

GENERAL SERVICE ELECTRIC LAMPS (QUALITY CONTROL)ORDER, 1989

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GENERAL SERVICE ELECTRIC LAMPS (QUALITY CONTROL)ORDER, 1989

³3. Published in the Gazette of India Extraordinary, Pt. II, Sec. 3 (i) , dated 24th April. 1989. G.S.R. 463(E), dated 24th April, 1989.-In exercise of the powers conferred by of the Essential Commodities Act, 1955 (10 of 1955)central Government hereby makes the following Order, namely:-

1. Short title and Commencement :-

(1) This Order may be called the General Service Electricc Lamps (Quality Control) Order, 1989.

(2) It shall come into force on the date of its publication in the Official Gazette.

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 by the Bureau of Indian Standards to implement the provisions of this Order;

(b) 'Bureau' means Bureau of Indian Standards:

(c) 'Dealer' in relation to General Service Electric Lamps 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 lamps, whether in cash or for deferred payment or for commission, remuneration or other valuable consideration;

(d) 'General Service Electric Lamps' means a tungsten filament general service electric lamps up to 100 watts in which light is produced by means of body heated to incandescence by the passage of electric current and intended for use for general lighting purposes;

(e) 'Manufacture' in relation to general service electric lamps means a person so, or a firm or a Hindu undivided family which, produces, makes, assembles or manufactures any such lamps and includes a person who or a firm or a Hindu undivided family which claims such lamps to be produced, made, assembled or manufactured by such person or firm or Hindu undivided family, as the case may be;

(f) 'specified standard' means the following : Indian standard/specification:

(g) 'Standard Mark' means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard as stated in C (f) of paragraph 2 above.

(h) 'State Government' includes a Union Territory Administration.

3. Prohibition regarding manufacture, sale, etc. of general service electric lamps specified in paragraph 2(f) :-

(1) No person shall by himself or by any person on his behalf manufacture or store for sale, sell or distribute any general service electric lamp which does not conform to the specified standard and it shall bear the Standard Mark of the Bureau. Provided that nothing in this Order shall apply in relation to export of general service electric lamps which do not conform to the specified standard but conform to any specification required by the foreign buyer and such buyers' specification shall not in any case be less

than the specified standard.

(2) The sub-standard or defective general service electric lamps or raw material or components which do not conform to the specified standard shall be deformed beyond the use and disposed of as scrap.

4. Certification of manufacturers :-

(1) All manufacturers of general service electric lamps shown in Cl. (f) of paragraph 2, 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 licences by the Bureau for use of the Standard Mark shall be as] 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 this behalf proposes to manufacture general service electric lamps shown in Cl (f) of paragraph 2, he shall not commence production without first obtaining a valid licence from the Bureau for use of the Standard Mark.

(4) Consequent to the lapsing/cancellation of any licence by the Bureau for general service electric lamps shown in Cl. (f) of paragraph 2, other Appropriate Authorities other than the Bureau 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 general service electric lamp shown in Cl. (f) of paragraph 2 above 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, sales or distribution of any general service electric lamp to give such information as it deems necessary in relation to the manufacture, storage for sale, sales or distribution of any general service electric lamp for the implementation of this Order or require any such person to furnish to it samples of any electric lamp or any

component of any electric lamp;

(b) inspect or cause to be inspected any books or other documents or any general service electric lamp or the components of any such lamps 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 general service electric lamps;

(c) cause an officer authorised under paragraph(8) to enter and search any premises and seize any general service electric lamp in respect of which it has reason to believe that contravention of this Order has been committed or the said general service electric lamp 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 be, applied to searches and seizures under this clause.

7. Testing of samples :-

Samples of any general service electric lamp bearing the Standard Mark and drawn by the Appropriate Authority, for establishing 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 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 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 directions to manufacturers and dealers, consistent with the provisions of this Order, as may be necessary in carrying out the purpose of this Order.

10. Compliance of directions :-

Every person engaged in the manufacture, storage for sale, sale or distribution of any general service electric lamps 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 paragraph 6 or conceal, destroy, mutilate or deface any books or documents or any general service electric lamp shown in Cl. (f) of paragraph 2 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 by sufficient cause from filing the appeal in time.

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

14. Repeal and Saving :-

The General Service Electric Lamps (Quality Control) Order, 1986, is hereby repealed, except in respect of things done or omitted to be done thereunder before such repeal.