
HOUSEHOLD ELECTRICAL APPLIANCES (QUALITY CONTROL) ORDER, 1981

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SCHEDULE 1 :-SCHEDULE OF HOUSEHOLD ELECTRICAL APPLIANCES

HOUSEHOLD ELECTRICAL APPLIANCES (QUALITY CONTROL) ORDER, 1981

S.O. 797 (E), dated 12th November, 1981. 4 -In exercise of the powers conferred by Sec. 3 of the essential Commodities Act, 1955 (10 of 1955) the Central Government, being of the opinion that it is necessary and expedient so to do for regulating the manufacture, store, sale and distribute the household electrical appliances hereby makes the following order, namely :

1. Short title, extent and commencement :-

(1) This Order may be called the Household Electrical Appliances (Quality Control) Order, 1981.

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

2. Application :-

It shall not apply to the manufacturers of household electrical appliances in respect of such appliances which are marked with I.S.I. Mark under a valid licence issued under the I.S.I. (Certification Marks) Act, 1952.

3. Definitions :-

In this Order, unless the context otherwise requires-

(a) "Act" means the Essential Commodities Act, 1955 (10 of 1955) ;

(b) "appropriate authority" means any officer of the rank of Director of Industries, Director of Civil Supplies or any officer of equivalent rank appointed by the State-Government to implement the provisions of this order;

(c) "dealer" in relation to household 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) "household electrical appliances" means the electrical appliances specified in column (2) of the Schedule ;

(e) "manufacturer" in relation to household 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 a household 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 and includes the standard published by the Indian Standard Institution from time to time in relation to that appliance ;

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

4. Prohibition of manufacture, sale, etc. of household electrical appliances which are not of the specified standard :-

(i) No person shall himself or by any person acting on his behalf manufacture, store for sale, sell or distribute any household electrical appliance which does not conform to the specified standard.

(ii) Every household electrical appliance offered or exposed for sale or sold shall bear conspicuously on the appliance and where it is not possible on the package as the case may be, the name and address of the manufacturer and where none of the above modes is practicable it shall be accompanied by a certificate or label to that effect and also a declaration that the appliance conforms to the specified standard: Provided that nothing in this clause shall apply to any household electrical appliance which is intended for export if it conforms to any other standard specified by the foreign buyer in a firm contract for the purchase of such appliance so long as it is in conformity with the provisions of export (Quality, Control and Inspection) Act, 1963, wherever applicable.

5. Certification of manufacturers :-

(i) No person shall himself or by any person acting on his behalf if he is already a manufacturer continue to manufacture any household electrical appliance unless he has obtained a manufacturer certificate for the said appliance from the Appropriate Authority of the State in which he manufactures the appliance within a period of three months.

(ii) No person shall hereafter himself or by any person on his behalf manufacture any household electrical appliance unless he has obtained a manufacturer's certificate for the said appliance from the Appropriate Authority of the State in which he proposes to manufacture the appliance.

(iii) The appropriate authority may at any time revoke a manufacturer's certificate for any one or more of the appliances for good and sufficient reasons to be recorded in writing: Provided that the manufacturer whose certificate has been so revoked may prefer an appeal against such revocation in the manner specified in Cl. 14. After the revocation of the manufacturer's certificate or as the case may be after rejection of the appeal against such revocation the manufacturer shall forthwith cease to manufacture the household

electrical appliance for which the Manufacturer's certificate so revoked had been issued.

6. 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 household electrical appliance which has not been manufactured by a person who has obtained manufacturer's certificate under Cl. 5 or an Indian Standards Institution Certification Mark Licence after the date appointed in this behalf by the State Government.

7. 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 household electrical appliance to give such information as it deems necessary in relation to the manufacture, storage for sale, sale or distribution of any household electrical appliance for the implementation of this Order or require any such person to furnish to it samples of any household electrical appliance or any component of any household electrical appliance;

(b) inspect or cause to be inspected any books or other documents or any household electrical appliance or the components of any household 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 or distribution of any household electrical appliance;

(c) cause an officer authorised under Cl. 12 to enter and search any premises and seize any household electrical appliance in respect of which it has reason to believe that a contravention of this Order has been committed or the said appliance is not of the specified standard ;'

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

8. Testing of examples :-

(i) Where the appropriate authority is of the opinion that it is necessary so to do for, the purpose of ascertaining whether any household electrical appliance is of the specified standard it may

take from any person engaged in the manufacture, storage for sale, sale or distribution of any such electrical appliance three samples thereof-one to be tested, one to be sealed and kept with the appropriate authority and one to be left with the manufacturer or the dealer as the case may be.

(ii) All the three samples shall be sealed in the presence of the person so engaged in the manufacture, storage for the sale or distribution of such electrical appliances or his authorised representative. A receipt in such form as may be specified by appropriate authority shall be given to such person in respect of the samples so taken and the price of the electrical appliance shall be paid by the appropriate authority to such person if the samples conform to the specified standard otherwise the samples shall be forfeited.

(iii) Where the appropriate authority has taken any sample of household electrical appliance under sub-clause (i) shall deliver the same forthwith for testing to any laboratory approved by the Indian Standards Institution to ascertain whether the sample is of the specific standard. The testing charges will be paid by the appropriate authority.

(iv) The appropriate authority may decide in each case what tests should be performed by a laboratory in respect of a particular appliance in order to ascertain whether the appliance conforms to the specified standard. A continuous record of the tests so performed and the results thereof in respect of each type of appliance of each manufacturer shall be maintained by the appropriate authority : Provided that if the manufacturer belongs to a State different from the State in which a sample has been drawn from a dealer the appropriate authority drawing the sample will not communicate directly with the manufacturer but will communicate the test report to the appropriate authority of the State wherein the manufacturer is registered and the latter authority will give necessary directions to the manufacturer in accordance with the provisions of this order.

(v) The officer in charge of the laboratory referred to in sub-clause (iii) shall carry out or cause to be carried out tests necessary to determine whether the sample conforms to the specified standard and give a report on the result of the tests in triplicate to the authority sending the sample for test in such form as may be specified by the appropriate authority.

(vi) If necessary the testing laboratory may call for the second sample available with the appropriate authority or the manufacturer or the dealer may ask for a test on the sample left with him and the test may be carried out in the presence of the manufacturer or dealer or his authorised representative and observer.

9. Power to prohibit disposal of any household electrical appliance not conforming to specified standard :-

(i) where the appropriate authority is satisfied on the basis of a test report received under sub-clause (v) of Cl. 8 that any household electrical appliance is not of the specified standard and the defect can be removed he may direct the person engaged in the manufacture, storage for sale, sale or distribution of such appliance to remove the defect and not to dispose of such appliances until authorised by the appropriate authority to do so.

(ii) Where the appropriate authority is satisfied that the defect in the appliance cannot be removed, he may direct the person engaged in the manufacture, storage for sale, sale or distribution of such appliance to withdraw forthwith the appliance from the market.

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

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 purposes of this Order.

11. Compliance of directions :-

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

12. Delegation of power :-

The appropriate authority may, by general or special order in writing, authorise any officer to exercise on its all or any of its functions under this Order provided that no officer who is not of a @1 [Assistant Director or officer of equivalent] rank shall be authorised by the appropriate authority to exercise the powers of search and seizure under para. (c) of sub-clause (1) of Cl. 7.

13. 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. 7 or conceal, destroy, mutilate or deface any books or documents or any household electrical appliance kept by such person or in the possession or control of such person.

14. Appeal :-

(i) Any manufacturer or dealer aggrieved by any decision of the appropriate authority may appeal in writing to the appellate authority, as may be notified by the State Government concerned, within 30 days from the date of receipt by him of the copy of the order communicating such decision: Provided that the appellate authority 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.

(ii) On receipt of the appeal under sub-clause (i.) , the Appellate authority may, after giving the appellant an opportunity of being heard, pass, such order as it may deem fit.

15. Penalty :-

Any person who contravenes any of the provisions of this Order or of the terms and conditions of the manufacturer's certificate, 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).

16. Repeal :-

The Household Electrical Appliances (Quality Control) Order, 1976, is hereby repealed, save in so far as any action already taken.

SCHEDULE 1

SCHEDULE OF HOUSEHOLD ELECTRICAL APPLIANCES

SI. No. \ \ Household Electrical Appliances \ \ \ Standard [I. \ \ [*****] 2. \ \ \ Storage type automatic electric water \ \ \ heaters - \ \ \ \ \ \ IS: 2082-1978 3. \ \ [***] 4. \ \ \ Rubber insulated cables (with copper \ \ \ conductors) \ \ \ \ \ IS: 434 (Part 1) 1964 5. \ \ \ Rubber insulated cables (with \ \ IS: 434(Part II) 1964 \ \ \ aluminium conductors) 6. \ \ \ PVC insulated cables (for voltage \ \ \ upto 100V) \ \ \ \ \ \ IS: 694-1977 7. \ \ \ Polyethylene insulated and PVC \ \ \ sheathed cables upto and including \ \ \ 1,000 volts \ \ \ \ \ \ [IS: 1556-1977] [8. [*****] 9. [* * * * *] 10. \ \ Electric Hot Plates \ \ \ IS: 365-1965 11. \ \ Domestic Electric Food Mixers \ (liquidizers, blenders and grinders) \ \ [IS: 4250-1980] 12. \ \ Electric Toasters \ \ \ \ \ IS: 1287-1965 13. \ \ Electric Coffee percolators (Non- \ \ regulators types) \ \ \ \ \ is: 3514-1966 14. \ \ Electric Kettles and Jugs for house- \ \ IS: 367-1977 \ \ hold and similar use 15. \ \ Domestic electric clothes washing \ \ machines (non-automatic) \ \ \ IS: 6390-1971 (16. [*****] 17. \ \ Electric Water boilers \ \ \ \ \ IS: 3412-1965 18. \ \ Mains-operated electric hair driers: \ \ \ IS: 7154-1973
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19. \Mains-operated electric shavers \ \IS: 5159-1969 20. \ \Domestic electric cooking ovens \IS: 5790-1970 21. \ \Steam Irons \ \ \ \IS: 6290-1971 22. \ \Flexible Electric Heating pads \IS: 5161-1969 \ \Domestic use 23. \ \Portable, hand-held mains-operated \ \electric massagers \ \ \IS: 7137-1973 24. \ \Portable low-speed food grinding \ \machine \ \ \ \IS: 7603-1975 25. \Appliance-connectors and appliance \ \ \IS: 3010 (Part 1) 1965 \inlets (non-reversible three pin-type) \appliance connectors 26. \Appliance-connectors and appliance \inlets (non-reversible threepintype) \ \appliance inlets \ \ \ \ \IS: 3010 (Part 11)1965 27. \Thermostats for use with Electric \Water Heater \ \ \ \ \IS: 3017-1965 28. \artridge type-heating elements \ \ \ \ (non-embedded type) \ \ \ \IS: 3724-1966 29. \Resistance wires, tapes and \ \ \ \IS : 3725-1966 \strings for heating elements 30. \Solid embeded-type electric heating \ \ \IS: 4158-1967 \elements 31. \Mineral-filled sheathed heating \elements \ \ \ \ \IS: 4159-1976 32. \Thermostats for general purpose \electric ovensIS: 4165-1967 33. \Mica insulated heating elements \ \IS: 6446-1972] 34 r* * * * *j \ \ \ \ 35. \Electric portable lamp stands and \ \ \brackets \ \ \ \ \IS: 3481-1966 [36. ^ * * * *] \ \ \ \ \ 37. \Three pin plugs made of resilient \materials \ \ \ \ \ \IS: 6538-1971 38. Bayonet Lampholders \ \ \ \ \IS: 1258-1967 39. Electric instantaneous water heaters \ \ \IS: 8978-1978 40. Single-walled backing oven \ \ \ \IS: 8985-1978