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MINSTRY OF INDUSTRY
(Department of Industrial Policy & Promotion)

ORDER
New Delhi, the 16th June, 1997

S.O. 451 (E) :- In exercise of the powers conferred by section 3 of Essential commodities Act, 1955 (10 of 1955) and in suppression of the Oil Pressure Stoves (Quality Control) Order, 1987, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following Order namely :-

1. **Short title and commencement** – (1) This order may be called the Oil Pressure Stoves (Quality Control) Order, 1997
   (2) 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. "appropriate authority" means any officer not below the rank of Under Secretary to the Government of India or an officer not below the rank of General Manager, District Industries Center of State Government as may be appointed by the Central or the State Govt. by a notification published in the Official Gazette to implement the provisions of this Order,
   b. 'Bureau' means Bureau of Indian Standards;
   c. "Oil Pressure Stoves" means burning appliances intended for domestic and commercial use burning pressurised kerosene oil.
   d. "prescribed standard" means the Indian Standard Specification of oil pressure stove prescribed by the Bureau of Indian Standards,
   e. "dealer" 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 Oil Pressure Stoves, whether in cash or for deferred payment or for commission, remuneration or other value consideration.
   f. "manufacturer" in relating to Oil Pressure Stoves means a person who or a firm, or a Hindu Undivided Family which, produces, makes, or manufacturers any such Oil Pressure Stoves and includes a person who or a firm or a Hindu Undivided Family which, claims such Oil Pressure Stoves to be produced, made, or manufactured by any such person or firm of Hindu Undivided Family as the case may be,

g. 'Standard Mark' has the meaning assigned to it in the Bureau of Indian Standard Act, 1986 (63 of 1986)

h. 'State Government" in relation to a Union Territory means the Administrator of that Union Territory appointed by the President under article 239 of the Constitution.

3. Prohibition to manufacture sale and store of Oil Pressure Stoves which is not of the prescribed standard – (1) No person shall by himself or by any person on his behalf, manufacture or store for sale or distribute Oil Pressure Stoves which does not conform to the prescribed standards;

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

(2) The Oil Pressure Stove which do not conform to the prescribed standard shall be destroyed immediately with a report to the appropriate authority.

4. **Certification of Manufacturers** :- (1) A person either by himself or through some other person proposing to manufacture the Oil Pressure Stove shall, before manufacture or production, make an application to the Bureau for obtaining a license for use of the Standard Mark and shall not manufacture or produce the Oil Pressure Stove till he obtains the license for use of this Standard Mark.

(2) The grant of license by the Bureau for the use of the Standard Mark shall be subject to the provisions of the Bureau of Standard Act, 1986 and the rules and regulations made there under.

(3) Information relating to lapse or cancellation of any license or application by the Bureau for manufacture of one or more of the oil pressure stove shall be forwarded to the Appropriate Authority immediately.

5. **Prohibition of storage, sale and distribution** :- No person by himself or through any persons acting on his behalf shall store for sale, sell or distribute any oil pressure stove which does not bear the Standard Mark and which has not been manufactured by a person who has obtained a licence for the purpose as specified under paragraph 4.

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

a. require any person engaged in the manufacture, production, storage for sale, sale or distribution of pressure stove to give such information as it deems necessary in relation to the manufacture, production, storage for sale, sale or distribution of oil pressure stove for the implementation of this Order or require any such person to furnish to it samples of such oil pressure stove.

b. Inspect or cause to be inspected any books or other documents or oil pressure stove kept by or belonging to or in possession or under the control of any person engaged in the manufacture, production, storage for sale, sale or distribution or such oil pressure stove;

c. Cause an officer duly authorised under paragraph 8 to enter and search any premises and seize oil pressure stoves in respect of which it has

reason to believe that a contravention of this Order has been made or the said oil pressure stove is not of prescribed standard; and

d. The provision of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, applicable to searches and seizures under this paragraph

7. **Testing of sample :-** Samples of oil pressure stove bearing the Standard Mark and drawn by the Appropriate Authority, for ascertaining whether they are of the prescribed standard, shall be tested in the laboratory approved by the Bureau and in the manner as may be determined by the Bureau.

8. **Delegation of powers** :- The Appropriate Authority may be general or special order in writing authorise any officer to exercise on its behalf all or any of its functions under this Order.

Provided that no officer who is not of a Gazetted rank, shall be authorised by the Appropriate Authority to exercise the powers of search and seizure under clause (c) of paragraph 6.

9. **Power to issue direction to manufacturer and dealer**:-The Appropriate Authority may issue such directions, to manufacturer, producer and dealer, consistent with the provisions of this Order, as may be necessary for carrying out the provisions of this Order.

10. **Compliance of direction**:- Every person engaged in the manufacture, production, storage for sale, sale or distribution of any oil pressure stove, to whom any direction is issued under paragraph 9 shall comply with such directions.

11. **Obligation to furnish information** :- No manufacturer or dealer shall, with an intention to contravene the provisions of this Order, refuse to give any information called from him under paragraph 6 or conceal, destroy, mutilate or deface any books or documents or any oil pressure stove kept by, or in the possession or control of such person.

12. **Penalty for contravention**:- Any person who contravenes any of the provisions of this Order or fails to carry out any direction made there under shall be punishable, and the property in respect of which the Order has been contravened shall be liable to fore feiture under Section 7 of the Essential Commodities Act, 1955 (10 of 1955).

13. **Appeal:-** (1) Any manufacturer of dealer aggrieved by any decision of the Appropriate Authority may prefer an appeal in writing to the Central Government with in thirty days from the date of receipt by him of the copy of the Order Communicating such decision; provided that the Central Government may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

(2) On receipt of the appeal under sub-paragraph (1), the Central Government may, after giving the appellant an opportunity of being heard, pass such order as it may deem fit.

(F.No.11/12/85-C.I.)

ASHOK KUMAR, Jt. Secy.