

(TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (ii) OF THE GAZETTE OF INDIA,
EXTRA-ORDINARY)

Government of India

Ministry of Commerce and Industry

(Department of Industrial Policy and Promotion)

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New Delhi, the 17th February, 2003.

ORDER

S.O.191(E). - In exercise of the powers conferred by section 14 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government after consulting the Bureau of Indian Standards, hereby makes the following Order, namely:-

1. Short Title and commencement:- (1) This Order may be called the Cement (Quality Control) Order, 2003.

1. It shall come into force on the date of its publication in the Official Gazette.

2. Definitions:- In this Order, unless the context otherwise requires: -

- a. "Act" means the Bureau of Indian Standards Act, 1986 (63 of 1986);
- b. "Appropriate Authority" means an officer not below the rank of an Under Secretary to the Government of India or an officer not below the rank of a General Manager, District Industries Centre of a State Government as may be appointed by the Central Government or the State Government by a notification published in the Official Gazette to implement the provisions of this Order;
- c. "Bureau" means the Bureau of Indian Standards;
- d. "cement" means any variety of cement manufactured or sold in India and includes blast furnace slag cement, portland pozzolana cement, rapid 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;
- e. "dealer" in relation to cement, means a person who, or a firm or Hindu Undivided Family which, carries on directly or otherwise the business of buying, selling, supplying or distributing cement, whether in cash or for deferred payment or for commission, remuneration of other valuable consideration;
- f. "manufacturer" in relation to cement, means a person who or a firm or Hindu Undivided Family which, produces, makes or manufactures cement and includes a person who, or a firm or Hindu Undivided Family which, claims such cement to be produced, made or manufactured by any such person or firm or Hindu Undivided Family, as the case may be;

- g. "Specified Standard" means the Indian Standard Specification of cement prescribed by the Bureau of Indian Standards;
- h. "State Government", includes a Union Territory Administration also;
- i. All other words and expressions used but not defined in this Order shall have the meanings respectively assigned to them in the Act.

3. Prohibition regarding manufacture, sale, distribution etc:- (1) No person shall himself or by any person on his behalf, manufacture or store for sale, sell or distribute cement which does not conform to the Specified Standard and which do not bear the Standard Mark:

Provided that the Central Government may, on an application made, permit any person to manufacture or store for sale, or sell or distribute cement without Standard Mark for a period of not exceeding one hundred and fifty days, if it is satisfied that the grant of regular Standard Mark is pending with the authorities under the Act:

Provided further that the Central Government may, on an application made, grant exemption from Standard Mark, if it is satisfied that the cement manufactured and dispatched is for export purpose and is as per the Overseas Standards or as per Buyer's Specifications and do not coincide with the corresponding requirements of the Indian Standards.

(2) The cement which do not conform to the Specified Standard shall be destroyed immediately within a month.

4. Obligation for Certification:- (1) the manufacturer of cement shall make an application to the Bureau

for obtaining licence for use of the Standard Mark within forty five days of the issue of this Order, if not already obtained.

1. The grant of licence by the Bureau for use of the Standard Mark shall be as per provisions of the Act and the rules and regulations made thereunder.
2. When any person by himself or through any person on his behalf proposes to manufacture cement, he shall make an application to the Bureau before the commencement of production.
3. Information relating to expiry or cancellation of any licence or rejection of application for grant of licence by the Bureau for manufacture of one or more of the cement shall be sent to the Appropriate Authority immediately by the Bureau.

5. Power to call for information etc. :- The Appropriate Authority may, with a view to secure compliance with this Order:-

1. require any person engaged in the manufacture, storage for sale, sale or distribution of cement to give such information as it deems necessary in relation to the manufacture, storage for sale, sale or distribution of cement for the implementation of this Order or require any such person to furnish to it samples of such cement;
2. inspect or cause to be inspected any books or other documents or cement kept by or belonging to or in possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of such cement;
3. enter and search any premises and seize cement in respect of which it has reason to believe that a contravention of this Order has been made or the said cement is not of the prescribed standard;
and

4. the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, applied to searches and seizures under this clause.

6. Testing of samples:- Samples of cement bearing the Standard Mark and drawn by the Appropriate Authority, for ascertaining whether they are of the Specified Standard, shall be tested in the laboratory approved by the Bureau and in the manner as may be determined by the Bureau.
7. Power to issue direction to manufacturers and dealers or sellers:- the Appropriate Authority may issue such directions to manufacturers and dealers or sellers, consistent with the provisions of the Act or this Order, as may be necessary for carrying out the purposes of this Order.
8. Compliance of directions:- Every person engaged in the manufacture, storage for sale, sale or distribution of any cement, to whom any direction is issued under this Order shall comply with such directions.
9. Obligation to furnish information:- No manufacturers or dealers shall, with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under clause 5 or conceal, destroy, mutilate or deface any books or documents or any cement kept by, or in the possession or control of such person.

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(S. JAGADEESAN)
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