

**THE GAZETTE OF INDIA
EXTRAORDINARY
PART I – SECTION 1
MINISTRY OF TEXTILES
O R D E R**

New Delhi, the 19th December, 2001

F.No.8/3/2001-TPC. – In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of the Textile (Development and Regulation) Order, 1993 except in respect of things done or omitted to be done before such supersession, the Central Government, hereby makes the following Order, namely: -

P A R T - I

1. **Short title, extent and commencement** – (1) This Order may be called the Textiles (Development and Regulation) Order, 2001.
(2) It extends to the whole of India.
(3) 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) **“chindies”** means cut-pieces of cloth having length of 23 centimetres or less;
- (b) **“cloth”** means any fabric made either wholly or equally or predominantly from cotton, wool, silk, jute, manmade fibre or yarn, any other natural fibre or yarn or waste of any of these materials or any combination (blends) thereof, and includes woven, non-woven, knitted and crocheted fabric ;
- (c) **“consumer”** means any person who buys or receives any textiles including through direct or indirect purchases for his own consumption or industrial use and the expression ‘consumer’ with its grammatical variations and cognate expression shall be construed accordingly ;
- (d) **“fents”** means cut-pieces of cloth having a length of 45 centimetres or more but not exceeding 90 centimetres where the width is one metre or more, or having a length of 65 centimetres or more but not exceeding 135 centimetres where the width is less than one metre ;
- (e) **“fibre”** means and includes natural fibres like cotton, silk, wool, jute and manmade fibres like viscose, polyester, nylon or waste of any of these materials ;
- (f) **“form”** means a form appended to this Order ;
- (g) **“import”** with its grammatical variations and cognate expressions, means bringing into India from a place outside India ;
- (h) **“importer”** means any person who imports or intends to import textile(s) into India and includes a person who causes such import ;
- (i) **“made-ups”** means an article manufactured and/or stitched from any type of cloth, other than a garment ;
- (j) **“a manufacturer”** means a producer or processor of textiles, with or without the aid of power, and includes a person who causes manufacture of textiles and the expression “manufacture”, with its grammatical variations and cognate expressions, shall be construed accordingly ;
- (k) **“manufacturer of textile machinery”** means a manufacturer of any textile machinery including its components, spares and accessories ;
- (l) **“markings”** means disclosing the essential information about any textile, such as the quality, quantity, composition, dimensions, usage, safety parameters, date of manufacture, identity of

manufacturer, by way of stamping, printing, weaving, knitting, display tag attached or pasted, or otherwise ;

(m) "**person**" includes --

- (i) an association of persons or a body of individuals, whether incorporated or not ;
- (ii) a company as defined in the Companies Act, 1956 (1 of 1956) ;
- (iii) a Hindu Undivided Family ;
- (iv) a co-operative society ;
- (v) every artificial juridical person, not falling within any of the preceding items ;

(n) "**processor**" means a person engaged in processing of basic textiles, such as fibre, tops, yarn, cloth, made-ups and garments through ancillary processes, such as texturising, twisting, crimping, winding, singeing, warping, sizing, scouring, mercerizing, bleaching, dyeing, printing, raising, embossing, embroidering, finishing ;

(o) "**tendered cloth**" means a piece of cloth whose cuprammonium fluidity test is 10 Rhes or more and/or tensile strength is less than 50% of that of a standard cloth of the given count-construction ;

(p) "**producer**" means a person who produces or causes to be produced basic textiles, such as fibre, tops, yarn, cloth, made-ups or garments ;

(q) "**textile**" means any textile product and includes any fibre, tops, yarn, cloth, made-ups and garments ;

(r) "**textile machinery**" means any machine which is used for the manufacture of textiles, including a machine required for processing of textiles, and also including its components, spares and accessories ;

(s) "**Textile Commissioner**" means the Textile Commissioner appointed by the Central Government and includes any Additional Textile Commissioner or Joint Textile Commissioner appointed by the Central Government in the Office of the Textile Commissioner;

(t) "**tops**" means an intermediate product of fibre in the form of a sliver used for the manufacture of yarn on the worsted spinning system ;

(u) "**yarn**" means and includes yarn spun out of one or more types of fibres, whether natural or man-made, filament yarn, whether natural or man-made, and metallised yarn, whether natural or man-made ;

(v) words and expressions used but not defined in this Order and defined in the Essential Commodities Act, 1955 (10 of 1955) shall have the meanings respectively assigned to them in that Act.

P A R T – II

FURNISHING OF INFORMATION

3. Maintenance of books of accounts, data, record and furnishing of information, thereof – Every manufacturer of textiles, textile machinery and every person dealing with textiles shall keep books of accounts, data and other records relating to his business in the matter of production, processing, import, export, supply, distribution, sale, consumption, etc. and shall furnish such returns or information in respect of their business as and when directed by the Textile Commissioner.

4. Installation of textile machinery — Every person on installation of textile machinery for the manufacture of textiles shall file an Information Memorandum in Form 1-A to the Textile Commissioner, Mumbai, within thirty days of the installation of such machinery:

Provided that in the case of installation of such machinery installed in the small scale sector, a copy of such Information Memorandum shall also be filed to an Officer notified in this behalf by a State Government.

5. Relocation, sale, transfer or disposal of installed machine – Every person who relocates, sells, transfers or otherwise disposes of any textile machinery referred to in rule 4, shall file an Information Memorandum in Form 1-B to the Textile Commissioner about such re-location, sale, transfer or disposal, as the case may be, within thirty days from the date of such re-location, sale, transfer or disposal:

Provided that in the case of relocation, sale, transfer or disposal of any such textile machinery in the small scale sector, a copy of such Information Memorandum shall also be filed to an Officer notified in this behalf by a State Government.

6. Modernisation programme – Every manufacturer of textiles, having a programme for modernisation of his unit, shall file an Information Memorandum relating to such modernisation programme to the Textile Commissioner in such manner as the Textile Commissioner may specify.

7. Duty to furnish information – No person shall, with intent to evade the provisions of this Order, refuse to give any information lawfully required from him under this Order or under any regulation or notification issued under this Order, or conceal, destroy, mutilate or deface any book or other document kept by him in the course of his business.

P A R T – III

Production and Supply

8. Production – (1) The Textile Commissioner may, from time to time, issue directions, by notification with the prior approval of the Central Government, to any manufacturer or class of manufacturers or manufacturers generally regarding ;

- (a) the class(es) or specification(s) of any textiles which shall or shall not be manufactured ;
- (b) the dyes and chemicals which shall or shall not be used in the manufacture of any textiles ;
- (c) the maximum and the minimum quantity of textiles which shall be manufactured ;
- (d) the maximum ex-factory or wholesale or retail price at which any textiles shall be sold:

Provided that no directions shall be issued under this sub-clause except in the interest of national security or public order and safety or protection of environment and public health, or public interest.

(2) The Textile Commissioner may, from time to time, issue directions, by notification, with the prior approval of the Central Government, to any manufacturer, class of manufacturers or manufacturers generally of yarn regarding the manner of packing of yarn in hanks, cones or in any other form, in such proportions and for such periods of time as may be specified in the direction:

Provided that while issuing any direction under this clause, the Textile Commissioner shall have regard to: -

- (i) the special requirements of any industry for such yarn ; and

- (ii) the capacity of the manufacturer or class of manufacturers or manufacturers generally to manufacture or pack yarn of different descriptions or specifications.

PART - IV

Marking on Textiles

9. Marking on textiles – (1)(a) The Textile Commissioner may specify by notification, with prior approval of the Central Government, the markings to be made on textiles by a manufacturer of such textiles and the time and manner of making such markings:

Provided that in the case of imported textiles, the importer shall cause such markings to be made on the textiles prior to their importation:

Provided further that no person other than as stated above shall cause such markings to be made on any textiles:

Provided also that no person other than a manufacturer shall have in his possession or under his control any textiles, which are not so marked.

(b) No person shall alter or deface or cause to be altered or defaced markings made under item (a) of this sub-clause on any textiles or keep in his possession or under his control any textiles with altered or defaced markings or fake or misleading markings.

(c) No person shall keep in his possession or under his control, or offer or store for sale any textiles, which do not contain the markings under this sub-clause or contain fake or misleading markings.

(d) No person shall make any markings on any textiles resembling the brand name or trade name of any other person who has applied for or obtained a registration to that effect under the Trade and Merchandise Marks Act, 1958 (43 of 1958), except under and limited to the extent of specific authorisation by the holder of or applicant for such brand or trade name.

(e) No person shall keep in his possession or under his control or offer or store for sale any tendered cloth except in the form of fents, rags or chindies.

(2) Where the markings to be made and the time and manner of markings in respect of any textiles have been prescribed under this clause, the manufacturer or importer of textiles, as the case may be, shall cause the markings to be made thereon at the time and in the manner specified.

(3) Where in pursuance of sub-clause (1), markings are required to be made at one end of any piece of cloth, the portion containing the said markings shall not be cut or separated from the said piece of cloth at any time till the other portion of that piece is sold or otherwise disposed of.

(4) Every marking prescribed by the Textile Commissioner under sub-clause (1) with respect to length, width, count, or weight shall be subject to the relevant standard limits of variations contained in the instructions, for the time being in force, issued by the Central Government under Section 95 of the Trade and Merchandise Marks Act, 1958.

(5) Every marking specified by the Textile Commissioner under this clause with respect to fibre composition, colour fastness, shrinkage, or count strength product (C.S.P.) shall be subject to the relevant standard limits of variation laid down by the Bureau of Indian Standards from time to time.

(6) All tests that may be carried out in pursuance of this Order or regulation or notification(s) issued under this Order shall be with reference to the standards prescribed by the Bureau of Indian Standards.

10. Testing by the laboratories of the Textiles Committee – (1) For the purpose of enforcing the provisions of this Order, the Textile Commissioner may direct the Officer-in-Charge of any of the laboratories established by the Textiles Committee constituted under the Textile Committee Act, 1963 (41 of 1963), or of the laboratories of the Powerloom Service Centres run by the office of the Textile Commissioner, to carry out or cause to be carried out such tests relating to any textiles as may be specified by the Textile Commissioner.

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

PART – V

Securing Compliance

11. Powers of Textile Commissioner to secure compliance – (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 his business covered by this Order carried on by that or any other person ;
- (b) require any person, in writing, to furnish samples of any textiles or textile articles to which this Order applies ;
- (c) inspect or cause to be inspected by any person, any books or other documents belonging to or under the control of any person referred to in item(a) of this sub-clause ;
- (d) enter and search or authorise in writing any person not below the rank of an Assistant Director to enter and search any premises and seize any article in respect of which he has reasons to believe that a contravention of this Order or any directions issued under this Order has been committed and any other article including a container, receptacle or vehicle in the premises which he has reasons 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 or furnish samples or produce any books or other documents under sub-clause (1), shall comply with such requisition.

(3) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be applicable, apply to searches and seizures under this clause.

PART -VI

Miscellaneous

12. Delegation of powers – (1) The Textile Commissioner may, by a general or special order, in writing, authorise any officer of the Central Government or of a State Government to exercise on his behalf all or any of his functions and powers under this Order;

(2) The State Government may, by general or special order, in writing, authorise any officer of the State Government to exercise on its behalf all or any of its powers under this Order.

13. Appeals – (1) An appeal against any order passed by any officer, authorised to exercise powers delegated to him either by the Textile Commissioner or by a State Government, shall be preferred to the Textile Commissioner by an aggrieved person within thirty days of the communication of the order passed by such officer.

(2) 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.

14. Order or directions by the Central Government – It shall be competent for the Central Government to issue any orders or directions to the Textile Commissioner or any of the officers exercising any of the powers or performing any of the functions under this Order, on any or all matters, and the respective officers shall comply with such orders or directions of the Central Government.

15. Relaxation of direction by the Textile Commissioner – Where, on an application made by any person, manufacturer or class of manufacturers or importer or class of importers or dealer or class of dealers or otherwise, the Textile Commissioner is satisfied that any direction issued by him under this Order causes undue hardship or difficulty to any person, manufacturer, importer or dealer or class of manufacturers, importers, or dealers, as the case may be, he may, by order and for reasons to be recorded in writing, direct that the directions shall not apply or shall apply to such person, manufacturer, importer or dealer or class of manufacturers, importers or dealers as the case may be, subject to such modifications as may be specified in the order.

(Kiran Dhingra)

Joint Secretary to the Government of India

FORM – 1A
INFORMATION MEMORANDUM
[See clause 4]

(Please read instructions carefully before filling up this form)

1. (a) NAME OF THE APPLICANT
 TEXTILE UNIT
 (IN BLOCK CAPITAL LETTERS)

--

2. (a) REGISTERED/OFFICE ADDRESS
 OF THE TEXTILE UNIT

(i)	Plot No.	
(ii)	Name of the Road/Village	
(iii)	Tehsil/ Taluk/ Locality	
(iv)	District/Town/City	
(v)	State	
(vi)	Pin Code	
(vii)	Telephone No.	
(viii)	Fax No.	
(ix)	Telex No.	
(x)	E-mail address	
(xi)	Website, if any	

- (b) FACTORY ADDRESS OF THE
 TEXTILE UNIT

(i)	Plot No.	
(ii)	Name of the Road/Village	
(iii)	Tehsil/Taluk/ Locality	
(iv)	District/Town/City	
(v)	State	
(vi)	Pin Code	
(vii)	Telephone No.	
(viii)	Fax No.	
(ix)	Telex No.	
(x)	E-mail address	
(xi)	Website, if any	

- (c) i) Indicate whether the unit is located within 25 kms from the periphery of a city having population above one million according to 1991 census.

Yes

No

- ii) Is it located in an Industrial area/Industrial estate designated /set up prior to 25.7.1991 ?

Yes

No

: 2 :

3. STATUS OF THE UNIT

(Please tick mark the appropriate box)

- (a) (i) Central Govt. undertaking
- (ii) State Govt. undertaking
- (iii) Joint Sector undertaking
- (iv) Co-op. undertaking
- (v) Private Sector:
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| | Public
Ltd. Co. | Private
Ltd. Co. | Partnership | Proprietorship |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- (a) S.S.I. NON-S.S.I.

4. NAME OF THE PROPRIETOR OR PARTNERS OR IN THE CASE OF COMPANIES, THE NAMES OF THE DIRECTORS,

- i)
- ii)
- iii)

5. WHETHER THE INFORMATION MEMORANDUM IS FOR:

- i) New Unit : Yes No
- ii) Expansion of an existing unit : Yes No
- iii) Replacement of machinery in an existing unit. : Yes No

6. (a) IN CASE OF A NEW UNIT/ REPLACEMENT OF MACHINERY:

- (i) Registration of SSI / EIR/ IL/ COB licence/ EOU / LOP / SIA Acknowledgement (Please enclose a copy)

Ref. No. _____ Date of issue _____

- (ii) Capacity covered under SSI / EIR / IL / COB / EOU-LOP / SIA Acknowledgement:

Item of manufacture	Unit of capacity (Sq. mtrs. for woven fabrics, kgs./tons for yarn/ knitted fabrics, RMG/ made-up in pieces)	ANNUAL CAPACITY			Date of commencement of commercial production
		Covered	Installed	Balance	

: 3 :

(b) IN CASE OF EXPANSION OF AN EXISTING UNIT:

- (i) SSI / EIR / IL / COB Licence / EOU-LOP / SIA Acknowledgement
-
- (Please enclose a copy)

Reference No. _____ Date of issue _____

- (i) Capacity covered under SSI / EIR/ IL / COB/ EOU-LOP / SIA Acknowledgement:

Item of manufacture	Unit of capacity (Sq. mtrs. for woven fabrics, kgs./tons for yarn/ knitted fabrics, RMG/ made-up in pieces)	ANNUAL CAPACITY			Date of commencement of commercial production
		Covered	Installed	Balance	

7. LIST OF MACHINERY (IN SEPARATE GROUPS FOR SPINNING, WEAVING, KNITTING, PROCESSING, FINISHING, STITCHING, POLLUTION CONTROL, ETC.) [if space below is not adequate, attach separate sheet]

Sr. No.	Activity Group	Name of the machine	NUMBER OF MACHINES					Total cost (Rs.)	DETAILS OF THE MANUFACTURER	
			New	2 nd hand	Imported	Indigenous	Total [4 (a+b)] [5 (a+b)]		Name	No. of machines
1.	2.	3.	4(a)	4(b)	5(a)	5(b)	5(c)	6	7(a)	7(b)
I.	Fibre Mfg.									
II.	Filament mfg.									
III.	Texturing/ twisting/ winding									
IV.	Tops making (wool)									
V.	Spinning									
VI.	Weaving									
VII.	Knitting									
VIII.	Chemical Processing									
IX.	Finishing									
X.	Garment manufacturing									
XI.	Made-up manufacturing									
XII.	Non-woven manufacturing									
XIII.	Quality control									
XIV.	Pollution Control									
XV.	Others									

8. POLLUTION CONTROL MEASURES (IF APPLICABLE) :

Please give details of pollution control measures undertaken, your achievements against Central/State Pollution Control Board norms for air, water and soil pollution control. Enclose a comparative statement of standard norms and your test results against such norms and also a copy of the NOC/consent from Central/State Pollution Control Board.

..4

: 4 :

9. FINAL PRODUCTION DURING THE PRECEDING TWO FINANCIAL YEARS:

In case of existing unit or unit under expansion (in sq. mtrs. for woven fabrics, kgs/tons for yarn/ knitted fabrics and pieces for RMG/made-up)

Sr. No.	Activity	Unit of production	Final Production during the		Remarks
			Year	Year	
1.	2.	3.	4(a)	4(b)	5.

10. DETAILS OF INVESTMENT IN FIXED ASSETS (GROSS BLOCK) – (as on the date of filing of Information Memorandum) [If it is an unit under expansion, give details thereof separately]

(Amount in Rs. Lakh)

Item	For existing capacity	For new/expanded capacity	Total
a) Land			
b) Building			
c) Plant and machinery			
i) Indigenous			
ii) Imported			
d) Others			
Total			

11. FINANCING PATTERN :-

Equity		(Amount in Rs. Lakh)
(i)	Resident Indian	
(ii)	Non-resident Indian	
(iii)	Foreign	
(iv)	Internal accruals	
Total		

Borrowing		(Amount in Rs. Lakh)
(i)	Financial institutions	
(ii)	Public borrowings	
(iii)	Other sources (specify)	
Total		

12. DETAILS OF EMPLOYMENT (ALL FIGURES IN NUMBERS)

Sr. No.	Category	Men	Women	Total
I)	Supervisory			
	a) Technical			
	b) Non-Technical			
II)	Non-supervisory Total (a+b)			
	a) Skilled			
	b) Unskilled			

13. (a) WHETHER IT IS IN FOREIGN TECHNICAL/FINANCIAL COLLABORATION, OR ANY IMPORT OF DRAWINGS AND DESIGNS IS INVOLVED.

Yes

No

(b) If yes, give details of foreign collaboration in brief.

14. ANY OTHER RELEVANT INFORMATION :

15. DECLARATION:

I/We hereby declare that this Information Memorandum is filled in accordance with the provisions of the Textiles (Development & Regulation) Order, 2001 and the information given in this memorandum are true to the best of my/our knowledge and belief and nothing has been concealed therein.

Signature of the applicant/
Authorised Signatory

Name :
Designation:

Place:
Date :

Seal of the firm

Note:

- Where boxes are provided for answer, please tick mark (√) against the appropriate box. If the applicant wishes to state anything extra, it may be mentioned separately.
- Wherever space is not sufficient to give required information, separate sheet may be attached.
- Following abbreviations, as and where appearing, shall have the expression mentioned against them:
 - SSI – Small Scale Industry.
 - EIR – Exempted Industries Registration issued by the Textile Commissioner before 25.7.1991, under Industrial Development & Regulation Act, 1951.
 - IL – Industrial Licence issued by the Ministry of Industry, Government of India.
 - COB – Carry on Business licence issued by the Ministry of Industry, Government of India.
 - EOU-LOP – Letter of Permission for Setting up an Export Oriented Unit, issued by Ministry of Industry, Govt. of India/ Development Commissioner, Export Processing Zone/ Free Trade Zone.
 - SIA acknowledgement: The acknowledgement issued by the Secretariat for Industrial Approvals, Ministry of Commerce and Industry, Government of India for submission of Information Memorandum to them, for a proposed unit or for commencement of commercial production.
- Units undertaking expansion should fill-up item 6(a) for existing capacity and 6(b) for expansion capacity.
- Serial number 6(a)(ii), ‘capacity covered’ means, the capacity mentioned in EIR/IL/COB/EOU LOP/SIA acknowledgement; ‘capacity installed’ means, the capacity for which machines are installed, out of the capacity covered, at the time of filing of this Information Memorandum, and the balance capacity means the capacity for which the machines are yet to be installed to match the covered capacity.

FORM 1-B

INFORMATION MEMORANDUM
[for machines relocated, sold, transferred or disposed of [See clause 5]

1. NAME OF THE TEXTILE UNIT
(In block capital letters)

2. (a) REGISTERED/OFFICE ADDRESS OF
THE TEXTILE UNIT

(i)	Plot No.	
(ii)	Name of the Road/Village	
(iii)	Tehsil/Taluk/ Locality	
(iv)	District/Town/City	
(v)	State	
(vi)	Pin Code	
(vii)	Telephone No.	
(viii)	Fax No.	
(ix)	Telex No.	
(x)	E-mail address	
(xi)	Website, if any	

- (b) FACTORY ADDRESS OF THE
TEXTILE UNIT

(i)	Plot No.	
(ii)	Name of the Road/Village	
(iii)	Tehsil/Taluk/ Locality	
(iv)	District/Town/City	
(v)	State	
(vi)	Pin Code	
(vii)	Telephone No.	
(viii)	Fax No.	
(ix)	Telex No.	
(x)	E-mail address	
(xi)	Website, if any	

3. PLEASE INDICATE WHETHER THE TEXTILE UNIT IS A (Please ✓ the relevant box)

Proprietary firm

Partnership firm

Private Ltd. Co.

Public Ltd. Co.

State/Central enterprise

: 2 :

4. PLEASE INDICATE WHETHER THE TEXTILE UNIT IS IN (Please ✓ the relevant box)

SSI Sector [if so, SSI registration no.]

Non-SSI Sector [if so, Industrial Licence no.]

5. Registration of SSI/ EIR/ IL/ COB Licence/ EOU-LOP/ SIA Acknowledgement:

Reference No. _____ Date of issue _____

6. ACKNOWLEDGEMENT NUMBER OF THE ORIGINAL INFORMATION MEMORANDUM:

a) Reference No. _____ Date of issue _____

b) Name of the issuing authority:

7. DETAILS OF MACHINES RELOCATED, SOLD, TRANSFERRED OR OTHERWISE DISPOSED OF:

(a) Details of Relocation of machinery:

Sr. No.	Name of the machine	No. of machines	Original location	Address of Relocation	Reason of relocation
1.	2.	3.	4.	5.	6.

(b) Details of disposal of machinery:

Sr. No.	Name of the machine	No. of machines sold	No. of machines scrapped	No. of machines otherwise disposed of	Total no. of machines disposed of (3+4+5)	If sold/ transferred, name and address of the transferee	No. of disposed of machines replaced
1.	2.	3.	4.	5.	6.	7.	8.

8. ANY OTHER RELEVANT INFORMATION:

: 3 :

9. I/We hereby declare that this Information Memorandum is filed in accordance with the provisions of the Textiles (Development and Regulation) Order, 2001 and the information given in this Memorandum is true to the best of my/our knowledge and belief and nothing has been concealed therein.

Place:

(Signature of the Authorized Signatory)

Date:

Name :

Designation:

Seal of the firm