

COTTON TEXTILES (CONTROL) ORDER, 1948

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COTTON TEXTILES (CONTROL) ORDER, 1948

¹1. Applicable to the State of Pondicherry by S.R.O. 180, dated 10th January 1957; extended to Union Territory of Goa, Daman and Diu by S.O. 2227, dated 1st July, 1965 (w.e.f. 1st July, 1965); extended to the Union Territory of Dadra and Nagar Haveli by S.O. 3567, dated 4th November, 1965 (w.e.f. 4th November, 1965). Now stands repealed by the Textiles (Control) Order, 1986, vide Notifn. No. 8/37/85-T.R.C., dated 2nd April, 1986 (w.e.f. 11th April, 1986). In exercise of the power conferred by S.3 of the Essential Supplies (Temporary Powers) Act, 1946, the Central Government is pleased to make the following Order, namely :

1. 1 :-

(i) This Order may be called the Cotton Textiles (Control) Order, 1948.

¹[(ii) It extends to the whole of India ² [* * *]

(iii) It shall come into force at once.

1. Subs. by S.R.O. 805, dated the 21st October, 1950.

2. Omitted by S.O. 2588, dated the 30th June, 1969.

2. . :-

The Cotton Textiles (Control) Order, 1948 (Notification No. 80-Tex. 1/48, dated the 19th February, 1948) and any order corresponding to that order in force in a Part B State are hereby repealed: Provided or anything done or deemed to have been done under the order so repealed shall be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Order].

2A. 2A :-

All orders, notifications and directions issued or deemed to have been issued under this Order which, immediately before 21st October, 1950, were in force only in certain parts of India are hereby extended to and shall be in force in the whole of India except the State of Jammu and Kashmir.]

3. 3 :-

(a) "Cloth" means any fabric made either wholly from cotton or partly from cotton and partly from any other material, and includes dhoties, sarees, lungis, chaddars, bed-sheets, towels, handkerchiefs and other similar articles made from cloth specified by the Textile Commissioner from time to time, but does not include-

(i) made-up clothing;

(ii) hosiery including hosiery knitted tubular fabric which has only a running thread knitted through the entire fabric;

(iii) leather cloth, inferior or imitation leather cloth ordinarily used in book-binding and book-binding cloth;

(iv) tracing paper;

(v) fabric manufactured partly from cotton and partly from wool and containing 40 per cent. or more of wool by weight;

(vi) rubberized or synthetic water-proof fabrics whether single textured or double-textured;]

¹[(vii) plush cloth in the manufacture of which cotton yam is used;]

²[(viii) fabric manufactured partly from cotton and partly from jute and containing not more than 50 per cent of cotton by weight;]

³[(aa) "yam" means any type of yam manufactured either wholly from cotton or partly from any other material:]

(aaa)

(i) "controlled cloth" means any variety or class or specification of cloth for which the maximum prices for the principles on which and the manner in which the maximum prices are to be determined by a manufacturer have been specified by the Textile Commissioner under Cl. 22; and

(ii) "non-controlled cloth" means any cloth for which the maximum prices for the principles on which and the manner in which the

maximum prices are to be determined by a manufacturer have not been specified by the Textile Commissioner under Cl. 22;

(b) "controller" means the principal officer appointed by a Provincial Government for the administration of the Textile Control and includes any other officer appointed by such Government to perform the functions of the Controller under this Order or under the rules, orders and notifications issued thereunder;

(c) "dealer" means a person carrying on the business of selling cloth or yarn or both, whether wholesale or retail, and whether or not in conjunction with any other business and ⁴[shall include (i) a master-weaver of handloom cloth, and (ii) a person in possession of cloth or yarn acquired by him under an export licence;]

(d) "manufacture" includes a producer or processor, and the expression "manufacture" and its grammatical variants shall be construed accordingly;

(e) the expression "offer to sell" shall be deemed to include a reference to an intimation by a person of the price proposed by him for the sale of an article, made by the publication of a price list by exposing the article for the sale in association with or bearing a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(f) an article shall be deemed to be in the possession of a person when it is held on behalf of that person by another person or when held by that person on behalf of another person;

⁵[(g) "processor" means a person other than a producer having both wet processing and mechanical equipments and engaged in any ancillary process subsequent to the production of cloth or yarn, such as, dyeing, bleaching, mercerising, embroidering, printing, raising, cloth embossing or finishing, by the use of power [as defined in Cl. (g) of Section 2 of the Factories Act, 1948], or by the use of steam generated by a boiler [as defined in Cl. (b) of S.2 of the Indian Boilers Act, 1923] and the expression "process" and its grammatical variants shall be construed accordingly;]

(h) "producer" means a person engaged in the production of cloth or yarn or both by power as defined in Sec. 2 (f) of the Factories Act, 1948 , and the

⁶[(i) "powerloom" means a loom which is worked by power as

defined in Cl. (g) of Section 3 of the Factories Act, 1948 ;

(j) * * *];

⁷ [(k) "textile Commissioner" means the Textile Commissioner appointed by the Central Government and includes and Additional Textile Commissioner, Joint Textile Commissioner, Industrial Adviser and ex-officio Joint Textile Commissioner or Deputy Textile Commissioner as may be appointed by the Central Government;]

1. Ins.by S.R.O. 194, datad the 7th January, 1954.

2. Ins. by S.R.O. 3017, dated the 4th December, 1956 and subs. by S.O. 4138, dated 11th November, 1968.

3. Ins. by S.R.O. 1484, dated the 20th August, 1952.

4. Subs. by S.RO. 1484. dated 20th August, 1952.

5. Subs by S.O. 1957, dated the 24th June, 1966, published in the Gazette of India, Pt. II, Sec. 3 (ii), dated the 2nd July, 1966.

6. Original sub-clauses (ij and (j) omitted by S.R.O. 1633, dated the 25th October, 1951, and new sub-clause (i) ins. by S.R.O. 1077, dated the 8th May, 1956.

7. Subs. by S.O. 2639, dated the 18th August, 1966, published in the Gazette o/ India, Pt. II, Sec.3 (ii), dated the 3rd September, 1966.

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12. **12** :-

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¹[(3) Every producer not being a producer having a spinning plant shall within hundred days from the commencement of the Cotton Textiles (Control) Amendment Order, 1973, apply to the Textile Commissioner in Form A appended to this Order for the grant of a registration certificate in respect of each powerloom in his possession : Provided that nothing in this clause shall apply to any powerloom with respect to which a registration certificate has been granted under this Order as in force immediately before the 22nd June, 1961.

(4) On receipt of the application for registration certificate under sub-clause (3) the Textile Commissioner shall, after making such inquiry as he may consider necessary, register the powerloom and issue to the applicant a registration certificate in Form B appended to this Order.

(5) Where a producer applies for a registration certificate after the date specified in sub-clause (3), the Textile Commissioner, if he is satisfied that the producer had sufficient cause for not applying in time may after making such inquiry as he may consider necessary, on payment of a fee of ten rupees per loom, register the powerloom and issue to the applicant a registration certificate in accordance with sub-clause (4).

(6) No person shall acquire or install any powerloom except with the permission in writing of the Textile Commissioner: ²[Provided that while granting such permission the Textile Commissioner may charge fee at the rate of ³[Rs. 250/- (Rupees two hundred and fifty only)] per powerloom : Provided further that no such fee shall be charged in the case of a change in the location of a powerloom already installed.]

⁴[(6-A) The Textile Commissioner, while issuing permission under sub-clause (6) shall specify the reed-space of the looms to be acquired and installed.]

⁵[(6-B) * * * *]

(7) In granting or refusing permission under sub-clause ⁶[(6) ⁵[* * *]] the Textile Commissioner shall have regard to the following matters, namely :

(a) the number of powerlooms already installed or working in the

local area ;

(b) whether the powerlooms proposed to be acquired or installed are to be utilised for weaving cloth;

(c) the availability of yarn ;

(d) the demand for cloth ;

(e) the necessity for training persons or rehabilitating persons in the weaving industry.]

8[(7-A) The Textile Commissioner may with a view to securing compliance with sub-clause (6) take action to seal off any powerloom which is acquired or installed in contravention of the provision of sub-clause (6).

(7-AA) Any powerloom sealed off under sub-clause (7-A) shall not be unsealed except with the previous permission, in writing, of the Textile Commissioner.]

(8) No person shall acquire or install any spindle to be worked by power as defined in Cl. (g) of Section 2 of the Factories Act, 1948 , except with the permission, in writing, of the Textile Commissioner:

9[Provided that each application to the Textile Commissioner for granting such permission shall be accompanied by a bank demand draft payable at Bombay in favour of Pay and Accounts Officer (Textiles) for Rs. 400 (Rupees four hundred only). The application fee shall be non-refundable and no such fee shall be charged in the case of a permission for spindles to be used for purposes of research and development and sampling: Provided further that nothing in this sub-clause shall apply to the acquisition or installation or any spindles in pursuance of a licence issued under provisions of the Industries (Development and Regulation) Act, 1951.] **10**[Provided **11** [further] that nothing in this sub-clause shall apply to a person desiring to acquire and install spindles for the purpose of spinning yarn solely from cotton waste of counts 10s and below.]

(9) In granting or refusing permission under sub-clause (8), the Textile Commissioner shall have regard to the following matters, namely :

(a) the requirements of yarn in India;

(b) the size of the undertaking;

(c) the nature of the preparatory and other machines already installed in the undertaking;

(d) the necessity for training persons or rehabilitating persons in the spinning industry.

(10) Any person having in his possession any spindle which he is not entitled to work or cause or permit to be worked in accordance with sub-clause (8) shall forthwith report the fact to the Textile Commissioner and shall take such action as to its sealing or storage as the Textile Commissioner may direct.

1. Ins. by S.O. 2534, dated the 28th August, 1973.

2. Ins. by S.O. 1217, the dated 12th April, 1966, published in the Gazette of India. Pt. II, Sec. 3 (ii), dated the 23rd April, 1966.

3. Subs. by S.O. 1258, dated 18th March, 1986.

4. Ins. by G.S.R. 796, dated the 20th August, 1958.

5. Omitted by G.S.R. 1738, dated the 11th July, 1969.

6. Subs. by G.S.R. 796, dated the 20th August, 1958.

8. Subs. by G.S.R. 1938, dated the 11th July, 1969.

9. Ins. by S.O. 2171, dated 31st July, 1981 (w.e.f. 15th August, 1981).

10. Added by S.O. 4318, dated 15th December, 1964.

11. Ins. by S.O. 2171, dated 31st July, 1981 (w.e.f. 15th August, 1981).

12A. 12A :-

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12B. 12B :-

No person shall sell or otherwise dispose of spinning frame except with the previous permission, in writing, of the Textile Commissioner.

12C. 12C :-

No person shall sell or otherwise dispose of any powerlooms or side frames thereof; except with the previous permission, in writing, of the Textile Commissioner.

12D. 12D :-

In granting or refusing permission under Cl. 12-B or 12-C, the Textile Commissioner shall have regard to the following matters :

(i) the availability of yarn and cloth;

(ii) the capacity of the producing units in the local area;

(iii) the condition and nature of the textile machinery and parts;

and

(iv) any other relevant circumstances.]

12E. 12E :-

If the Textile Commissioner is satisfied either on a reference made to him in this behalf or otherwise, that any person to whom a registration certificate has been issued under sub-clauses (4) and (5) of Cl. 12 or to whom a permit has been granted under sub- Cls. (6) and (8) of Cl. 12 or under Cl. 12-B or under Cl. 12-C has supplied incorrect information for the purpose of obtaining such registration certificate or permit, he may, without prejudice to any other action which maybe taken against such person under any law, after giving an opportunity to such person to be heard in the matter, revoke such registration certificate or permit by an order, in writing and on such revocation the machines to which such registration certificate or permit related shall cease to work: Provided that the Textile Commissioner may, on sufficient cause being shown to him, cancel any such order of revocation.].

13. 13 :-

Save in accordance with a permission, in writing, issued by the Textile Commissioner, no person shall manufacture or cause to be manufactured any cloth (other than cloth meant for export and not for sale in India) containing any sizing or filling material or both of any description which exceeds in the aggregate twenty per centum of the weight of the cotton in the cloth : Provided that in granting or refusing permission under this clause, the Textile commissioner shall have regard to the following matters, namely :

- (i) the availability of sizing or filling material in the country ;
- (ii) the clothing habits of the people in any particular area;
- (iii) the need to satisfy experimental requirements ; and
- (iv) any other relevant factor].

14. 14 :-

No person shall use wheat flour or glucose for the purpose of sizing or filling cloth.]

15. 15 :-

No person shall, ¹ [except with the permission in writing of the Textile Commissioner, sell or otherwise dispose of or purchase or otherwise acquire for the purpose of sale any cloth which has been

manufactured in contravention of Cl. 13 or Cl. 14.]

1. Ins. by G.S.R. 539, dated the 15th March, 1963.

16. 16 :-

(1) For the purpose of Cls. 13. to 15 the proportion of sizing or filling material or both relative to the weight of the cotton in any finished cloth shall be determined by such test carried out by such person and in such manner as the Textile Commissioner may, by notification, prescribe.

(2) A certificate signed by an officer authorised to Carry out tests in pursuance of sub-clause (1) stating the result of the test shall be conclusive proof that the test has been

17. 17 :-

18. 18 :-

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19. 19 :-

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20. 20 :-

(1) The Textile Commissioner may, from time to time, issue directions in writing to any manufacturer, or class of manufacturers, or manufacturers generally regarding-

(a) the classes or specifications of cloth or yarn which each manufacturer, or class of manufacturers, or manufacturers generally shall manufacture, or

(b) the maximum or minimum quantities thereof which such manufacturer, or class of manufacturers or manufacturers generally shall manufacture, during such period as may be specified in the order: Provided that in issuing the direction under this sub-clause, the Textile Commissioner shall have regard to-

(i) the demand for cloth or yarn;

(ii) the needs of general public;

(iii) the special requirements of the industry for such cloth or yarn ;

(iv) the capacity of the manufacturer, or class of manufacturers, or manufacturers generally, to manufacture different descriptions or specifications of cloth or yarn; and

(v) the necessity to make available to the general public cloth of mass consumption;

¹ [(c) the packing of yarn in hanks, cones or in any other form and in such proportion as he may consider necessary or expedient].

(2) While issuing any direction under sub-clause (1), the Textile Commissioner may also provide that such direction shall be with reference to the quantity of cloth or yarn packed by the manufacturer, or class of manufacturers or manufacturers generally-during the period referred to in that sub-clause.

(3) Every manufacturer, or class of manufacturers or manufacturers generally, to whom a direction has been issued shall comply with the direction.

(4) Where, on an application made by any manufacturer or class of manufacturers or otherwise the Textile Commissioner is satisfied that any direction issued by him under this clause will cause undue hardship or difficulty to any such manufacturer or class of manufacturers he may, by order and for reasons to be recorded in writing, direct that the directions shall not apply, or shall apply subject to such modifications as may be specified in the order, to such manufacturer or class of manufacturers.

1. Ins. by S.O. 179 (E), dated 6th March, 1985 (w.e.f. 8th March, 1985).

20A. 20A :-

20B. 20B :-

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20C. 20C :-

(1) Save in accordance with a permission in writing issued by the Textile Commissioner, no producer having a spinning plant shall undertake or carry out any processing of any cloth not produced by him.

(2) In granting or refusing permission under sub-clause (1), the Textile Commissioner shall have regard to the following matters, namely:

¹ [(a) the need to satisfy the demand for processed cloth from domestic and export markets;]

(b) the need to satisfy the requirements of the Central Government;

² [(c) * * * *]

(d) any other relevant circumstances.].

1. Subs. by S.O. 324, dated the 6th January, 1971.

2. Omitted by S.O. 324, dated the 6th January, 1971.

20D. 20D :-

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21. 21 :-

(1) No manufacturer of cloth shall sell or otherwise dispose of cloth except in packed condition in the manner indicated below, namely:

(i) full bales containing not less than 1,400 metres or not more than 1,600 metres of cloth; or

(ii) three-quarter bales containing not less than 1,050 metres or not more than 1,200 metres of cloth ; or

(iii) half bales containing not less than 700 metres or not more than 800 metres of cloth; or]

(iii-a) one-third bales contain not less than 450 metres or not more than 550 metres of cloth; or

¹[(iv) quarter bales containing not less than 350 metres or not more than 400 metres of cloth; or]

(v) one eighth bales containing not less than 175 metres or not more than 200 metres of cloth ; ²[or]

³[(vi) one sixteenth bales containing not less than 88 metres or not more than 100 metres of clothes:] ³[Provided that the Textile Commissioner may, by general order permit packing of specified quantities of cloth in the said full, three-quarter, half ⁵[quarter, one-eighth and one-sixteenth bales] by reference to their weight instead of the meterage aforesaid: ⁶[Provided further that this sub-clause shall not apply to-

(a) cloth delivered to Central Government in pursuance of any contract;

(b) cloth sold for export; and

(c) cloth of any description specified in this behalf by the Textile Commissioner which is not required by him for the purposes of issuing any directions under sub-clause (2) of Cl. 30 ;]

⁷[(d) cloth in respect of which any direction issued under sub-clause (2) of Cl. 30 requires the sale of a quantity different from the quantity specified for full, one-half, ²[quarter, one-eighth or one-sixteenth bales] as aforesaid.]

⁶[(2) No producer of yarn shall sell or otherwise dispose of yarn except in packed condition in the manner indicated below, namely :

(i) full bale or package containing not less than 190 kgs. or not more than 210 kgs. of yarn ; or

(ii) three-quarter bale or package containing not more than 142.5 kgs. or not more than 157.5 kgs. of yarn; or

(iii) half bale or package containing not less than 95 kgs. or not more than 105 kgs. of yarn; or

(iv) quarter bale or package containing not less than 47.5 kgs. or not more than 52,5 kgs. of yarn : Provided that nothing in this sub-clause shall apply to any producer who sells or otherwise disposes of yarn in any other form under the authority of the Textile Commissioner.

¹⁰[(3)

(a) * * *

(b) * * *]

(c) No producer having both a spinning and a weaving plant shall pack during any month a quantity of yarn less than 80 per cent. of the average quantity of yam packed by him per month during ¹¹[the year, 1955].

¹²[(d) * * *]

(4) The Textile-Commissioner subject to sub-clauses (1) and (2) by a general or special order, prescribe the manner in which any manufacturer shall pack cloth or yam in bales or packages].

¹³ [(5) * *]

1. Subs. by S.O. 445, dated the 31st January, 1967, published in the Gazette of India, Pt. II, Sec. 3 (ii), dated the 11th February,

1967.

2. Ins. by S.R.O. 959, dated the 25th March, 1973.

3. Ins. by S.R.O. 959.

5. Subs. by S.R.O. 959.

6. Added by S.R.O. 1633, dated the 25th October, 1951.

7. Subs. by S.O. 457, dated the 25th January, 1964.

10. Clauses (a) and (b) omitted by G.S.R.760, dated the 29th June, 1959.

11. Subs. by S.R.O. 760.

12. Clause (d) omitted by S.R.O. 760.

13. Omitted by S.O. 179 (E), dated 6th March, 1985 (w.e.f. 8th March, 1985).

21A. 21A :-

(1) Where the Textile-Commissioner has specified under para. (a) of sub- clause (1) of Cl. 22 the maximum prices at which any class or specification of cloth may be sold, or where he has specified under para (aa) of the sub-clause the principles on which and the manner in which such maximum prices may be determined, he may, having regard to the matters specified in ¹[the proviso to sub-clause (1) of Cl. 20] by order in writing, direct any producer with a spinning plant or a group of such producers to pack such minimum quantity of such cloth and during such period as may be specified in the direction].

(2) Where a producer with a spinning plant or a group of such producers fails to pack the minimum quantities of cloth within the period as specified in a direction issued under sub-clause (1), the Textile Commissioner may, without prejudice to any other action he may take for failure to comply with the direction by the producer or group of producers but having regard to the matters specified in ⁶ [the proviso to sub-clause (1) of Cl. 20] by Order in writing direct such producer or group of producers to pack the quantities of cloth by which the producer or group of producers has fallen short, within such extended period as may be specified. The Textiles Commissioner may further direct that the price applicable to such quantities of cloth shall be the price in force during the period specified in the direction under sub-clause (1) or during the extended period whichever is lower: ²[Provided that the power conferred on the Textile Commissioner, under this sub-clause shall be exercised only in respect of the quantity of cloth falling short of the minimum quantity which the producer shall have packed before the 2nd May, 1968.]

³[(3) Where, on an application made by any producer having spinning plant or group of such producers or otherwise, the Textile Commissioner is satisfied that any direction issued by him under this clause causes undue hardship or difficulty to any such producer or group of such producers he may, by order and for reasons to be recorded in writing, direct that the direction shall not apply, or shall apply, subject to such modification as may be specified in the order, to such producer or group of such producers.]

⁴ [(4) Any producer or group of producers to whom a direction has been issued either under sub-clause (1) or sub-clause (2) shall comply with such direction.]

1. Subs. by S.O. No. 1096, dated the 3rd March, 1976.

2. Ins. by S.O. 4133, dated the 11th November, 1968.

3. Ins. by S.O. No. 1096, dated 3rd March, 1976, published in the Gazette of India, Pt. II, Sec. 3 (ii). No. 12, dated 20th March, 1976.

4. Renumbered by S.O. 1096, dated 3rd March, 1976.

21B. 21B :-

Notwithstanding anything contained in sub-clause (1) of Cl. 21-A, where any producer with a spinning plant or a group of such producers are not able to comply with the direction made by the Textile Commissioner under the said sub-clause (1), such producer or group of producers may, subject to such limitations as the Textile Commissioner may impose, pack such quantity of such other specification of cloth as may from time to time be specified by him in this behalf ¹ [* * *]

1. Omitted by S.O. 2694, dated the 24th July, 1969.

21C. 21C :-

(1) Where the Textile Commissioner has issued directions under sub-clause (1) of Cl. 21-A to any producer to pack a specified quantity of cloth during the period specified in the direction-

(a) the producer who packs quantities of such cloth during the period in excess of the minimum quantity shall be eligible for receiving cash payment by way of assistance from the Textile Commissioner in respect of such excess quantity packed at such rates and in respect of such maximum quantity as may be specified by the Central Government from time to time ;

(b) such producer may, in lieu of packing the whole or part of the

minimum quantity of cloth specified in the said direction, make payment to the Textile Commissioner in respect of the deficiency at such rates as may be specified by the Central Government and within such time as may be determined by the Textile Commissioner.

(2) All payments received from producers under para (a) of sub-clause (1) shall, as far as may be, be utilised towards payments, if any, to producers under the said para (a).

22. 22 :-

(1) The Textile Commissioner may specify-

(a) the maximum prices ex-factory, wholesale and retail at which any class or specification of cloth or yarn may be sold; ¹[or

(aa) the principles on which and the manner in which such maximum prices may be determined by a manufacturer; and]

(b) the markings to be made by a manufacturer or dealer on any class or specification of cloth or yarn manufactured or sold by him and the time and- manner of making such markings.

²(1-A) Every marking specified by the Textile Commissioner under para (b) of sub-clause (1) with respect to length, width, count or weight shall always be subject to the relevant lengths of variations contained in the instructions for the time being in force issued by the Central Government under Sec. 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958).]

(2) Notwithstanding anything contained in sub-clause (1) above, the State Government or an officer authorised by the State Government in this behalf may fix-

(a) the ex-factory maximum price for the purposes of the special markings under Cl. 26 in respect of any type of cloth ³ [or yarn] for which price has not been specified by the Textile Commissioner under the said sub-clause;

(b) the maximum price ex-factory, wholesale and retail at which any cloth produced by a manufacturer or other person referred to it in the explanation to sub-clause (2) of Cl. 23 may be sold and may further specify the markings to be made on such cloth and the time and manner of marking them.

(3) A court shall presume unless the contrary is proved that

markings made on any cloth or yarn in the manner specified under this clause are made in accordance with this Order and that the prices so marked are the maximum prices specified under this clause.

1. Ins. by S.O. 3667, dated the 19th October, 1964.
2. Added by S.O. 722, dated the 18th February, 1965, published In the Gazette of India, Pt.II, Sec.3 (ii), dated 6th March, 1965.
3. Ins. by Notification No. 915-Text. 1149 of 1949.

23. 23 :-

(1) Where the marking to be made and the time and manner for marking it in respect of any class or specification of cloth or yarn have been specified under Cl. 22-

(a) the manufacturer of, or, as the case may be, the dealer in such cloth or yarn shall cause the marking to be made thereon at the time and in the manner specified;

(b) no person other than such manufacturer or dealer shall cause the marking to be made on any such cloth or yarn;

(c) no person other than the manufacturer shall have in his possession or under his control any cloth or yarn which is not so marked, unless it be for the bona fide personal requirements;

(d) no person shall alter or deface or cause or permit to be altered or defaced any marking made on any such cloth or yarn held by him otherwise than for his bona fide personal requirements;

(e) no person shall make on any cloth or yarn any marking resembling the prescribed marking;

(f) no person shall have in his possession or under his control otherwise than for his bona fide personal requirements any cloth or yarn the marking whereon is altered or defaced or is of a character specified in paragraph (e).

¹[(2)] No manufacturer shall sell or deliver-

(i) any cloth or yarn, other than such classes or specifications thereof as are specified in this behalf by the Textile Commissioner, of which the maximum ex-factory price has not been specified ² [or determined] under Cl. 22:

(ii) any "controlled cloth" unless he has previously sent to the Textile Commissioner, a full width sample of such cloth measuring

45 cms. in length, with all the markings specified by the Textile Commissioner under Cl. 22 duly tamped on the face-plaint together with true and accurate information in such forms and in such manner as may be specified by the Textile Commissioner, in this behalf, about the manufacturing particulars thereof and where the maximum ex-factory price has been specified under paragraph (a) of sub-clause (1) of Cl. 22 or where the principles on which and the manner in which such maximum prices may be determined have been specified under paragraph (aa) of that sub-clause, about the manner in which the same has been calculated:

(iii) any "non-controlled cloth" unless he has previously sent to the Textile Commissioner a sample of such cloth of the dimension of 15 cms. by 15 cms.

(3) No person shall in the manufacture of cloth use sewing thread or sewing thread yarn.

1. Ins. by S.R.O. 1679 of 1952.

2. Ins. by S.O. 3667, dated the 19th October, 1964.

23A. 23A :-

No manufacturer or dealer shall mark on any cloth, the maximum ex-factory price of which has been specified or determined under Cl. 22, any marking suggestive of a process not actually carried out on such cloth.]

24. 24 :-

(1) No manufacturer or dealer shall sell or offer to sell any cloth or yarn at a price higher than the maximum price specified ¹[or determined] in this behalf under Cl. 22: Provided that nothing in this sub-clause shall apply to cloth or yarn sold for export under a valid export licence.

²[(1-A) No manufacturer or dealer shall sell or offer to sell any non-controlled cloth at a price higher than the maximum retail price stamped on the cloth : Provided that nothing in this sub-clause shall apply to non-controlled cloth sold for export under a valid export licence.]

(2) Every sale by a dealer except to a consumer of cloth or yarn of which the maximum prices have been specified ¹ [or determined] under Cl. 22 shall be at a price either f.o.r. station of despatch or ex-godown of storage at the buyer's option : Provided that the

commission of a commission agent shall be paid by the buyer.

(3) No person acting as a commission agent in respect of a sale of cloth or yarn to which sub-clause (2) applies shall receive a commission which exceeds 1/2 per cent. of the maximum price of the cloth or yarn the subject matter of such sale.

(4) The Textile Commissioner may by notification in the Official Gazette provide for the giving of a cash memorandum by any manufacturer or dealer in respect of any sale transaction, and for the particulars to be contained in any such cash memorandum.

(5) No manufacturer or dealer shall, without sufficient cause, refuse to sell cloth or yarn to any person.

1. Ins. by S.O. 3667, dated the 19th October, 1964.

2. Ins. by S.O. 487 (E), dated 22nd July, 1976, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), dated 22nd July, 1976.

25. 25 :-

(1) The Textile Commissioner may, with a view to securing equitable distribution of cloth or yarn, issue directions to any manufacturer or dealer or class of manufacturers or dealers regarding the quantity or cloth of yarn in packed or in loose condition which as manufacturer or dealer or class of manufacturers or dealers may keep in his or their possession at any time or during such periods as may be specified by the Textile Commissioner in this regard.

(2) Every manufacturer or dealer or class of manufacturers or dealers to whom a direction has been issued in this regard shall comply with such direction.

(3) While issuing directions under sub-clause (1) the Textile Commissioner shall have regard to the following matters, namely :

(a) the requirement of cloth or yarn by the public;

(b) the nature and condition of the machinery with the manufacturer; and

(c) the capacity of the manufacturer to manufacture cloth or yarn.

(4) Where a manufacturer or dealer or class of manufacturers or dealers for sufficient reasons is or are not able to comply with the provisions of any order that may be issued by the Textile

Commissioner under sub-clause (1) he shall report the facts forthwith to the Textile Commissioner and obtain his orders regarding the manner or disposal of cloth or yarn in his possession.

(5) Nothing in this clause shall apply to cloth or yarn manufactured for export and cloth or yarn contracted for delivery against Government contracts and handloom cloth].

26. 26 :-

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27. 27 :-

Where in pursuance of paragraph (b) of sub-clause (1) of Cl. 22, markings are required to be made at one end of any piece of cloth and the piece of cloth is not sold as a whole that portion of the piece containing the said markings shall not be cut or separated from the piece at any time till the portion other than the portion containing the said markings is sold.]

28. 28 :-

29. 29 :-

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30. 30 :-

(1) The Textile Commissioner may, with a view to securing proper distribution of cloth or yarn and with a view to securing compliance with the provisions of this order, direct, any manufacturer or dealer, class of manufacturers or dealers-

(a) to sell or deliver specified quantities of cloth or yarn to specified persons;

(b) not to sell or deliver cloth or yarn of specified description except to specified persons and subject to such conditions as the Textile Commissioner may specify.

(2) Where any direction is issued under sub-clause (1), the manufacturers or dealers, as the case may be, shall comply with such directions.

(3) In the exercise of the powers conferred by sub-clause (2), the Textile Commissioner shall have regard to the following matters, namely :

(a) the requirements of various categories of persons specified in

sub-clause (1);

(b) the availability of cloth or yarn of different descriptions; and

(c) the requirement of any local area.

(2) The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn, issue directions to any manufacturer or dealer to sell or deliver specified quantities of cloth or yarn to specified persons, and where any such directions are issued, the manufacturer or the dealer, as the case may be, shall comply with them.

(3) In the exercise of the powers conferred by sub-clause (2), the Textile, Commissioner shall have regard to the following matters, namely :

(a) the requirements of various categories of persons specified in sub-clause (2);

(b) the availability of cloth or yarn of different description; and

(c) the requirement of any local area.

30A. 30A :-

(1)] The Textile Commissioner may for the purpose of determining what steps would be necessary for maintaining or increasing supplies of cloth or yarn, conduct or cause to be conducted such enquiry as he may deem appropriate in relation to any producer.

¹[(2) For the purpose of conducting the inquiry under sub-clause (1), the Textile Commissioner may,-

(a) require any such producer or any person connected with the business of such producer to give such information in his possession relating to the business carried on by such producer;

(b) inspect or cause to be inspected any books or documents belonging to such producer which are under his custody or under the custody of any other person and for that purpose require the producer or such other person to produce such books or documents; and

² [(c) enter and search or authorise any officer subordinate to him, not below the rank of Economic Investigator/Economic Assistant/ Costing Investigator/ Costing Assistant/Technical Investigator to enter and search any business premises belonging

to any such producer.]

(3) Every producer or other person who is required to give any information or produce any books or documents under sub-clause (2) shall comply with such requisition.]

1. Ins. by S.O. 3807, dated 15th September, 1971.

2. Subs. by S.O. 978, dated the 10th April, 1974.

31. 31 :-

(1) The Textile Commissioner may, with a view to securing compliance with this Order,-

(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) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(c) enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this Order has been committed and any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention.

(2) Every person who is required to give any information ²[or furnish samples] or produce any books or other documents under sub-clause (1) shall comply with such requisition.

¹[(3) The provisions of Secs. 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) ⁴, relating to searches and seizures, shall, so far as may be, apply to searches and seizures under this clause.]

1. Added by S.O. 31, dated the 21st December, 1964.

2. Added by S.O. 50, dated the 31st December, 1964.

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

31A. 31A :-

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[(1) For the purpose of enforcing the provisions of this order, the

Textile Commissioner may direct the officer-in-charge of-

(i) the laboratories of the Chief Inspectorate of Textiles and Clothing, Kanpur, or

(ii) the laboratories of the Inspectorate of General Stores, Calcutta, Bombay, New Delhi or Madras, or

(iii) any of the laboratories established by the Textiles Committee constituted under the Textile Committee Act, 1963; to carry out or cause to be carried out such tests in relation to any cloth and yarn as may be specified by the Textile Commissioner.]

(2) Where any direction is issued under sub-clause (1), the officer-in-charge concerned shall make a report under his hand to the Textile Commissioner in respect of any tests so carried out and any such report as may be used as evidence in any trial for contravention of any of the provisions of this Order.

1. Subs. by ;S.O. 2170, dated 31st July, 1981 (w.e.f. 15th August, 1981).

32. 32 :-

(1) The Textile Commissioner may, with a view to maintaining and increasing the supply of cotton textiles, issue directions to any person prohibiting him from dismantling his factory or any part thereof, or removing from his factory any spare part kept for maintaining the machinery of the factory in order, and where such directions are issued, the person shall comply with them.

(2) In the exercise of the powers conferred by sub-clause (1), the Textile Commissioner shall have regard to the following matters, namely:

(i) the supply of cloth and yarn available in the country and the demand therefor;

(ii) the financial and other resources of the factory; and

(iii) any other relevant circumstances for the purpose of determining whether the dismantling or removal is likely to be detrimental to the public interest.

33. 33 :-

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34. 34 :-

The Textile Commissioner may, by a general or special order in writing and with the previous sanction of the Central Government, ¹ [authorise any officer of the Central Government or the State Government] to exercise on his behalf all or any of his functions and powers under this Order.

1. Subs. by S.O. 2731, dated the 3rd July, 1969.

35. 35 :-

No person shall, with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under Cl. 31 or conceal, destroy, mutilate or deface any book or other document kept by him in the course of his business.

36. Appeal :-

Any person aggrieved by an order of the Textile Commissioner made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final.]

37. 37 :-

Any Court trying in contravention of any of the provisions of this Order may direct that any article or articles in respect of which it is satisfied that the order has been contravened shall be forfeited to Government.