

EXPORT OF INDUSTRIAL CHAINS (QUALITY CONTROL AND INSPECTION) RULES, 1978

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SCHEDULE 1 :- Levels of Control

EXPORT OF INDUSTRIAL CHAINS (QUALITY CONTROL AND INSPECTION) RULES, 1978

S.O.1659, dated 10th June, 1978 1.-In exercise of the powers conferred by Sec. 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Export of Industrial Chains (Quality Control and Inspection) Rules, 1978.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "agency" means any one of the agencies established at Bombay Calcutta, Cochin, Delhi and Madras under Sec. 7 of the Act;
- (c) "Industrial Chain" means any steel roller chain, bush chain or leaf link chain of simple or multiple construction used for transmission of power or for mechanical handling in any industrial

and other allied field, but shall not include bicycle chains and automotive chains.

3. Quality control :-

(1) The quality of the Industrial Chains intended for export shall be ensured by effecting the following controls at different stages of manufacture together with the levels of control as given in the Schedule annexed hereto, namely :-

(i) Bought out materials and components control.- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and shall have adequate means of inspection or testing to ensure conformity of the incoming lots.

(b) The accepted consignments shall be either accompanied by a supplier's test or inspection certificate corroborating the requirements of the purchase specification in which case occasional checks (that is to say, once in each quarter of the year for the same supplier of the same material) shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test on inspection certificates, or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test house.

(c) The sampling for inspection or test to be carried out shall be based on a recorded investigation.

(d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components.

(e) Adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process control.-

(a) Detailed process specifications shall be laid down by the manufacturer for different processes of manufacture.

(b) Equipments, instrumentation and facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the

process of manufacture.

(iii) Product control.-

(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the specifications recognised under Sec. 6 of the Act.

(b) Sampling (wherever required) for testing shall be based on a recorded investigation.

(c) Adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.

(iv) Preservation control.-

(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather condition.

(b) The product shall be well preserved both during storage and during transit.

(v) Meteorological control.- Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.

(vi) Packing control.- The manufacturer shall lay down a detailed packing specification for export packages and would strictly adhere to the same.

(2) Inspection.- The inspection of Industrial Chains intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at relevant levels satisfactorily and that the Industrial Chains conform to the specifications recognised for them under Sec. 6 of the Act, by the Central Government namely :-

(a) the specifications with detailed requirements as stipulated in the export contract between the foreign buyer and the exporter;

(b) in the absence of any stipulation referred to in Cl. (a) the specifications issued by the Indian Standards Institution or National Standards of a foreign country, for Industrial Chains.

4. Procedure of inspection :-

(1)

(i) The exporter shall give intimation in writing to any agency and submit alongwith such intimation a declaration that the consignment of Industrial Chains has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for the purpose;

(ii) The exporter shall at the same time endorse a copy of such intimation to the nearest office of the Council.

(iii) The addresses of the Council are as under :- Head Office : Export Inspection Council, "Worii Trade Council", 14 / 1B, Ezra Street, 7th Floor, Calcutta-700001. Regional Offices : Export Inspection Council, "Manohar Buildings", Mahatma Gandhi Road, Ernakulam, Cochin-682011. Export Inspection Council, "Aman Chamber," 4th Floor, 113, Maharishi Karve Road, Bombay - 400004. Export Inspection Council, "Municipal Market Building", 3, Saraswati Marg, 4th Floor, KarolBagh, New Delhi-110005.

(2) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than seven days prior to the despatch of the consignment from the manufacturers' premises or exporter's premises.

(4) On receipt of the intimation and declaration under sub-rule (1) the agency shall-

(a) in the case of an exporter who himself is the manufacturer, on satisfying itself that during the process of manufacture he had exercised adequate quality control as provided under rule 3 and followed the instructions, if any, issued by the Council in this regard and manufactured the product according to the standard specifications applicable to it;

(b) in case of an exporter who is not himself the manufacturer, on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality control as provided under rule 3 and instructions, if any, issued by the Council in this regard to manufacture the product according to the standard specifications applicable to it; within three days of carrying out the

inspection, issue a certificate declaring the consignment of Industrial Chains as exportworthy :

Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

5. Affixation of recognised marks and procedure thereof :-

The provisions of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955, shall, so far as may be, apply in relation to the procedure of the affixation of the recognised mark or seal on Industrial Chains prior to export and Industrial Chains so marked shall not be subjected to any inspection under rule 4.

6. Place of inspection :-

Every inspection under these rules shall be carried out at the premises of the manufacturer or exporter at the port of shipment.

7. Inspection fee :-

A fee at the rate of thirty paise for every hundred rupees of F.O.B. value subject to a minimum of rupees fifty only for each such consignment shall be paid by the exporter to the agency as fee for inspection under rule 4.

8. Appeal :-

(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

SCHEDULE 1

Levels of Control