

Textiles (Consumer Protection) Regulation, 1988

UNION OF INDIA

India

Textiles (Consumer Protection) Regulation, 1988

Rule TEXTILES-CONSUMER-PROTECTION-REGULATION-1988 of 1988

- Published on 8 March 1988
- Commenced on 8 March 1988
- [This is the version of this document from 8 March 1988.]
- [Note: The original publication document is not available and this content could not be verified.]

Textiles (Consumer Protection) Regulation, 1988Published vide Notification Gazette of India, Extra., Part 1, Section 1, dated 8.3.1988

1713.

Noti. No. CER (18)/88-CLB, dated 7th March, 1988. - In exercise of the powers conferred on me by Clause 17 of the Textiles (Control) Order, 1986, I (Textile Commissioner), hereby issue the following Notification:-

Part I – 1. Short title, extent & Commencement.

(1)This Notification may be called the Textiles (Consumer Protection) Regulation, 1988.(2)It extends to the whole of India.(3)It shall come into force from the 15th June, 1988.

2. Definitions.

(1)"Damaged piece" or "Defective piece", means a piece of cloth which contains more than two defects, as enumerated in Annexure 'C' of this Notification, per 5 meters or part thereof.(2)"Dealer" means a person trading in tops, yarn or cloth, whether wholesale or retail and whether or not in conjunction with any other business.(3)"Manufactured for export and not for sale in India" means to be exported by the manufacturer himself or sold by him, whether or not in pursuance of a pre-existing contract, to an exporter for export only, in accordance with provisions of the Imports and Exports (Control) Act, 1947 (18 of 1947), for which separate record is kept by both.(4)"Manufacturer" (in addition to "Producer" and "Processor") also includes a hand processor, namely a person engaged in any ancillary process subsequent to the production of yarn, cloth, top or other textiles, without power or without use of steam generated by a boiler, as defined in clause (b)

of Section 2 of the Indian Boiler's Act, 1923 (5 of 1923) and the said expression manufacturer' shall include, a person who causes to manufacture, and its grammatical variation shall be construed accordingly.(5)"Packing" means all types of packing such as roll packing, piece packing, packing in bale, case or bag etc.(6)(i)"Piece of Cloth" excludes chindies, rags and fents and includes :-(a)Cloth in any running length, exceeding 90 cm. where the width of the fabric is one metre or more, or exceeding 135 centimetres where the width of the fabric is less than one metre.(b)Dhoties and sarees, ordinarily sold by pair or piece, the total length of such uncut cloth, and(c)Handkerchiefs, pillow-cases, towels, chaddars, blankets, bedsheets and bed-covers.(ii)"Fents" mean-Cut-pieces of cloth of length 45 centimetres or more but not exceeding 90 centimeters where the width of the fabric is one metre or more and if length 65 centimetres or more but not exceeding 135 centimetres where the width of the fabric is less than one metre.(iii)Rags" mean-cut pieces of cloth of length more than 23 centimetres but less than 45 centimeres where the width of the fabric is one mere or more, and of length more than 23 centimetres but less than 65 centimeres where the width of the fabric is less than one metre.(iv)"Chindies" means cut-pieces of cloth having length 23 cm. or less in length.(7)"Seconds" means a piece of cloth of any length having two defects per 5 metres or part thereof as enumerated in Annexure 'C' of this Notification and excludes damaged piece or defective piece.(8)"Tendered Cloth" means a piece of cloth whose cupra-ammonium fluidity test is 10 per more Rhes or it does not have the minimum of 50 per cent of tensile strength of the fabric of the said count construction would normally have.(9)All other definitions given in the Textiles (Control) Order, 1986 shall also apply to this Regulation.

3. Directions Regarding Marking.

- Unless otherwise specified in this Notification :-(a)The markings on tops, yarn and piece of cloth as prescribed in this Notification shall be complied with by the manufacturer, including the person who causes them to be manufactured.(b)All markings specified herein shall be made by the manufacturer on tops, yarn and piece of cloth in concerned manufacturing premises before their packing for delivery.(c)These markings will be in addition to any other markings specified under any other law.(d)No fake or misleading markings shall be made on tops, yarn and piece of cloth by any person.(e)No person shall offer or store for sale such goods with fake or misleading markings or without the statutory markings or in violation of this Regulation.(f)All tests that may be carried out in pursuance of this Regulation shall be with reference to the standards prescribed by the Bureau of Indian Standards.(g)All processors/hand processes, shall obtain declaration in Form A at Annexure 'A' of this Notification from owners of goods delivered for processing and shall enter them appropriately in the Register in Form B at Annexure 'B' of this Notification on the day of the receipt of the goods;(h)No person shall store or offer for sale tendered cloth except in the form of rags or chindies.

4. Exemption.

- Nothing in this, Notification shall apply to :-(a)Package of cotton and man-made fibre yam below 500 gm. in weight and package of woollen yarn below 50 gm. in weight.(b)Tops, yarn and cloth manufactured for export and not for sale in India.(c)Hand spun yarn, and products thereof as per certification of the Khadi and Village Industries Commission.(d)Handloom Cloth.(e)Loom-state

uncalendered cloth.(f)Cloth delivered by a processor/hand processor to another processor/hand processor for further processing.Provided intimation regarding movement of such cloth is sent before hand by the former, in the Form at Annexure 'A' of this Notification, by Registered Post, to the Regional Office of the Textile Commissioner under whose jurisdiction the latter falls and:Provided movement of such cloth is recorded by the latter in the register maintained by him for this purpose in the Form at Annexure 'B' of this Notification.(g)Hand Waste.(h)Ropes, tapes, newar, ribbons or any other narrow width fabrics of width not exceeding 15 cm.(i)Any piece of diamond mesh mosquito netting not exceeding 15 cm. In width at any point in the direction at right angles to the longest length.(j)Type cord yarn.(k)Cloth delivered directly for industrial use to the industry, including manufacturer of readymade garments, duly registered with the Office of the Textile Commissioner, Bombay, or licensed under the Industries (Development and Regulation) Act, 1951 (65 of 1951) provided and cloth is stamped with the words "For Industrial use only and not for Local Sale" on both ends of the piece, for which separate record is kept by both.(l)Yarn reeled off from cop bottom having loose ends or knots.(m)Filter cloth, endless woven felt and woven conveyor belt.

5. Tolerance.

- Every marking specified in this Notification in respect of length, width, count, denier or weight, etc. shall be always subject to the relevant limits of variation laid down in Notifications issued under Section 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958).

6. Miscellaneous.

(1)Unless otherwise specifically provided in this Notification, the markings of words and letters shall be in Hindi in Devnagari Script and in English in Capital letters and numerals marked shall be the international numerals.(2)The markings prescribed under this Notification can also be made in other languages, in addition to language prescribed above.(3)The height of the letters and figures used shall not be :-(a)less than 0.5 cm. for markings specified under Parts II, III and IV;(b)less than 0.25 cm. for markings to be made in case of yarn packed in cones specified under Part III, and(c)less than 3 cm. for the markings specified under Part V.(4)The markings to be made under this Notification on the face plait and selvages of non-controlled cloth pieces and on bales or packages of non-controlled cloth shall be made in colour other than red.(5)Where violation of any of the provisions of the Regulation by any manufacturer including processor or dealer or any person is suspected, the aggrieved person or any registered voluntary consumer association shall be entitled to have such tops, yarn and cloth tested in the laboratory, notified by the Textile Commissioner from time to time, on payment of such fees and on such terms and conditions as he may prescribe. The said laboratory shall issue a test certificate to such aggrieved person, or such registered voluntary consumer association to enable them to initiate legal proceedings. If and when required, the concerned, laboratory shall direct its concerned staff to appear before the court to testify the results set out in the said certificate.(6)In addition to the prescribed markings under this Regulation, tops, yarn and cloth, as the case may be, may also be marked "All wool", provided content of new wool is 95 per cent or more.

7. Relaxation.

- 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 Notification causes undue hardship or difficulty to any such manufacturer or class of manufacturers, he may, by an order, for reasons to be recorded in writing direct that the he may, by an order, 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.

8. Repeal & Saving.

- The following Notifications of the Textile Commissioner shall stand repealed after the commencement of this Notification : (a) No: CER/3/69 dated 19-9-1969. (b) No. 5 (2)/81-CLB II dated 23-11-1981. (c) No. CER/3-A/75 dated 1-10-1975. Provided that any order made, right accrued, penalty incurred, or anything done or deemed to have been made under the Notifications so repealed, shall be deemed to have been made, issued accrued incurred or done under the corresponding provisions of this Notification.

Part II – Marking On Tops

9. Marking 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 :-(i) Wool-45 per cent. (ii) Polyester-40 per cent. (iii) Viscose-15 per cent.

Part III – Markings On Yarn

10. Markings 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 manufacture 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 per cent. Polyester-40 per cent. or Polyester-40 per cent Cotton-38 percent Viscose-22 per cent. or Wool-45 per cent. Polyester-40 per cent. Viscose-15 per

cent. Provided that when the percentage of any fibre is less than 2 per cent of the total 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.- 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.

11. Markings 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 words "Filaments, Yarn" and its generic name, such as "Polyester", "Viscose", "Nylon", or "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/cope.

Part IV – Markings On Cloth

12. Markings on Cloth.

- The following markings shall be made on the face plait 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", "suiting". (c) Sort number of the cloth; (d) Length in metres and width in "cm". (e) "Fast to normal Washing" or "Not fast 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 weight of each of the individual constituents to the total yarn content of both warp and weft but together, as illustrated below :- (1) Polyester-100 per cent. or Cotton-100 per cent. or Viscose 100 per cent. (2) 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 :- Polyester-40 per cent. Cotton-38 per cent. Viscose-22 per cent. or Cotton-60 per cent Polyester-40 per cent or Wool-40 per cent Polyester-38 per cent. Viscose-22 per cent. Note :- (1) In case of shoddy woollen blankets, minimum content of wool shall be stamped. (2) When the percentage of any fibre is less than 2 per cent of the total fibre content in the blended fabric, the

percentage of such fibre need not be stamped.(3)The markings as in items (f) and (i) above shall also be made on every alternative metre of the cloth at a height not exceeding 2.5 cm. from the selvedge.

13.

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, woollen 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.

Part V – 14. Markings 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 & years of packing;(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 description;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 dyed yarn and excludes grey or bleached sarees, towels or other cloth with coloured borders or heading only.(d)"Chindies", "Rags", "Fents", "Seconds" or "Damaged Pieces/ 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. Annexure A Form 'A' (Appendix to Notification No. CER (18)/88-CLB Dated: 7-3-1988) Subject : Details of cloth for processing/ further processing by processor including hand processor Ref. No. Date: (Reference Clause (1) Clause 3 (g) (2) Clause 4 (f))

1. Details of cloth: from the owner/manufacturer for processing

Full description of the cloth viz. fiber composition, construction and processes carried out so far with sort No. Trade No.	Quantity in metres length x width	Central Excise AR No. & Date
(1)	(2)	(3)

2. Type of process to be further carried out by the processor;

3. Probable period of processing.

4. Detailed instructions for packing, and markings including statutory markings to be stamped by the processor after completion of (2) above.

5. Name, Postal address, Seal and Signature of the Owner/Manufacturer.

6. Name, Postal address, Seal and Signature of the Processor.

Annexure B Form 'B' [Appendix to Notification No. CER (18)/88-CLB dated 7-3-1988] Subject:- Columns in Register for maintaining receipt of cloth for processing/ further processing, by processor

including hand processor. Ref. No. Date: Reference (1) Clause 3 (g) (2) Clause 4 (f)

1. S. No.

2. Full description of the cloth viz. fibre composition, construction and processes, carried out so far:

3. Quantity in metres length x width.

4. Central Excise A.R. No.

5. Sort No.

6. Trade No.

7. Type of process to be carried out:

8. Probable date for processing:

9. Detailed instructions regarding (a) packing (b) statutory marking under this Notification:

10. Date of receipt of cloth;

11. Transport by which received and details thereof:

12. Date of Central Excise clearance and AR No.

13. Date of despatch of the goods.

14. Address to which the goods despatched;

Transport details: Annexure C (Notification No. CER/(18)/88-CLB dated 7-3-1988) Reference To Clause 2 For The Purpose Of This Notification, Each Of The Items Listed Below Shall Be Considered As Defect (1) A float measuring 7 cm. or more in length and 0.6 cm. or more in width. (2) A crack having - (a) More than three picks missing in cloth made with 48 or less picks per 2.5 cm. (b) More than four picks missing in a cloth made with more than 48 picks per 2.5 cm. (3) A hole, not being a pin hole, cut or tear exceeding 0.3 cm. but does not exceed 0.6 cm. in size when in the body of the cloth or exceeding 0.6 cm. but does not exceed 1.2 cm. in size when on the selvedge. (4) Weft bar due to either difference in raw material used, denier, twist, lustre or difference in colour or shade in the dyeing of the cloth or due to picks spacing for adjacent groups of weft yarn. (5) When the cloth has

more than two broken missing ends going together in one place and forming a warp way crack having length exceeding 15 cm.(6)When the cloth has a noticeable oil stain mark in its body.(7)When the cloth has oily weft, or prominently noticeable slub unless used for fancy purpose or conspicuously broken pattern either printed or woven, or gout due to foreign matters such as lint or waste materials woven into the cloth.(8)Bleaching and Dyeing defects viz. dyestuff stain, blurred or dark patch, white spot, bleaching spot etc. of over 1 sq. cm.(9)"Printing defect" viz. prominently noticeable spot defects such as dyestuff stain, misprint, absence of print, defect caused by hanging threads, Doctor's stain, and liner defects like uneven printing or uneven tinting, defect caused by non-alignment, Doctor's line, absence of print, scrimp etc."(10)If the cloth has a local milling or scouring or piling or raising defect.(11)Defective hemming when the cloth is sold in units such as blankets etc.(12)If the cloth has any prominently visible knot or warp or weft thread tied into projection easily visible or felt by touch.(13)In case of dhoti and saree, if any heading is missing (to be packed as "Damaged cloth only").(14)A smach definitely rupturing the texture of the cloth.(15)Prominently noticeable double ends running throughout the length of the piece (in the case of woollen cloth only).(16)Undressed, snarls, noticeable over a length exceeding 5 per cent of the length stamped on the piece; (in the case of woollen cloth only).(17)Any thinly or heavily dyed selvedge being dyed differently from the body of the fabric resulting in non-uniformity of shade and extending beyond 2.5 cm. inside the fabric throughout, (in the case of woollen cloth only).(18)Shading or listing having gradual change in tone or depth of shade of the fabric which may be liable to impart diff, rent shade to the component parts of the garments when made from the cloth.(19)Patchy dyeing on the face side of the woollen fabrics throughout resulting in non-uniformity in the shade of the fabric.(20)In the case of milled and scoured woollen cloth, excess or deficiency of cover, due to difference in milling, scouring or raising.(21)Prominent mill-rigs, such as felted folds and crease produced during milling.(22)Raising pilcing defects, viz. pileless, sports, uneven or loose pile sports, uneven raised spot, etc. over 2 sq. cm and noticeable uneven raising or absence of piling raising.(23)Cockled finish causing defective appearance in texture of the fabric throughout the piece due to irregular tension, unbalanced or defective processing.(24)"Any other defect notified by the Textile Commissioner from time to time.