

HANDLOOMS (RESERVATION OF ARTICLES FOR PRODUCTION) RULES 1986

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HANDLOOMS (RESERVATION OF ARTICLES FOR PRODUCTION) RULES 1986

In exercise of the powers conferred by sub-section (1) of Section 19 of the Handlooms (Reservation of Articles for Production) Act, 1985, (22 of 1985), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement :-

(1) These rules may be called the Handlooms (Reservation of Articles for Production) Rules, 1986.

(2) They shall come into force ¹ "on" the 31st day of March, 1986.

1. Substituted for "on and from" by the Handlooms (Reservation of Articles for Production) (Amendment) Rules, 2000.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Handlooms (Reservation) of Articles for Production) Act, 1985, (22 of 1985) ;

¹ "(b) "authorised officer" means any officer subordinate to the Central Government or to the State Government not below the rank of Assistant Director, or by whatever name called or to any authority as may be authorised by the Central Government under Sec. 15 of the Act,"

(c) "Sample" means a sample of any cloth taken under the provisions of the Act or under these rules.

1. Substituted for "(b) "Authorised Officer" means any officer subordinate to the Central Government or to the State Government or to any Authority, as may be authorised by the Central Government under Section 7 of the Act;" by the Handlooms (Reservation of Articles for Production) (Amendment) Rules, 2000.

3. Establishment and constitution of Advisory Committee :-

(1) The Advisory Committee to be constituted under sub-section (1) of Section 4 of the Act shall consist of a Chairman and such other members, not exceeding thirty, as may be nominated by the Central Government,

(2) The Advisory Committee shall ¹ have a tenure of three years: Provided that if the Central Government is of opinion that it is necessary or expedient so to do, it may reconstitute the Advisory Committee earlier than the aforesaid period of three years.

(3) A casual vacancy occurring in the offices of the Chairman or members of the Advisory Committee by resignation or otherwise shall be filled by a fresh nomination and the persons nominated to fill the vacancy shall hold office only for the remainder of the term for which the Chairman or, as the case may be, the members whose place he takes, was nominated.

(4) The Chairman of the Advisory Committee shall preside at its meetings: Provided that where the Chairman is unable to attend any meeting of the Advisory Committee, he shall nominate one of the members of the Advisory Committee to preside over the meeting,

(5) The Advisory Committee may meet at such places and at such times as may be determined by the Chairman : Provided that the Advisory Committee shall meet at least once a year to review the list of reserved articles.

1. Omitted for "normally" by the Handlooms (Reservation of Articles for Production) (Amendment) Rules, 2000.

4. Procedure to be followed by Authorised Officer :-

(1) Where an authorised officer seizes any article or class of articles under sub-section (2) of Section 8 of the Act, he shall take a sample of the seized cloth and divide it into three parts measuring not less than half metre each which shall be sealed carefully in separate containers and the signature or thumb impression of the persons from whom the samples has been taken, shall be fixed on

each container along with the mark and seal of the authorised officer.

(2) The authorised officer shall hand over one part of the sample so taken to the person concerned and secure from him proper acknowledgement for the same by way of signature or thumb impression : Provided that where such person refuses to sign or put his thumb impression, the authorised officer may prepare a seizure memorandum and record therein that the person concerned has refused to sign or put his thumb impression: Provided further that the seizure memorandum shall be sent to the person concerned through registered post at his known address and such despatch through registered post shall be taken as a proof of the person concerned having received the seizure memorandum within a period of seven days of the said despatch.

(3)

(a) The authorised officer shall send the second part of the sample to a testing laboratory set up by the Central Government or the State Government or to institutions recognised by the Central Government or State Government as may be duly notified, from time to time, by the Central Government or, as the case may be, by the State Government for a particular area or zone in this behalf: Provided that where such laboratory or institution has not been so notified, the sample may be sent for being tested to a public analyst authorised in this behalf for a particular area or zone by the Central Government or, as the case may be, by the State Government.

(b) The testing laboratory or institution or public analyst aforesaid shall perform the necessary tests either by chemical analysis or by any other method, as deemed fit, to determine whether the sample sent by the authorised officer was made on handlooms or powerlooms and report the findings to the authorised officer.
1"within a period of two months"

(4) Subject to the provisions of sub-section (3) of Section 8 of the Act, the authorised officer shall retain the third part of the sample and keep it in safe custody for such period as he may deem necessary.

(5) The authorised officer shall seize the powerloom used for production of articles in violation of orders issued under Section 3

of the Act in the presence of the owner or, as the case may be, the operator of the powerloom. and the fact of seizing the powerloom along with the acknowledgement of the owner or of the operator by way of his signature or thumb impression shall be intimated to the producer in writing and a copy thereof shall be affixed at some conspicuous place in the premises where the powerloom is installed: Provided that where it is not practicable to seize the said powerloom, the authorised officer may follow the procedure specified in the proviso to sub-section (2) of Section 8 of the Act.

(6) Subject to the provisions of sub-section (3) of Section 8 , the authorised officer shall keep the seized goods in safe custody for such period as he may deem necessary.

2 "(7) (a) The authorised officer, after search and seizure, shall as soon as possible report the matter to the officer incharge of the local police station having jurisdiction to investigate the case. (b) The authorised officer shall also report the matter to the Central Government or the State Government as the case may be explaining the action taken by him."

(8) Whenever the authorised officer apprehends any resistance or trouble from any person, he may take assistance from the local police station for carrying out his duties to search and seizure.

(9) The provisions of this rule shall be in addition to and not in derogation of the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures.

1. Inserted by by the Handlooms (Reservation of Articles for Production) (Amendment) Rules, 2000.

2. Substituted for "(7) The authorised officer, after search and seizure, shall also report the matter to the officer in charge of the local police station having jurisdiction to investigate the case." by the Handlooms (Reservation of Articles for Production) (Amendment) Rules, 2000.

5. Disposal of forfeited articles :-

The article or class of articles forfeited to the Central Government under Section 1 Oof the Act shall be sold only through the following channels of sales, namely :-

(a) cooperative outlets;

(b) fair price shops affiliated to National Cooperative Consumers' Federation;

(c) fair price shops opened by the Central Government or State Government or Handicrafts and Handloom Corporations or Apex Emporia: ¹ "provided that the authorised officer shall hold a meeting of the Evaluation Committee comprising of representatives of the aforesaid agencies for evaluation and disposal of the forfeited goods through them: provided further that."

1. Substituted for proviso "Provided that the powerlooms forfeited to the Central Government may be transferred or handed over to powerloom service centres set up by the Central Government or the State Government on depreciated cost to be determined by the Central Government from time to time." by the Handlooms (Reservation of Articles for Production) (Amendment) Rules, 2000.