

WOOLLEN TEXTILES (PRODUCTION AND DISTRIBUTION CONTROL) ORDER, 1962

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WOOLLEN TEXTILES (PRODUCTION AND DISTRIBUTION CONTROL) ORDER, 1962

WOOLLEN TEXTILES (PRODUCTION AND DISTRIBUTION CONTROL) ORDER, 1962

1. Short title and commencement :-

(1) This Order may be called the Woollen Textiles (Production and Distribution Control) Order, 1962.

(2) It shall come into force at once.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "dealer" means a person carrying on the business of selling wool tops, woollen yarn or woollen cloth, or any two or all of these article whether wholesale or retail and whether or not in conjunction with any other business;

(b) "manufacturer" means a manufacturer of wool tops, woollen yarn or woollen cloth or any two or all of these articles and includes a manufacturer of any fabric or article made of woollen yarn or woollen cloth and processor of wool tops, woollen yarn or woollen cloth ;

(c) "processor" means a person engaged exclusively in any process ancillary to the production of wool tops, woollen yarn or woollen cloth, such as, dyeing, bleaching and finishing and the expression "process" and its grammatical variants shall be construed accordingly ;

(d) "Textile Commissioner" means the Textile Commissioner appointed by the Central Government and includes an Additional or a Joint or a Deputy Textile Commissioner, ¹ [the Industrial Adviser and ex-off icio Joint Textile Commissioner], the Controller of Woollen Textiles appointed by the Central Government, and any other officer whom the Central Government or the Textile Commissioner, with the previous sanction of the Central Government, may authorise to exercise all or any of the powers of the Textile Commissioner under this Order;

(e) "woollen cloth" means any fabric made wholly from wool or partly from wool and partly from any other material such material being less than 40 per cent. by weight, and includes any article made from such fabric and any hosiery or hosiery-knitted fabric;

(f) "woollen yarn" means yarn manufactured either wholly from wool or partly from wool and partly from any other material and includes worsted and shoddy- yarn ;

(g) "wool top" means combed woollen silver used for spinning woollen worsted yam.

1. Subs. by S.O. 2642, dated the 18th August, 1966.

3. Prohibition of acquisition, installation, sale, etc. :-

(1) No person shall, except with the prior permission in writing of the Textile Commissioner, acquire or install or sell or otherwise dispose of ¹[or change the location of] any spindle worked by power and use it for the purpose of manufacturing woollen yam.

(2) No person shall, except with the prior permission in writing of the Textile ²[or change of the location of] any machinery for woollen combing worked by power and use it for the purpose of manufacturing wool tops.

(3) No person shall except with the prior permission in writing of the Textile Commissioner acquire or install or otherwise dispose of ²[or change the location of] any woollen-

- (i) rag washing machine;
- (ii) rag tearing machine;
- (iii) rag cutting machine; or
- (iv) garnetting machine;

⁴[Provided that in the case of the State of Jammu and Kashmir, the owner of every machine mentioned in sub-clause (1), (2) or (3), which is already acquired and installed, shall, within a period of 100 days from the date of commencement of the woollen Textiles (Production and Distribution) Control Amendment Order, 1972, apply to Textile Commissioner for working each such machine: Provided further that in the case of any machine for which a permission has not been obtained as required in the first proviso, the Textile Commissioner may, if he is satisfied that the owner had sufficient cause for not applying in time, and, after making such enquiry as he may consider necessary, issue a permit.] ⁵ [Provided that nothing in sub-clauses (1) to (3) shall apply to the acquisition or installation of any machinery referred to therein in pursuance of a licence issued under the provisions of Industries (Development and Regulation) Act, 1951.

(4) If the Textile Commissioner is satisfied, either on a reference made to him in this behalf or otherwise, that any person, to whom a permission has been granted under sub-clause (1), (2) or (3), had supplied incorrect information for the purpose of obtaining such permission, he may, after giving the person concerned an opportunity to explain, and without prejudice to any other action that may be taken against such person, revoke such permission and shall furnish him with a copy of the order of revocation. On the revocation of a permission under this sub-clause the machines to which the permission relates shall not be worked].

1. Ins. by S.O. 2256, dated the 27th June, 1967.
2. Ins. by S.O. 2256, dated the 27th June, 1967.
4. Added by S.O. 966, dated the 30th March, 1972.
5. Added by S.O. 2412, dated the 18th August, 1973.

3A. Control on production :-

If the Textile Commissioner is satisfied that it is necessary to co-ordinate production of wool tops, woollen yarn or woollen cloth with the needs of the general public, he may, from time to time, issue direction to any manufacturer or class of manufacturers or the manufacturers generally or any processor regarding the classes or specifications of wool ,tops, woollen yarn or woollen cloth and the proportions in which or the maximum and minimum quantities

thereof, which they shall or shall not produce during such period as may be specified in the directions, and they shall comply with such directions. (2) In the exercise of the powers conferred upon him by sub-clause (1), the Textile Commissioner shall have regard to the capacity of the manufacturer or processor to produce or process different varieties of wool lops, woollen yarn or woollen cloth and to the needs of the general public.]

4. [Fixation of prices, specification of packing and marking]

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[(1) The Textile Commissioner may, by order, fix,-

(a) the spinning charges of any variety of woollen yarn ;

(b) the processing charges of any variety of woollen yarn ; and

(c) the maximum prices, ex-factory, wholesale and retail, at which any variety of woollen yarn may be sold.

(1-A) In fixing the spinning charges for different varieties worsted wearing, hosiery and hand-knitting yarn as also woollen and shoddy yarn, the Textile Commissioner shall, among other things, take into account factors, such as-

(i) the count of yarn to be spun :

(ii) the quality of the wool tops ;

(iii) whether the yarn is a single yarn or doubled yarn or multiplied yarn ;

(iv) whether the yarn is to be related into books or bound into cones or cheeses and rackhed;

(v) the visible and invisible wastage ;

(vi) the allowance for fair return on capital employed ;

(vii) the allowance for rehabilitation of machinery.]

2[(2) The Textile Commissioner may specify the manner of packing woollen yarn, markings to be made by manufacturer or dealer on any class or specification of woollen yam manufactured or as the case may be sold by him and the time and manner of making such markings.]

1[(3) No processor or manufacturer of any variety of woollen yam

shall charge an amount in excess of the charges fixed under sub-clause (1) for spinning processing such yarn.

(4) No manufacturer of, or dealer in woollen yarn shall sell or offer for sale woollen yarn at a price in excess of the price fixed under sub-clause (1) or packed or marked in manner different from that specified under sub-clause (2).

⁴ [(5) Every marking specified by the Textile Commissioner under sub-clause (2) with respect to length, width, count, denier number or weight shall always be subject to the relevant limits of variations contained in the instructions, for the time being in force, issued by the Central Government under S.95 of the Trade and Merchandise Marks Act, 1958].

1. Subs. by S.O. 3509, dated the 27th September, 1968.

2. Subs. by S.O. 186 (E), dated 16th March, 1981 (w.e.f. 16th March, 1981).

4. Ins. by S.O. 3617, dated the 23rd November, 1966.

5. Cash memorandum to be given for processing or sales :-

The Textile Commissioner may, by notification in the Official Gazette, require the processors or manufacturers of, and dealers in woollen yarn to give a cash memorandum in respect of every processing or sale, as the case may be, of woollen yarn in such form as may be specified in the notification.

6. Power to require processing, sale, etc :-

(1) The Textile Commissioner may, with a view to secure proper manufacture or distribution of woollen yarn, issue directions to any processor or manufacturer of or dealer in woollen yarn-

(a) not to process any variety of woollen yarn except under and in accordance with a permit issued by him or by any other officer specified by him in this behalf;

(b) to process any variety of woollen yarn held by any person specified by the Textile Commissioner or by any other officer authorised by him in this behalf;

(c) not to sell any woollen yarn in his possession except under and in accordance with a permit issued by him or by any other officer specified by him in this behalf:

(d) to sell any stock of woollen yarn held by such manufacturer or dealer to any person specified by the Textile Commissioner or by

any other officer authorised by him in this behalf.

(2) Every processor, manufacturer or dealer to whom any direction is issued under sub-clause (1) shall comply with such direction.

7. Refusal to process or sell :-

(1) No processor of any variety of woollen yarn shall, without sufficient cause, refuse to process such woollen yarn.

(2) No manufacturer of, or dealer in woollen yarn shall, without sufficient cause refuse to sell woollen yarn to any person.

Explanation.-For the purposes of this clause- (1) the possibility or expectation of obtaining a higher processing charge or a higher price at a later date shall not be deemed to be sufficient cause ; (2) the expressions "processor", "manufacturer" and "dealer" shall include any person employed by or acting on behalf of such processor, manufacturer or dealer.

8. Accounts and returns :-

Every processor or manufacturer and every dealer in woollen yarn shall keep such books, accounts and records relating to the business carried on by him and shall furnish such return or information and at such intervals as the Textile Commissioner may require.

9. Provisions to apply to wool tops and woollen cloth :-

The provisions of Cls. 4 to 8 shall apply in relation to wool tops and woollen cloth and processors or manufacturers of, and dealers in, wool tops and woollen cloth as they apply in relation to woollen yarn and processors or manufacturers of, and dealers in woollen yarn.

10. Power of entry, search, etc :-

(1) The Textile Commissioner or any other officer authorised by him in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,-

(a) require any person to give such information in his possession with respect to any business carried on by that or any other person; ¹[(aa) require any person in writing to furnish samples of any article to which this Order applies];

(b) enter and search any premises in which any processor, manufacturer or dealer is carrying on business and inspect any

books or other documents in such premises;

(c) seize any article therein in respect of which he has reason to believe that this Order has been or is being contravened.

²[(1-A) Every person who is required to give any information under para. (a) ³[or furnish samples under para (aa)] of sub-clause (1) shall comply with such requisition.] (2) The provisions of Sees. 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) ⁴ relating to search and seizure shall, so far as may be apply to searches and seizures under this clause.

1. Subs. S.O. 2787, dated the 12th September, 1966.

2. Ins. by S.O. 1218, dated the 12th April, 1965.

3. Subs. by S.O. 2787, dated 12th September, 1966.

4. Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974).

11. Repeal :-

The Woollen Textiles (Production and Distribution Control) Order, 1960, is hereby repealed except as respects things done or omitted to be done before such repeal.