

## **CEMENT (QUALITY CONTROL) ORDER, 1962**

### CONTENTS

1. Short title and extent
2. Definitions
3. Prohibition of manufacture, sale, etc. of cement which is not of the prescribed standard

## **CEMENT (QUALITY CONTROL) ORDER, 1962**

<sup>2</sup>2 . Vide S.O. 3995/ECH/2/62, dated the 24th November, 1962, published in the Gazette of India, Extraordinary, Pt. II Sec. 3(ii), dated the 1st December, 1962. S.O.440(E), dated the 30th June, 1976.-In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955,(10 of 1955), the Central Government hereby directs that the Cement (Quality Control) Order, 1962, shall extend to, and come into force in the State of Sikkim with effect on and from the 30th June, 1976. Vide Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated the 30th June, 1976.

### **1. Short title and extent :-**

(1) This order may be called the Cement (Quality Control) Order, 1962.

(2) It extends to the whole of India <sup>1</sup> [ \* \* \* ]

1. Omitted by S.O. 1634, dated 17th April, 1969.

### **2. Definitions :-**

In this Order, unless the context otherwise requires,-

(a) "cement" means any variety of cement manufactured in India and includes blast furnace slag cement, portland pozzolana cement, rapide hardening portland cement, white portland cement, hydrophobic portland cement, ordinary portland cement, low heat portland cement, high strength ordinary portland cement, cement used for the manufacture of railway sleepers, masonry cement, oil well cement, super sulphated cement or any other variety of cement which the Central Government may, by notification in the

Official Gazette, specify for the purposes of this Order ;

<sup>1</sup> (b) "prescribed standard" means, the Indian Standard Specification (s) on different types of cement formulated by the Bureau of Indian Standards from time to time.

1. Substituted for " (b) "prescribed standard" means the Indian Standard : (i) No. IS:8041-E-1976 relating to Rapid Hardening Portland Cement. (ii) No. IS:8042-E-1976 relating to White Portland Cement. (iii) No. IS:8043-E-1976 relating to Hydrophobic Portland Cement. (iv) No. IS:269-1976 relating to Ordinary and Low Heat Portland Cement (Third Revision). (v) No. IS:455-197-6 relating to Portland Blast Furnace Slag Cement (Third Revision). (vi) No. IS:1489-1976 relating to Portland Pozzolana Cement (Second Revision). (vii) No. IS:8112-1976 relating to High Strength Ordinary Portland Cement and cement used for the manufacture of railway sleepers. (viii) No. IS:3466-1967 relating to Masonry Cement (First Revision). (ix) No. IS:8229 E-1976-Oil Well Cement (now under print). (x) No. IS:6909-1973-Super Sulphated Cement. Explanation.-Cement shall not be deemed to be of prescribed standard, if it is not of the nature, substance or quality which it purports or it represents to be.] ", vide " CEMENT (QUALITY CONTROL) ORDER, 1962" Dt. dated 11th October, 1991 Published in Noti. No. S.O. 679 (E), dated 11th October, 1991, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 11th October, 1991.

### **3. Prohibition of manufacture, sale, etc. of cement which is not of the prescribed standard :-**

No person shall himself, or by any person on his behalf, manufacture or store for sale, sell or distribute any cement which is not of the prescribed standard. <sup>1</sup>[Provided that the Central Government may, on an application made, permit any person to manufacturer store for sale, or sell or distribute cement without ISI mark for a period not exceeding three months, if it is satisfied that the grant of regular BIS certification mark is pending with the authorities under Bureau of Indian Standards Act, 1986 .] Cement Quality Control Order, 1962-Cl. 3.-In the undemoted case the signatory to Ex. P. 4 who himself appears to be not Joint Director, does not fall within the category of the Scientific Experts enumerated under Sec. 293 (4), Cr. P.C. It is also not claimed by the prosecution that the Chemical Testing and Analytical Laboratory is a State Forensic Science Laboratory, Ex. P. 4 has to be proved in accordance with law by examining the author, who would be subjected to cross-examination by the accused. Ex. P. 4 has to be excluded in law. As rightly pointed out by the learned Counsel for

the appellant, if Ex. P. 4 is excluded, there is nothing on record to show that the cement bags contained adulterated cement. <sup>2</sup>Power to regulate qualitatively or quantitatively.-The Supreme Court in Hamdard Dawakhana v. Union of India <sup>3</sup>has categorically observed that the power to regulate the production of an essential commodity will include the power to regulate the production of the Essential Commodity which may operate either qualitatively or quantitatively. <sup>4</sup>

1. Mohan Lal v. State of Rajasthan, 1983 E.F.R. 587 at p. 592 (Raj.).

2. Vide S.O. 3995/ECH/2/62, dated the 24th November, 1962, published in the Gazette of India, Extraordinary, Pt. II Sec. 3(ii), dated the 1st December, 1962.

3. Omitted by S.O. 1634, dated 17th April, 1969.

4. Subs. by S.O. 178 (E), dated 18th February, 1977, published in the Gazette of India, Extraordinary, Pt. II, Sec.3(ii), dated the 18th February, 1977.