

# **The Art Silk Textiles (Production and Distribution) Control Order, 1962**

UNION OF INDIA

India

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### **Rule**

### **THE-ART-SILK-TEXTILES-PRODUCTION-AND-DISTRIBUTION-CONTROL ORDER, 1962**

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The Art Silk Textiles (Production and Distribution) Control Order, 1962Published vide Notification S.O. 1059, dated the 2nd April, 1962.S.O. 1059, dated the 2nd April, 1962. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order namely :

#### **1. Short title and commencement.**

(1)This order may be called the Art Silk Textiles (Production and Distribution) Control Order, 1962.(2)It shall come into force at once.

#### **2. Definitions.**

- In this Order, unless the context otherwise requires,-(a)[ "art silk yarn" means yarn manufactured from man-made cellulosic and non-cellulosic materials and includes [Substituted by S.O. 1219, dated the 24th March, 1970.](i)man-made cellulosic spun fibre yarn;(ii)man-made non-cellulosic spun fibre yarn;(iii)man-made cellulosic filament yarn;(iv)man-made non-cellulosic filament yarn; and(v)man-made metallic yarn];(b)"art silk cloth" means any fabric made wholly from art silk yarn or partly from art silk and partly from any other yarn provided such fabric contains not less than 60 per cent. of art silk yarn;(c)"dealer" means a person carrying on the business of selling art silk yarn or art silk cloth, or both, whether wholesale or retail and whether or not in conjunction with any other business;(d)"manufacturer" means manufacturer of art silk yarn or art silk cloth or both and includes a manufacturer of any fabric or article made of art silk yarn or art silk cloth and a processor

of art silk yarn or art silk cloth, and "manufacturer" shall be construed, accordingly;(e)"processor" means a person engaged exclusively in any process ancillary to the production of art silk yarn or art silk cloth such as dyeing, bleaching finishing, twisting, doubling and winding of art silk yarn, and "process" shall be construed accordingly;(ee)[ "spindle" means spindle worked by power as defined in Clause (g) of Section 2 of the Factories Act, 1948 (63 of 1948), and used for the production of man-made cellulosic and non-cellulosic spun fibre yarn;] [Inserted by S.O. 1900, dated 8th June, 1965 (w.e.f. 8th June, 1965).](f)[ "Textile Commissioner" means the Textile Commissioner appointed by the Central Government and includes any Additional Textile Commissioner, Joint Textile Commissioner, Industrial Adviser and ex-officio Joint Textile Commissioner or Deputy Textile Commissioner appointed by the Central Government] [Substituted by S.O. 2641, dated the 3rd September, 1966.]

### **3. Control of production.**

- [(1) The textile Commissioner may, from time to time, issue directions in writing to any manufacturer or class of manufacturers, or manufacturers generally regarding -(a)the classes or specifications of art silk cloth or art silk yarn, as the case may be, which each manufacturer or class of manufacturers or manufacturers generally shall or shall not manufacture, or(b)the maximum or minimum quantity is of art silk cloth or art silk yarn, as the case may be, which such manufacturer, or class of manufacturers or manufacturers generally shall manufacture during such period as may be specified in the order;(c)the packing of art silk yarn in hanks, cones or in other form and in such proportion as he may consider necessary or expedient:Provided that in issuing the direction under this sub-clause the Textile Commissioner shall have regard to -(i)the demand for art silk cloth or art silk yarn;(ii)the needs of the general public;(iii)the special requirements of the industry for such art silk cloth or art silk yarn;(iv)the capacity of the manufacturer or class of manufacturers, or manufacturers generally, to manufacture or pack different descriptions or specifications of art silk cloth or art silk yarn, and(v)the necessity to make available to the general public, cloth of mass consumption.

**2. (a) While issuing any direction under sub-clause (1), the Textile Commissioner may also provide that such direction shall be with reference to the quantity of art silk cloth or art silk yarn packed by the manufacturer, or class of manufacturers, or manufacturers generally during the period referred to in that sub-clause.**

(b)Every manufacturer, or class of manufacturers or manufacturers generally, to whom a direction has been issued shall comply with the direction.(c)Where, on an application made by any manufacturer or class of manufacturers or otherwise, the Textile Commissioner is satisfied that any direction issued by him under this clause cause undue hardship or difficulty to any such manufacturer or class of manufacturers he may, by order and for reasons to be recorded in writing, direct that the directions shall not apply, or shall apply subject to such modifications as may be specified in the order, to such manufacturer or class of manufacturers.](3)[ [Inserted by S.O. 1501, dated 9th May, 1962 (w.e.f. 9th May, 1962).] No person shall, after the commencement of the Art

Silk Textiles (Production and Distribution) Amendment Order, 1962, acquire or install any spindle for production [\* \* \*] [Certain words omitted by S.O. 1900, dated 8th June, 1965 (w.e.f. 8th June, 1965).] of art silk yarn, except with the permission in writing of the Textile Commissioner ;[Provided that in relation to the State of Jammu and Kashmir the owner of every spindle producing art silk yarn shall within a period of one hundred days from the commencement of the Art Silk Textile (Production and Distributions) Control (Amendment) Order, 1970 apply to the Textile Commissioner for the grant of permission for working each such spindle] [Inserted by S.O. 2101, dated 18th May, 1971 (w.e.f. 18th May, 1971).];Provided further that where any such owner applies for the grant of permission after the expiry of the period specified above the Textile Commissioner may, if he is satisfied that such person had sufficient cause for the delay in making the application may after making such inquires as he may consider necessary and on payment of a late fee of rupees two per spindle, grant such permission.Note. - The late fee of rupees two per spindle mentioned above is payable in any Government Treasury situated in the State of Jammu and Kashmir under the head "T" Remittances Exchange Account between Deputy Director of Audit (F.R.C.S.C.M.) Bombay and A.G. (Jammu and Kashmir) LXXIX - Industries Misc. Receipts of the Textile Commissioner, Government of India, Bombay, Adjustable in the book of D.A.G.C.W.M. Bombay. The receipted Treasury challan evidencing such payment shall accompany the application :[Provided that in granting or refusing the permission under this sub-clause, the Textile Commissioner shall have regard to the following matters, namely:(a)the requirement of art silk yarn in the country;(b)the size of the undertaking;(c)the nature of the preparatory and other machines already installed in the undertaking;(d)the availability of man-made fibres.](4)[ If the Textile Commissioner is satisfied, either on a reference made to him in this behalf or otherwise, that any person, to whom a permission under sub-clause (3) has been granted, had supplied incorrect information for the purpose of obtaining such permission he may, after giving the person concerned an opportunity to explain, and without prejudice to any other action which may be taken against such person, revoke the permission and shall in such case, furnish him with a copy of the order so passed and on such revocation the spindle to which the permission relates shall not thereafter be worked.] [Inserted by S.O. 1900, dated 8th June, 1965 (w.e.f. 8th June, 1965).]

**3A. [ Control on stocks. - (1) The Textile Commissioner may, with a view to regulate the supplies of art silk yarn, by general or special order, in writing prescribe the maximum or minimum stocks of art silk yarn or both that can be held in possession at any time by the manufacturer, dealer, processor or other person.**

(2)In making any order under sub-clause (1) the Textile Commissioner shall have regard to the following matters, namely :(a)the capacity of the manufacturer to produce different varieties of art silk yarn;(b)the stocks of the art silk yarn held by the dealer in the ordinary course of business in the six months immediately preceding the date of the order;(c)the requirements and capacity to utilise art silk yarn of the processing units held by the processor;(d)the necessity to ensure smooth and equitable supplies of silk yarn at fair prices; and(e)any other relevant circumstances.(3)Every person to whom an order made under sub-clause (1) applies shall comply with such order] [Added by S.O. 1347, dated the 1st May, 1965].

**3B. [ \*\*\*] [Clause 3B, omitted by S.O. 228(E), dated 25th March, 1985 (w.e.f. 26th March, 1986).]**

**4.**

[Fixation of prices, specification of packing and marking. - (1) The Textile Commissioner may, by order, fix the minimum prices, ex-factory, wholesale and retail at which any variety of art silk yarn may be sold] [Substituted by S.O. 2619, dated 19th September, 1980 (w.e.f. 4th October, 1980), for the words 'fixation of prices'.](2)[ The Textile Commissioner may specify the manner of packing art silk yarn, the markings to be made by manufacturer or dealer on any class or specification of art silk yarn manufacturer or as the case may be sold by him and the time and manner of making such markings.] [Substituted by S.O. 2619, dated 19th September, 1980 (w.e.f. 4th October, 1980).](3)No manufacturer of or dealer in art silk yarn shall sell or offer for sale art silk yarn at a price [in excess of the prices, if any fixed] [Substituted by S.O. 2619, dated 19th September, 1980 (w.e.f. 4th October, 1980), for the words 'in excess of the prices fixed.'] under sub-clause (1) or packed or marked in a manner different from that specified under sub-clause (2).(4)[ Every marking specified by the Textile Commissioner under sub-clause (2) with respect to length, width, count, denier, number of weight shall always be subject to the relevant limits of variations contained in the instructions, for the time being in force, issued by the Central Government under Section 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)] [Inserted by S.O. 3532, dated 10th November, 1966].

**5. Cash memorandum to be given for sales.**

- The Textile Commissioner may, by notification in the Official Gazette, requires the manufacturers of or dealers in art silk yarn to give a cash memorandum in respect of every sale of art silk yarn in such form as may be specified in the notification.

**6. Power to require sale, etc.**

(1)The Textile Commissioner may, with a view to secure proper distribution of art silk yarn, issue directions to any manufacturer of or dealer in art silk yarn -(a)not to sell any art silk yarn in his possession except under and in accordance with a permit issued by him;(b)to sell any stock of art silk yarn held by such manufacturer or dealer to any person specified by the Textile Commissioner.

**2. Every manufacturer and dealer to whom any direction is issued under sub-clause (1) shall comply with such direction.**

**7. Refusal to sell.**

- No manufacturer of or dealer in art silk yarn shall, without sufficient cause, refuse to sell art silk yarn to any person.Explanation. - For the purpose of this clause :(1)the possibility of expectation of obtaining a higher price at a later date shall not be deemed to be a sufficient cause;(2)the expressions "manufacturer" and "dealer" shall include any person employed by or acting on behalf

of such manufacturer or dealer.

## **8. Accounts and returns.**

- Every manufacturer of and every dealer in art silk yarn shall keep such books, accounts and records relating to the business carried on by him and shall furnish such return of information and at such intervals as the Textile Commissioner may require.

## **9. Provisions to apply to art silk cloth.**

- The provisions of as. 4 to 8 shall apply in relation to art silk cloth and manufacturers of and dealers in art silk cloth as they apply in relation to art silk yarn and manufacturers of and dealers in art silk yarn.

### **9A. [ - (1) Where the markings to be made and the time and manner of marking it in respect of any class or specification of art silk cloth or art silk yarn have been specified under Clause 4 (2), read with Clause 9, -**

(a)the manufacturer of, or as the case may be, the dealer in such art silk cloth or art silk yarn shall cause the markings to be made thereon at the time and in the manner specified ;(b)no person other than such manufacturer or dealer shall cause the marking to be made on any such art silk cloth or art silk yarn;(c)no person other than the manufacturer shall have in his possession or under his control any art silk cloth or art silk yarn which is not as marked, unless it be for bona fide personal requirements ;(d)no person shall alter or deface or cause or permit to be altered or defaced any marking made on any such art silk cloth or art silk yarn held by him otherwise than for his benefits or personal requirements.(e)No person shall make on any art silk cloth or art silk yarn marking resembling the prescribed marking;(f)No person shall have in his possession or under his control otherwise than for his bona fide personal requirements any art silk cloth or art silk yarn the marking wherein is altered or defaced or is of a character specified in item (e).]

## **10. Power to entry, search, etc.**

(1)The Textile Commissioner or any officer authorised by him in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with -  
-(a)require any person to give such information in his possession with respect to any business carried on by that or any other person ;(aa)[ require any person, in writing, to furnish samples of any article to which this order applies ;] [Added by S.O. 633, dated the 25th February, 1966.](b)enter and search any premises in which any manufacturer or dealer is carrying on business and inspect any books or other documents in such premises ;(c)seize an article there in respect of which he has reason to believe that this order has been or is being contravened.(2)Every person who is required to give any information 1Added by S.O. 633, dated the 25th February, 1966.[or furnish samples] under sub-clause (1) shall comply with such requisition.(3)[ The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898 3. See now the Code of Criminal Procedure, 1973

(2 of 1974). relating to search and seizure, shall so far as may be, apply to searches and seizures under this clause.] [Inserted by S.O. 2780, dated 4th September, 1962.]

**11. [ Appeal. - Any person aggrieved by any order of the Textile Commissioner made under this Order may prefer any appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.**

**12. Delegation of powers. - The Textile Commissioner may, by general or special order, in writing and with the previous sanction of the Central Government, authorise any officer to exercise on his behalf all or any of his powers and functions under this Order.] [Inserted by S.O. 1900, dated 8th June, 1965.]**

[Inserted by S.O. 3424, dated 25th July, 1984.][Inserted by S.O. 1960, dated 8th June, 1965 (w.e.f. 8th June, 1965).][Substituted by S.O. 228(E), dated 25th March, 1985 (w.e.f. 26th March, 1985).]