Agents.— No person or class of persons shall be employed by an occupier of a Factory or by a purchasing agent to do any work or class of work in connection with any transaction for the purchase of cane and no person shall exercise any of the powers conferred by or under this Act on a purchasing agent, unless he is licensed in the prescribed manner.

18. Distribution of seed Cane by Factories.— (i) The occupier of a Factory or any other person acting on his behalf shall not distribute cane of any variety to any person to be used by cane-growers or the members of Cane-Growers' Co-operative Societies if the Provincial Government after consulting the Board, has by an order

'Added by the Sugar Factories Control (Punjab Amendment) Act, 1991 (II of 1991), published in the Punjab Gazette (Extraordinary), dated March 16, 1991, pp. 765-766, s. 2.

published in the Gazette', declared that such variety of seed cane is unsuitable for distribution to cultivators.

(ii) The Provincial Government may, on the recommendations of the Board, require the occupier of a Factory to distribute in an area reserved for the Factory such variety or seed-cane on such conditions and in such manner as it may prescribe in every case.

19. Determination of "occupier" for Purposes of this Act— (1) Where the occupier of a Factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Act for any offence for which the occupier of the Factory is punishable.

Provided that the firm or association may give notice to the Collector that it has nominated one of its members to be the occupier of the factory for the purposes of this Act, and such individual shall be deemed to be the occupier for the purposes of this Act until further notice canceling his nomination is received by the Collector or until he ceases to be a partner or member of the firm or association.

(2) | Where occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the share-holders thereof, may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Collector that it has nominated a director, or, in the case of a Private Company, a share-holder, to be the occupier of the factory for the purposes of this Act and such director or share-holder shall be deemed to be the occupier of the factory for the purposes of this Act, until further notice canceling his nomination is received by the Collector or until he ceases to be a director or share-holder.

20. Appointment and removal of Factory Staff.— The occupier of a factory shall have to employ a Cane Superintendent and such staff as may be prescribed by the Provincial Government, on the recommendations of the Cane Commissioner, to regulate, arrange and supervise the purchase of cane for the factory. The appointment and the award of punishment including removal from service of Cane Superintendent and other staff shall be subject to the approval of the Cane Commissioner.

21. Penalties.— '[(a) Subject to clause (aa), any person contravening the provisions of this Act or any order or rule made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine which may

'Now refers as to "Official Gazette", see the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957) (w.e.f. 14.10.1955), published in the Gazette of West Pakistan (Extraordinary), pp. 709-789, s. 3(4) (iv).

Substituted by the Sugar Factories Control (Punjab Amendment) Act, 1991 (II of 1991), published in the Punjab Gazette (Extraordinary), dated March 16, 1991, pp. 765-766, s. 3.

3Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 7(a).

extend to five million rupees '[per day] but shall not be less than one million rupees *[per day] or with both:

provided that the fine shall not be less than five million rupees "[per day] in case of a repeated offence.]

(aa) Any person who fails to comply with the provisions of section 16 or 16-A, or any directions issued thereunder, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to twice the price of the sugarcane or twice the amount of quality premium due, as the case may be.]

'[(b) Offences under the Act shall be cognizable upon a report by the Cane Commissioner or the Additional Cane Commissioner or their nominee and shall be bailable.]]

22. Institution of Proceedings.— '[i) * * * *

]*

T(ii) * * * * *]

(iii) | No court inferior to that of a '[Magistrate Section 30], shall try any offence under this Act or any order or rule made thereunder.

(iv) (a) No suit, prosecution or other legal proceeding shall lie against the Provincial Government or any of its servants for anything which is done in good faith or intended to be done under this Act or the rules framed thereunder.

(b) |The exercise of any discretion or authority conferred on the Provincial Government or the Board or the Cane Commissioner by this Act shall not be questioned in any Civil Court.

(c) The Provincial Government may delegate all or any of its powers under this Act to any officer not below the status of a Collector.

23. Powers to make Rules.— (1) The Provincial Government may make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for the constitution, powers, duties and procedure of the appointment of the Cane Commissioner and Inspectors and the powers and duties to be exercised and performed by them.

¹Inserted by the Sugar Factories (Control) (Amendment) Act, 2021 (XV of 2021), published in the Punjab Gazette (Extraordinary), dated June 22, 2021, pp. 9923-9924, s. 5(a).

2Ibid.

3Ibid.

4Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp.9159-9161, s. 7(b).

5Substituted by the Sugar Factories (Control) (Amendment) Act, 2021 (XV of 2021), published in the Punjab Gazette

(Extraordinary), dated June 22, 2021, pp. 9923-9924, s. 5(b).

⑧Omitted by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary) dated May 17, 2021, pp. 9159-9161, s. 8(a).

"Ibid.

Substituted for the words "Magistrate of the 1* Class" by the Act *ibid.*, s. 8(b).

(3) | The authorities by which any function under this Act or the rules made thereunder are to be performed.

(4) | The form in which the notices required by '[section] 14(v) should be given.

(5) The form, manner and date for the submission of estimates mentioned in section 9, and the manner in which and the places at which such estimates should be published.

(6) The procedure to be followed for making a survey under section 11, the powers to be exercised by survey officers and the assistance to be afforded by owners and occupiers of land to the officers making such survey.

(7) Records, registers and accounts and the submission of returns, the supply of copies of entries therein and the fees to be charged for the same.

'Substituted for the words "sections 8 and" by the Sugar Factories (Control) (Amendment) Act, 2021 (V of 2021), published in the Punjab Gazette (Extraordinary), dated May 17, 2021, pp. 9159-9161, s. 9.