

Notification no. 1311 dated 22nd April, 1991

S.O. 1311. -In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement, :-

(1) These rules may be called the Export of Black Pepper (quality Control and Inspection) Rules, 1991.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions. - In these rules, unless the context otherwise requires, :-

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963):

(b) "Agency" means any one of the Export inspection Agencies established under section 7 of the Act or the Agricultural Marketing Adviser to the government of India or any other officer authorised on his behalf for inspection;

(c) "Black Pepper" means Black Pepper, whole or ground;

(d) "Council" means the Export Inspection Council established under section 3 of the Act:

3. Basis of Inspection. :-

(a) Inspection of Black Pepper intended for export shall be carried out with a view to seeing that the same has been processed and packed in units approved by the Agency under rule 6 and that the products conform to the specifications recognised by the Central Government under section 6 of the Act, either

(b) by ensuring that the processing unit has carried out the quality control measures prescribed by the Council from time to time as well as inspection and testing of finished product by the Agency as per rule 7 in the case of units approved with facilities mentioned in rule 4;

or

(b) by ensuring that during processing of Black Pepper the In-process quality control, as specified in rule 5.2 has been exercised in the case of units approved with facilities mentioned in rule 5.1;

4. Minimum Requirements, for Processing Units

4.0 Black Pepper shall be processed and packed for export only by a unit approved by the agency. For this purpose, the unit shall satisfy the minimum facilities as specified below:-

4.1 General Sanitation

4.1.1 The entire premises used for processing, storage and packing Black Pepper shall be maintained in good hygienic, and sanitary conditions. Accumulations of dust, cobwebs, objectionable foreign matters, like mammalian excreta, stone, etc., shall not be present in the premises. Such materials shall be removed on a daily cleaning schedule.

4.1.2 Open gutters shall be flushed and always kept clean.

4.1.3 Toilets in the premises shall be maintained with a high degree of cleanliness and adequate facilities provided for food workers to wash their hands and feet with running water and soap.

4.1.4 All machines, equipments, utensils, etc. coming in contact with pepper shall be maintained clean without permitting dust accumulation and harborage of insects and other pests.

4.2 Drying Yard

4.2.1 The open yard used for sun drying of Black Pepper shall be cemented and properly covered by suitable netting, adequate to prevent entry of birds.

4.2.2 Open sides of the drying yard shall be skirted by cemented single brick wall of sufficient height and all openings to the yard suitably closed in order to prevent entry of rodents into the yard.

4.3 Processing and Storage

4.3.1 Black Pepper shall be stored separately. In the particular area where Black Pepper is stored, other products shall not be stored.

4.3.2 While hand-sieving ungarbled pepper for the purpose of grading, the graded pepper shall be collected distinctly and stored away from other materials.

4.3.3 Black Pepper shall be filled only in new gunny bags and such gunny bags stored in an area where other products are not stored.

4.3.4 The garbled and graded Pepper packed in new gunny bags ready for export shall be stacked 30 centimeter away from walls and on wooden dunnage at the bottom.

4.3.5 final products meant for export shall not be handled or stored in the room used for machines that generate dust.

4.3.6 Outlet of machines that bring out light particles, extraneous matters and dust shall properly secured to avoid such materials being wind-blown or other areas and thus being admixed with final products.

4.3.7 Light material, such as pin-heads, etc. that may be retained for processing later shall be stored in a well-closed room preferably quite away from the final produce go down.

4.3.8 The final produce garbled and graded mechanically sored, shall be subjected also to careful visual examination to pick left over stones and rodent excreta, etc. For this purpose the same material shall be passed against a white or other suitable contrast background with skilled workers standing in a row in such a way that the rodent pettlets, etc. that escape the vision of one skilled worker may be seen and picked by others in the row.

4.4 Control of Animals, Rodents, Birds and Pests.

4.4.1 All openings leading to outside of the premises, such as, gates, drain outlets, etc. shall be got fitted with subbable grills wire meshes to prevent entry of animals and rodents, etc.

4.4.2 All windows, ventilators, gaps between the roof and wall and other openings that permit entry of birds into the go down shall be suitable secured to ensure that birds do not enter the go downs.

4.4.3 If built-in foot-steps have been provided for go downs, doors of such go downs shall be fitted with trap-planks that prevent entry of rodents.

4.4.4 Suitable number of rodent and pest reppeiler devices of required rating shall be fitted in all go downs.

4.4.5 Periodic pest control of the premises by spraying or fumigation shall be done using permitted chemicals in acceptable dosage.

5. IN-PROCESS QUALITY CONTROL.

5.1 Additional requirements of processing units for the purpose of approval under In-process Quality Control the processing unit shall have the following facilities in the unit in addition to those mentioned in rule 4, namely:-

(a) the processing unit shall have a competent and qualified technologist to supervise processing packing operation and to conduct inspection and testing of Black Pepper for export;

(b) such technologist shall possess the following qualifications namely:-

(i) a degree in Science or Agriculture;

(ii) successfully completed the training course in Quality Control of Black pepper organized by the Export Inspection Agency;

(c) the unit shall have own laboratory with all the necessary testing equipments and chemicals to carry out testing of Black Pepper meant for export;

(d) the unit shall lay down guidelines for actual controls to be exercised at various stages, viz. Acceptance of raw material, processing, packing, preservation and storage in the form of a quality control manual;

(e) the unit shall maintain adequate records for the purpose of effective monitoring of in process controls, approval of lots for export, details of certificates obtained from Export Inspection Agency and the particulars of actual exports.

5.2 Responsibilities of the processing units-for units approved under In-process Quality Control with basis of inspection under rule 3(b), exercising total surveillance of the entire processing operations to ensure quality of the product shall be the responsibility of the processor himself. The responsibilities of the processor under these rules are as given below namely:-

(a) to draw samples at various stages of processing and from the finished product, for the purpose of tests;

(b) To evaluate the results of the samples tested. To decide on the conformity of these samples to the prescribed specifications, and to take remedial action, wherever necessary;

(c) evaluation of results to decide their conformity with the prescribed specifications;

(d) to decide whether the lots of Black Pepper processed and packed are export worthy or not on the basis of inspection carried out under rule 7 and;

(e) to carry out the instructions issued by the Council from time to time.

6. APPROVAL OF PROCESSING UNIT

6.1 A processor intending to process Black Pepper for export either with facilities mentioned in rule 4 or with facilities mentioned in rule 4 and additional facilities mentioned in rule 5.1 adopting the basis of inspection under rule 3(a) or 3(b), as the case may be shall intimate about his intention to do so in the proforma prescribed by the Council the nearest office of the Agency. On receipt of such intimation a team of officers of the agency shall visit the processing unit and assess the facilities provided in such unit. If on assessment, the unit is found to have the requisite facilities as prescribed in the relevant rules, a panel of experts constituted for the purpose by the Council shall adjudge the adequacy of the facilities in the unit and recommend approval to the any for further necessary action. The agency shall within seven days of receipt of such recommendation

communicate the processor the approval of the unit and permit the processor to process Black Pepper export adopting the basis of inspection under rule 3(a) or under rule 3(b), as the case may be;

6.1.1 The approval accorded under rule 6.1 to the processor is for a particular unit. In case the processor vacates the premises where the unit is functioning, the approval accorded shall automatically be cancelled.

6.2 Non-approval-In case the unit is not approved, it shall be communicated to the processor in writing pointing out the deficiencies recorded by the panel of experts. A processor, after rectifying such deficiencies, as recommended by the panel of experts shall intimate the agency within a period of three months from the date of receipt of such communication the details of rectifications of the deficiencies carried out by him. On receipt of this intimation, the agency shall take the steps as in rule 6.1 above.

6.3 Withdrawal of Approval

6.3.1 The approval accorded to a unit shall be withdrawn for any of the following reasons, after giving notice of period of not less than 15 days, namely:-

- (a) the equipment and machinery are not in working condition ;
- (b) the sanitary and hygienic conditions of the unit are not satisfactory;
- (c) The processor has violated, or deliberately attempted to violate, the provisions of the rules and instructions.

6.3.2 Such withdrawal of approval shall be intimated in writing to the processor.

6.3.3 A unit, the approval of which has been withdrawn, may, after rectifying the defects, make a fresh application to the Agency for obtaining fresh approval, after a lapse of three months from the date of such withdrawal.

6.3.4 If, at any time, there is any difficulty for a unit in maintaining the minimum requirements to continue under in-process quality control system. Processing and export under in-process quality control system shall be suspended under intimation to the Agency.

6.3.5 The processing for export shall be resumed only after the same is approved by the Agency in writing.

6.4 Controls to be Exercised by Export Inspection Council

6.4.1 The authorised Export Inspection Agency officers shall undertake periodic visits to a unit with a view to ensure that the unit is maintaining the requisite and it is exercising the prescribed quality control drills and conducting the inspection and testing as per the procedure laid down by the council from time to time.

6.4.2 During such visits, the officers may also draw samples from the units to check the same in Export Inspection Agency Laboratory.

6.4.3 The officers during their visits to the unit shall verify the various registers maintained in the unit and countersign them with date.

6.4.4 The officers shall also record their observations during the visits in a register maintained in the unit for the purpose, duly signed with date.

6.4.5 The officers who undertake periodic visits to the units shall prepare a report and submit the same to the head of the Agency.

6.4.6 If any discrepancy is noticed during periodic visits, the same shall be communicated to the processor, within one week, seeking his comments. If the comments are not satisfactory, the Agency shall take follow-up action and may refer the matter to the panel of experts, if necessary.

6.5.1 The operation of an In-process quality control Units.

6.5.1 The operation of an in-process quality control unit shall be reviewed at least once in a year by the panel of experts. While doing so the performance of the unit during the preceding period shall be taken into consideration and specific recommendation made to continue or to withdraw the In-process quality control approval accorded under rule 6.1.

6.5.2 If the approval of a processor is withdrawn the processor shall be eligible to export under consignment-wise inspection.

7. INSPECTION-Inspection of each lot consignment meant for export shall be carried out adopting the procedures of sampling and testing, approved and circulated by the Council from time to time.

8. PROCEDURE FOR INSPECTION.

8.1 Any exporter intending to export Black Pepper shall submit an application to the Agency, or an officer of the Agency authorised by it in this behalf, giving particulars of the consignment intended to be exported.

8.2 An application under rule 8.1 shall be made not less than seven days before the date of commencement of loading for export.

8.3 On receipt of the application under rule 8.2, the Agency shall inspect the consignment of Black Pepper as per the instructions issued by the Council in this behalf from time to time, with a view to satisfying itself that the consignment has been processed and packed according to relevant specifications. The exporter shall provide all necessary facilities to the Agency to enable it to carry out such inspection.

8.4 If, after inspection, the Agency is satisfied that the consignment of Black Pepper to be exported complies with the requirements of the specifications, it shall within seven days of the receipt of intimation, issue a certificate declaring the consignment as export worthy.

8.5 If the Agency is not so satisfied, it shall within the said period of seven days, refuse to issue such certificate and communicate such refusal to the exporter in writing along with the reasons therefor.

8.6 Subsequent to certification, the Agency shall have the right to reassess the quality of the consignment at any place of storage, in transit, or at the port before its actual shipment.

8.7 In the event of the consignment being found not conforming to the standard specifications at any of these stages, the certificate of inspection originally issued shall be withdrawn.

9. PLACE OF INSPECTION.

9.1 The inspection of Black Pepper for the purpose of these rules shall be carried out at the approved unit of the processor and or at the laboratory of the unit of the processor and or at the laboratory of the Agency. The processor shall provide all necessary facilities to the Agency to enable it to carry out such inspection.

9.2 Subsequent to certification under rule 8.4 the Agency shall have the right to reassess quality of the consignment at the place of storage; in transit at the port. In the event of the consignment being found not conforming to the relevant specification on such reassessment, the certificate originally issued shall be either amended, suspended or cancelled by the Agency.

10. INSPECTION FEE.

10.1 Subject to a minimum of Rs. 50 for each consignment, a fee at the rate of 0.4 percent and 0.2 percent of the F.O.B Value of the consignment shall be paid to the Agency as inspection fee for consignmentwise inspection and In-process quality control inspection respectively.

NOTE:-

The amount of inspection fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee, then if such part is fifty paise or more, it shall be increased to one rupee, and if such part is less than fifty paise, it shall be ignored.

11. APPEAL:-

(a) Any person aggrieved by: -

- (i) the decision of the Agency not to accord approval to a unit under rule 6.1
- (ii) the decision of the Agency to withdrawal the approval. Accorded to a unit. Under rule 6.3.
- (iii) refusal of the Agency to issue a certificate of Inspection under Rule 7;

may, within 10 days of the receipt of the communication of such decision or refusal, prefer an appeal to an appellate authority consisting of not less than three but not more than seven person appointed for the purpose by the Central Government.

(b) At least two-third of the total membership of the appellate authority shall consist of non-officials.

(c) The quorum of the appellate authority shall be-

- (i) in a case where the appellate authority consist of three members or four members, two and
- (ii) in any other case, three.

(d) The appeal shall be disposed of within 15 days of its receipt.

[File No. 6/9 88-EI&EP]

A.K. CHAUDHURI Director

Note: ---The principal order was published vide S.O 245(E) dated : 07-03-1988