
**ELECTRICAL APPLIANCES (QUALITY CONTROL) ORDER,
1988**

CONTENTS

1. Short title and commencement
2. Definitions
3. Prohibition regarding manufacture, sale, etc. of electrical appliances specified in Col. (2) of the Schedule
4. Certification of manufacturers
5. Prohibition of storage, sale and distribution
6. Power to call for information, etc
7. Testing of samples
8. Delegation of powers
9. Power to issue direction to manufacturers and dealers
10. Compliance of directions
11. Obligation to furnish information
12. Penalty
13. Appeal

**ELECTRICAL APPLIANCES (QUALITY CONTROL) ORDER,
1988**

G.S.R. 356(E), dated the 18th March, 1988 1.-In exercise of powers conferred by Sec. 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 Electrical Appliances (Quality Control) Order, 1988.

(2) It shall come into force on the 1st day of July, 1988, for electrical appliances mentioned at Serial Nos. 1 to 4 in the Schedule attached to this Order and on the 1st day of September, 1988, for electrical appliances mentioned at Serial Nos. 5 to 7 in the said Schedule.

2. Definitions :-

In this Order, unless the context otherwise requires:

(a) "appropriate authority" means any officer not below the rank of Director in the Department of Industrial Development or Civil

Supplies or Director Industries of the State Government or any other officer of equivalent rank appointed by the Central or the State Governments or the Bureau of Indian Standards to implement the provisions of this order ;

(b) "bureau" means Bureau of Indian Standards;

(c) "dealer" in relation to electrical appliances means a person who or a firm or a Hindu undivided family which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such appliance, whether in cash or for deferred payment or for commission, remuneration or other valuable consideration:

(d) "electrical appliances" means the electrical appliances specified in column (2) of the Schedule:

(e) "manufacturer" in relation to electrical appliances means a person who, or a firm or a Hindu undivided family which, produces, makes, assembles or manufactures any such appliances and includes a person who or a firm or Hindu undivided family which claims such appliances to be produced, made assembled or manufactured by such person or firm or Hindu undivided family, as the case may be;

(f) "schedule" means the Schedule annexed to this Order;

(g) "specified standard", in relation to an electrical appliance mentioned in column (2) of the Schedule, means the standard as specified in the corresponding entry in column (3) of the said Schedule;

(h) "standard mark" means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian standard and also includes any Indian Standards Institution Certification Mark specified by the Indian Standards Institution:

(i) "State Government" include a Union Territory Administration.

3. Prohibition regarding manufacture, sale, etc. of electrical appliances specified in Col. (2) of the Schedule :-

(1) No person shall by himself or by any person on his behalf manufacture or store for sale, sell or distribute any Electrical Appliance which does not conform to the specified standard and it shall be with Standard Mark of the Bureau: Provided that nothing in this Order shall apply in relation to export of Electrical Appliances

which do not conform to the specified standard but conform to any specification required by the foreign buyer and such specification shall not in any case be less than the specified standard.

(2) The sub-standard or defective electrical appliances or rawmaterial or components which do not confirm to the specified standard shall be deformed beyond use and disposed of as scrap.

4. Certification of manufacturers :-

(1) All manufacturers of electrical appliances shown in Column (2) of the Schedule shall make an application to the Bureau for obtaining licence for use of the standard mark, within 45 days of the issue of this Order.

(2) The grant of licence by the Bureau for use of the Standard Mark shall be as per provisions under Bureau of Indian Standards Act, 1986 , and the Rules and Regulations framed, thereunder.

(3) When any person himself or by any person on his behalf proposes to manufacture electrical appliances shown; in Col. (2) of the Schedule, he shall make an application to the Bureau within 45 days of commencement of production and obtain licence before the coming into force of this Order.

(4) Consequent to the lapsing/cancellation of any licence or closure of application by the Bureau for one or more of the electrical appliances shown in Col. (2) of the Schedule, other appropriate authority shall also be informed.

5. Prohibition of storage, sale and distribution :-

No person shall himself or by any person acting on his behalf store for sale, sell or distribute, any electrical appliance shown in Col. (2) of the Schedule which does not bear the Standard Mark of the Bureau and manufactured by a person who has obtained a Certification Mark Licence for the purpose.

6. Power to call for information, etc :-

The appropriate authority may with a view to securing compliance with this Order :

(a) require any person engaged in the manufacture, storage for sale, sale or distribution of any electrical appliance to give such information as it deems necessary in relation to the manufacture, storage, for sale, sale or distribution of any electrical appliance for the implementation of this order or require any such person to

furnish to it samples of any electrical appliance or any component of any electrical appliance;

(b) inspect or cause to be inspected any books or other documents or any electrical appliance or the components of any electrical appliance kept by or belonging to or in the possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of any electrical appliance;

(c) cause an officer authorised under Cl. (9) to enter and search any premises and seize and electrical appliance in respect of which it has reason to believe that a contravention of this order has been committed or the said electrical appliance is not of the specified standard.

(d) the provisions of S.100 Code Of Criminal Procedure, 1973 relating to search and seizure shall so far as may apply to searches and seizure under this clause.

7. Testing of samples :-

Samples of any electrical appliance bearing the Standard Mark and drawn by the appropriate authority, for ascertaining whether it is of the specified standard, shall be tested in the laboratory approved by the Bureau and in the manner as determined by the Bureau.

8. Delegation of powers :-

The appropriate authority may by general or special order in writing authorise any officer specified in Cl. (a) of paragraph 2 to exercise on its behalf all or any of its functions under this Order : Provided that no officer who is not of a Gazetted rank, and in the case of Bureau who is not of a rank equivalent to gazetted officer, shall be authorised by the appropriate authority to exercise the powers of search and seizure under Cl. (c) of paragraph 6.

9. Power to issue direction to manufacturers and dealers :-

The appropriate authority may issue such direction to manufacturers and dealers, consistent with the provisions of this Order, as may be necessary in carrying out the purposes of this Order.

10. Compliance of directions :-

Every person engaged in the manufacture, storage for sale, sale or distribution of any electrical appliance, to whom any direction is issued under this Order, shall comply with such direction.

11. Obligation to furnish information :-

No manufacturer or dealer shall with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under Cl. 6 or conceal, destroy, mutilate or deface any books or documents or any electrical appliance shown in Col. (2) of the Schedule kept by such person or in the possession or control of such person.

12. Penalty :-

Any person who contravenes any of the provisions of this Order or fails to carry out any direction or requisition made thereunder shall be punishable and the property in respect of which the order has been contravened, shall be liable to forfeiture under Sec. 7 of the Essential Commodities Act, 1955 (10 of 1955).

13. Appeal :-

(1) Any manufacturer or dealer aggrieved by any decision of the appropriate authority may prefer an appeal in writing to the Central Government, within 30 days from the date of receipt by him of the copy of the order communicating such decision: Provided that the Central Government may admit any appeal after the expiry of the period aforesaid if it is satisfied that the appellant was prevented sufficient cause from filing the appeal in time.

(2) On receipt of the appeal under sub-clause (1), the Central Government may, after giving the appellant an opportunity of being heard, pass such order as it may deem fit.