

MINISTRY OF TEXTILES**(Office of the Textile Commissioner)****PUBLIC NOTICE****Mumbai, the 22nd July, 1998.**

No. TDRO/CLB/98/Misc./1- Attention of all concerned is invited to clause 3 (e) of the Textiles (Consumer Protection) Regulations, 1988 (hereinafter referred to as the said notification) wherein it has been notified that no person shall offer or store for sale any tops, yarn and/or cloth with take or misleading markings or without the statutory markings prescribed in the said notification or in violation of any of the provisions of the said notification. The word "person", inter-alia, includes a "dealer", as defined in clause 3 (15) of the Textiles (Development and Regulation) Order, 1993. The word "dealer" is further defined under clause 2(2) of the said notification, as under:-

"Dealer" means a person trading in tops, yarn or cloth, whether wholesale or retail and whether or not in conjunction with any other business".

1. No person/dealer dealing with tops, yarn or cloth, whether wholesale or retail and whether or not in conjunction with any other business, shall offer or store for sale any tops, yarn and/or cloth, irrespective of whether it is manufactured in India or imported, with fake or misleading markings or without the statutory markings prescribed in the said notification or in violation of any of the provisions of the said notification.
2. Any tops, yarn and/or cloth sold in India, irrespective of whether it has been manufactured indigenously or imported, should invariably contain all the statutory markings as envisaged in the said notification.
3. It is also hereby informed, that the said notification is deemed to have been issued under clause 9 of the Textiles (Development and Regulation) Order, 1993 (an order issued by the Central Government under Section 3 of the Essential Commodities Act, 1955), vide public Notice No. TDRO/CLB/93?Misc./1, dated 7th May, 1993.
4. Any person/dealer having been found offering or storing for sale any tops, yarn and or cloth without statutory markings or with fake or misleading markings shall be prosecuted as per the provisions fo the Essential Commodities Act, 1955.
5. Any tops, yarn and/or cloth; which do not contain the statutory markings or found containing fake or misleading markings shall be seized according to the provisions of the Essential Commodities Act, 1955 read with the said Notification.

B.C.KHATUA,**Textile Commissioner**

MINISTRY OF TEXTILES
OFFICE OF THE TEXTILE COMMISSIONER

PUBLIC NOTICE/PRESS NOTE

Mumbai, the 16th November 1998.

Sub: - Enforcement of provisions of the Textile (Consumer Protection) Regulation,

1988, in respect of indigenously manufactured and imported textiles, namely tops, yarn and cloth.

No. :- TDRO/CLB/98/Misc/2 :- The Textile Industry and trade are aware that the Textile Commissioner had issued a Notification No. CER/18/88/CLB, dated 7-3-88, called the Textiles (Consumer Protection) Regulation, 1988 (hereinafter referred to as the said notification), which is deemed to have been issued under clause-9 of the Textiles (Development & Regulation) Order, 1993 (an order issued under section 3 of the Essential Commodities Act, 1955), in terms of Public Notice No. TDRO/CLB/93/Misc./1 dated 7-5-93, published in the Gazette of India Extraordinary Part-I, Section-1, dated 26-6-93. The said notification was published in the Gazette of India, Extraordinary Part-I, dated 8-3-88 besides wider circulation amongst industry and trade through letter No.2/3/87-CLB, dated 9-3-88. The said notification was issued by the Textile Commissioner on behalf of the Government of India in the interest of industrial consumers as well as common masses/general public and the textile trade.

The provisions and directions contained in the said Notification are statutory provisions and directions and therefore, it is mandatory on the part of the (wool) tops, yarn and cloth/fabric manufacturers, processors including hand processors, traders, wholesalers, Semi-wholesalers, cutting and packing houses, shops and establishment holders, retailers and stockists, etc. to comply with the provisions and the directions contained in the said notification, irrespective of whether they deal with indigenously manufactured tops, yarn, cloth or imported tops, yarn, cloth/fabric.

The office of the Textile Commissioner, Ministry of Textiles, Government of India and the office of the Textile Committee, a statutory body under the administrative control of the Ministry of Textiles, are jointly organising /conducting seminars, symposia, etc., in various parts of the country from time to time in order to make the general public, textile manufacturers, processors, traders, wholesalers, semi-wholesalers, cutting and packing houses, shops and establishment holders, retailers and stockists, etc, to be aware of and comply with/follow the provisions and directions of the said notification. During such seminars and symposia, etc., for the benefit of tops, yarn and cloth/fabric consumers and the general public, traders, etc. the 'Dos' and 'DONOTs' with respect to the said notification are also circulated amongst the participants, namely industrialists, traders, representatives of industrial and traders' associations/federations, Textiles Consumers and general public etc. in order to ensure that the objectives of the Government of India in issuing the said notification are fulfilled. These aspects have also been published in the daily newspapers by the Press Reporters of the concerned newspaper in order to ensure wider publicity.

The Textile Commissioner has also issued a Public Notice No. TDRO/CLB/98/Misc./1, dated 22.7.98, clarifying therein that the provisions and directions contained in the said notification are also applicable in respect of the imported textiles, i.e. tops, yarn and fabric/cloth.

However, it has been noticed by the office of the Textile Commissioner that a number of manufacturers, processors (power- and hand- processors), traders, wholesalers, semi-wholesalers, cutting and packing houses, shops and establishment holders, retailers and stockists, etc. are still not following/complying fully with the provisions/directions contained in the said notification.

It is once again hereby directed to all concerned that the provisions and directions contained in the said notification, dated 7.3.88, should be complied with/followed by all concerned, irrespective of whether they manufacture or import or deal in indigenously manufactured tops, yarn and cloth/fabric or imported tops, yarn, cloth/fabric.

The violation of or non-compliance or partial compliance of the provisions and directions contained in the said notification shall amount to the violation/contravention/non-compliance of the relevant provisions and directions contained in the Essential Commodities Act, 1955, as the Textiles (Consumer Protection) Regulation, 1988, i.e. the said notification was issued by the Textile Commissioner, Government of India, in exercise of the powers conferred on him by clause-9 of the Textiles (Development & Regulation) Order, 1993, an Order issued Section 3 of the Essential Commodities Act, 1955. Therefore, tops, yarn and fabric/cloth which do not contain the statutory markings specified in the said notification and the tops, yarn and fabric/cloth which contain partial/incomplete markings, defective markings, misleading markings, fake markings, spurious markings, incorrect markings, illegible markings and counterfeit goods/markings (i.e. contravened goods/offended goods) shall be seized at once in terms of the provisions of Section 3 of the Essential Commodities Act, 1955 and reported to the District Collector for confiscation of contravened goods/offended goods in terms of the provisions of Section 6A of the Essential Commodities Act, 1955.

Further, the sub-section 2 (j) of Section 3 of the Essential Commodities Act, 1955, provides for any incidental and supplementary matters, including in particular, the entry into, search of or examination of premises, aircraft's, vessels, vehicles or other conveyances and animals and the seizure by a person authorised to make such entry, search or examination.

Of any articles in respect of which such person has reason to believe that a contravention of the Order has been, is being, or is about to be, committed and any packages, covering or receptacles in which such articles are found,

1. Of any aircraft, vessel, vehicle or other conveyance or animals used in carrying articles, if such person has reason to believe that such aircraft, vessels, vehicle or other conveyance or an animal is liable to be forfeited under provisions of this Act.
2. Of any books of accounts and documents which, in the opinion of such person, may be useful for or relevant to any proceeding under this Act, and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of an officer having the custody of such books of accounts or documents.

Accordingly, the animal, vehicle, vessel or other conveyance used in

carrying contravened/offended goods (tops, yarn, cloth/fabric) also shall be liable for seizure along with seizure of contravened/offended goods and reported to the District Collector for confiscation. In exercise of the powers conferred on the District Collector under Section 6A, the Collector may order for confiscation of;

a. the contravened/offended goods so seized:

b. any package, covering or receptacle in which such contravened/offended goods is found:

and

c. any animal, vehicle, vessel, or other conveyance used in carrying such contravened/offended goods.

Further, in terms of Sections 7 and 10 of the Essential Commodities Act, 1955, the person and the Company including its Directors, Managers, Secretary or other officers of the Company are liable to be prosecuted for being guilty of above offence/contravention/violation.

Accordingly, as and when a prima-facie offence/contravention/violation of the said notification is detected by the office of the Textile Commissioner and/or its concerned Regional Office, the offended/contravened/violated goods (tops, yarn and cloth/fabric) and its carrier if any, so detected shall be seized under Panchnama. Any other undertakings, documents, information as deemed necessary for further action shall also be obtained and/or directed to the concerned to produce the same within the reasonable time, and reported to the District Collector for confiscation of the contravened/offended goods and its carrier. Thereafter, a First Information Report under Section 154 of the Criminal Procedure Code (Cr.P.C.), 1973 read with Section 11 of the Essential Commodities Act, 1955 shall be filed before the appropriate Police Authority for prosecution of the offenders (mentioned herein above) or a direct prosecution against the offenders (mentioned herein above) shall be launched before the appropriate Court of Law, after giving an opportunity to the party of being heard.

The hearing of such party/parties shall be before the committee of officers called Textile Consumer Protection Committee constituted by the Textile Commissioner.

In order to monitor the compliance of the provisions and directions contained in the said notification by all concerned, the officials of the office of the Textile Commissioner and its Regional Offices are also drawing samples of tops, yarn, cloth/fabric at random, for testing the correctness of quality parameters and technical parameters declared on tops, yarn, cloth/fabric. If the test results are within the tolerance limit, the representative sample (s) sealed and kept under the safe custody of the unit, shop keeper, stockist, wholesaler, semi-wholesaler, retailer, etc. as the case may be, shall be released. If any variation between declared and test results of a quality parameters, technical parameters, etc. beyond the tolerance limit is noticed/detected, necessary action for prosecution of the offenders shall be initiated as per the legal provisions already mentioned in the foregoing paragraphs, after observing the following guidelines/instructions.

Where no prima-facie offence/violation/contravention is detected, only the sample (s) of tops, yarn, cloth, as the case may be, shall be drawn under panchnama and undertaking for the details of Nos. of sample (s) drawn, the total quantity and its approximate but reasonable market price/value of tops, yarn, cloth/fabric available in each lot, package, bale, roll, taka, bundle, etc. from which the representative sample(s) is/are drawn, on the day of inspection/visit (1st inspection) shall be obtained from the concerned person, unit, shop keeper, stockist, wholesaler, semi-wholesaler, retailer, etc., as the case may be. Any other undertakings. Documents, information as deemed necessary for further course of action, shall also be obtained and/or directed to the concerned to produce the same within the reasonable time (say 10 days from the date of receipt of notice for production/furnishing of required information, document, etc.). Thereafter, sample(s) drawn shall be sent to the designated laboratory (for which instructions have already been issued to the Regional Offices of the Textile Commissioner) for testing at an early date. On receipt of the test results if any variation beyond tolerance limit between declared and test results of quality parameters and technical parameter is detected. noticed, the said contravened /violated/offended case shall be referred to the Textile Consumer Protection (T.C.P.) Committee for its advice for filing of FIR/Prosecution, etc. and also the unit, shop/godown/sales premises, etc. from where the above said sample(s) was/were drawn during the 1st inspection shall be re-inspected/re-visited for 2nd inspection) within a reasonable time form the date of receipt of test result/report for seizure of balance/unsold quantity of contravened /offended tops, yarn, cloth/fabric, if any available from the lot, package, bale, roll, taka, bundle, as the case may be, from which the sample(s) was/were drawn initially during the 1st inspection for testing and where upon the contravention/violation/offence was detected. In most of such cases (during 2nd visit), the contravened/offended tops, yarn, cloth/fabric, either may not be available for seizure or only a partial quantity of offended/contravened tops, yarn, cloth/fabric may be available for seizure, as by the time of the said 2nd inspection, the said contravened/offended tops, yarn, cloth/fabric might have been sold completely or partially to the consumer/general public/common masses. However, the re-inspection team (i.e.) team of 2nd inspection) shall drawn up the spot report, seizure report, alongwith panchnama and undertakings etc. as detailed above, and report in this regard shall be sent to the District Collector for confiscation of the contravened/offended tops, yarn, cloth/fabric, if any seized, during the said 2nd visit/2nd inspection. The report sent to the District Collector shall contain the details of stock and value of tops, yarn, cloth/fabric that was available during the 1st inspection and the 2nd inspection with a prayer to the District Collector to pass his orders keeping in view the concept of disgorgement of unjust enrichment. Further, while filing FIR, or launching direct prosecution etc. based on the recommendation of T.C.P. Committee,

the details of stock and value of tops, yarn, cloth/fabric that was available during the 1st inspection and 2nd inspection shall be mentioned, with a prayer to impose penalty against the quantity of offended/contravened tops, yarn, cloth/fabric sold to the consumer/general public/common masses keeping in view the concept of disgorgement of unjust enrichment, besides the prosecution of the offenders under the law.

All the concerned (namely mills, units, shop, shopkeepers, stockist, wholesalers, semi-wholesalers, retailers, importers, etc.) should produce/furnish the required material, tops, yarn, cloth/fabric, documents, information, etc. before the inspecting officials of the O/o the Textile Commissioner and/or its Regional Offices for inspection and also they should furnish the required undertakings, etc. before the said inspecting officials.

The Director (Enforcement) in the headquarters office of the Textile Commissioner, who is also the Member Secretary of the T.C.P. Committee, will ensure the compliance of the above instructions, by all concerned.

For the benefit of all consumers of tops, yarn and cloth/fabric including general public, the markings to be made on tops, yarn and cloth/fabric as prescribed under the said notification, are mentioned below:-

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I. MARKINGS TO BE MADE ON TOPS:-

On paper label securely pasted on the outside of each package containing tops, the following markings shall be made: -

- a. Name and address of the manufacturer.
- b. The net weight in Kg.
- c. Mean fibre length (in mm) Micron in case of wool tops.
- d. In case of blended tops, the words "Blended Tops" followed by exact percentage including standard moisture regain of each of the different types of fibre present in the tops packed, as illustrated below:

Wool - 45%

Polyester - 40%

Viscose - 15%

II MARKINGS TO BE MADE ON SPUN YARN:-

The following markings shall be made on spun yarn by the manufacturers, on paper label securely pasted or attached on the bundle/package of yarn meant for sale in India:-

- a. Name and address of the manufacturer.
- b. When spun from one fibre, the words "Cotton Yarn", "Polyester Spun Yarn", "Viscose Spun Yarn", etc. and in case of woollen yarn, "Woollen Worsted Yarn", "Woollen Semi-Worsted

Yarn", "Woollen Shoddy Yarn", "Woollen Hand Knitting Yarn", etc. as the case may be.

- c. When two or more fibres have been used in the manufacturer of the yarn, the words "Blended Spun Yarn", followed by the generic name of each fibre and its exact percentage in the yarn, as illustrated below;

"Blended Spun Yarn"

Cotton - 60%

Polyester - 40%

Or

Polyester - 40%

Cotton - 38%

Viscose - 22%

Or

Wool - 45%

Polyester - 40%

Viscose - 15%

Provided that when the percentage of any fibre is less than 2% of the total fibre content in the yarn, the percentage of such fibre need not be stamped.

- d. Count of yarn along with fold and plies wherever applicable.

- e. C.S.P. value in case of cotton yarn and man-made fibre spun yarn.

- f. Net weight in Kg.

- g. Month and year of packing.

NOTE:-

- i. In case the yarn is spun from cotton or man-made fibre, count of yarn shall be indicated in English Count, and in case of Woollen yarn its counts shall be indicated in metric (N.m.) counts.
- ii. In case of yarn on cones, the label containing the prescribed markings as above may be pasted inside the cone, and in case of yarn on beam, the label containing the markings may be securely fastened to the beam. In case of shoddy woollen yarn on cone, such label can also be pasted outside the cone.

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iii. MARKINGS TO BE MADE ON MAN-MADE CONTINUOUS (FILAMENT) YARN:-

The following markings shall be made on man-made continuous (filament) yarn by the manufacturer on paper label securely pasted or attached on the bundle/package of yarn meant for sale in India:-

- a. Name and address of the manufacturer.
- b. Net weight in Kg. of yarn in the package.
- c. Denier of yarn with number of filaments and twists per metre preceded by the word "Filament Yarn" and its generic name, such as "Polyester", "Viscose", "Nylon", "Acrylic", etc. as the case may be, as illustrated below;

"Polyester Filament Yarn - 40/12/600".

NOTE: - In case of man-made filament yarn on cones/cops, the net weight in Kg. as per item (b) above, may be marked only on each carton and not on each cone/cop.

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I. MARKINGS TO BE MADE ON CLOTH:-

The following markings shall be made on the faceplait of each piece of non-Controlled variety of cloth: -

- a. Name and address of manufacturer and the person who causes such manufacturer, if any.
- b. Description of the cloth, for example "dhoti", "saree", "shirting", "sutting".
- c. Sort number of the cloth.
- d. Length in metres and width in "cm.".
- e. "Fast to normal washing" or "Not East to normal Washing" as the case may be, words "Preshrunk" or "Mercerised", or any other process actually carried out, as the case may be.

f. The words "Seconds" or "Damaged Piece/Defective Piece" when the piece of cloth is classified as "Seconds" or "Damaged Piece/Defective Piece", as the case may be.

g. In case of cloth made from man-made fibre or filament yarn, the words "Made From", followed by the words "Spun X Spun", or "Filament X Filament" or "Spun X Filament", as the case may be.

h. Month and year of packing.

i. The exact composition of the cloth expressed in percentage by weighted of each of

j. the individual constituents to the total yarn content of both warp and weft put together, as illustrated below;

1) Polyester - 100%

Or

Cotton - 100%

Or

Viscose - 100%

1. In the case of blended cloth, the words "Blended Fabric", followed by the generic name of each constituent and its exact percentage by weight in the descending order shall be stamped, as illustrated below;

" Blended Fabric"

Polyester - 40%

Cotton - 38%

Viscose - 22%

Or

Cotton - 60%

Polyester - 40%

Or

Wool - 40%

Polyester - 38%

Viscose - 22%

NOTE: -

A. In case of shoddy woollen blankets, minimum content of wool shall be stamped.

I. When the percentage of any fibre is less than 2% of the total fibre content in the blended fabric, the percentage of such fibre need not be stamped.

II. The markings as in teems (f) and (I) above shall also be made on every alternate metre of the cloth at a height not exceeding 2.5 cm. From the selvedge.

III. In the case of embroidered cloth (i.e. cloth decorated with designs formed by extra threads with the help of needles), meshcloth, towels, furnishing fabrics, tapestry cloth, jacquard cloth, corduroy cloth, woolen suit piece length, handkerchief, raised blanket, bed sheet and lint cloth, the markings prescribed under this notification may be made either on the face plait of such cloth or on a piece of cloth or paper securely stitched or stuck on the face plait of such cloth.

IV. MARKINGS TO BE MADE ON BALES OR OTHER PACKAGES: The following markings shall be made on every bale, wooden case or other package of cloth or yarn in the manner detailed hereinafter;

- a. Name of the manufacturer.**
- b. Month and year of packings.**
- c. The word "Grey" or "Bleached" or "Coloured" correctly describing the entire contents of such bale, case or package under one or the other of these descriptions.**

NOTE :

For the purpose of such markings "Grey" cloth and "Bleached" cloth mean, respectively grey and bleached cloth of every description, including sarees, dhoties or other cloth with coloured borders or headings only, and coloured cloth means piece-dyed cloth, printed cloth and cloth made wholly or partly from dyes yarn and excludes Grey or bleached sarees, towels or other cloth with coloured borders or heading only.

d. "Chindies", "Rags", "Fents", - "Seconds" or "Damaged piece/Defective

Pieces" as the case may be.

e. When a bale or package contains yarn;

- i. Name of the manufacturer:**
- ii. Counts of yarn:**
- iii. The month and year of packing :**
- iv. Gross weight in Kg.**

Further, as per the provisions and directions contained in the said notification no person shall offer or store for sale tops, yarn, cloth / fabric with fake/misleading markings or without statutory markings or in violation of the said notification.

B. C. KHATUA,

MINISTRY OF TEXTILES
Textile Commissioner