

Notification no. 68 dated 23rd January 2003
NEW DELHI, THE 23 January 2003

NOTIFICATION

S. O. 68 (E) - In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in suppression of the Export of Basmati Rice (Quality Control and Inspection) Rules, 1990 published in the Gazette of India, part II, section 3, sub-section (ii), vide S. O. 2539 dated 29th September, 1990 except as respects things done or omitted to be done, before such suppression, the Central Government hereby makes the following rules, namely:

1

Short title and commencement :-

i) These rules may be called the Export of Basmati Rice (Quality Control and Inspection) Rules, 2003

ii) They shall come into force on the date of their publication in the Official Gazette.

2 Definitions :- In these rules, unless the context other wise requires, :-

i) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

ii) "agency" means any of the Export Inspection Agencies established by the Central Government at Mumbai, Kolkata, Kochi, Delhi and Chennai under section 7 of the Act for inspection including its sub-offices located at various other places or any other office authorised on its behalf for inspection;

iii) "Council" means the Export Inspection Council established under section 3 of the Act;

iv) "Basmati Rice (*Oryza sativa*)" shall mean Basmati raw milled rice; parboiled rice; husked and unpolished (Brown) basmati rice; and parboiled brown basmati rice grown in the Indo Gangetic plains and having the following characteristics; namely: -

- a) It has an exceptional length of grain, which increases substantially on cooking;
- b) The cooked grain has high integrity and high discreteness and distinctive aroma, taste and mouth feel;
- c) It is a traditional variety or is an evolved variety.

Where, traditional variety shall mean land races or varieties of rice of uniform shape size and colour traditionally recognised as Basmati and evolved variety shall mean a variety whose one of two parent is a traditional variety and which has been recognised as a Basmati variety under any law for the time being in force.

Explanation 1: For the purpose of removal of doubts, it is declared that all varieties of Basmati Rice notified as Basmati Rice under the Seeds Act, 1966 (54 of 1966), namely Basmati 370, Basmati 386, Type 3, Taraori Basmati (HBC-19), Basmati 217, Ranbir Basmati (IET-11348), Pusa Basmati- I (IET-10364), Punjab Basmati-1(Bauni Basmati), Haryana Basmati 1-(HKR228/IET-10367), Kasturi IET-8580 and Mahi Sugandha shall be construed as Basmati Rice for the purposes of these rules.

Explanation 2: For the purpose of removal of doubts, it is declared that traditional variety of Basmati Rice constitute only Basmati varieties Basmati 370, Basmati 386, Type-3, Taraori Basmati (HBC-19), Basmati 217 and Ranbir Basmati (IET-1 1348), which are selections from traditional land races and identified under the Seeds Act 1966 (54 of 1966).

e) "brown rice" means rice where husk is removed leaving bran intact on the kernels.

f) "brown rice parboiled" means rice grain obtained when paddy is parboiled and husked or shelled.

g) "broken and fragments" includes pieces of rice kernels which are less than three fourth of a whole kernel.

h) "chalky grains" means the grains atleast half of which are milky white in colour and brittle in nature.

i) "damaged, discoloured grains" includes rice kernels, broken, fragments of whole that are internally damaged or discoloured, materially affecting the quality.

j) "elongation ratio (ER)" means the ratio of the length of cooked rice to that of uncooked rice which measures the expansion length upon cooking.

k) "foreign matter" includes dust, stones, lumps of earth, chaff, stems or straw and any other impurity.

l) "green grains" means kernels, whole or broken, which are greenish in colour.

m) "L/B ratio" means the ratio of the length of a grain to its breadth.

n) "other varieties" means varieties of rice other than those notified as Basmati.

o) "red grains" shall be the kernels, whole or broken, which have their surface coated with red grains.

p) "raw milled rice" means rice kernels obtained after the process of shelling and milling of the paddy, resulting in the removal of bran from brown rice.

q) "raw parboiled rice" means rice grain obtained when paddy is parboiled, husked and milled resulting in the removal of bran from brown parboiled rice.

r) "red streaked grain" means grain that has streaks of red bran layer on the surface.

s) "shelling" means removal of husk from paddy.

t) "tip broken" means milled rice whose germ end tip is broken.

u) "under milled grain" means grain whose bran portion is not completely removed during polishing or which has substantial bran streaks left on it.

3 Basis of Inspection: The inspection of Basmati Rice shall be carried out to ascertain that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act, either :-

a) by ensuring that the products have been processed by exercising necessary in-process quality controls/ or certification system as prescribed by the Council; or

b) on the basis of inspection and testing carried out in the manner prescribed by the Council.

4 Procedure of Inspection:-

i) An exporter intending to export a consignment of Basmati Rice shall register the contract with Agricultural and Processed Food Products Export Development Authority and shall give an intimation in writing to the agency furnishing therein details of the quantity, the grade and the destination along with specific requirement of the importer of importing country including contractual specifications, if any.

ii) The exporter shall also furnish along with the intimation mentioned in sub-rule (i) above, a declaration that the consignment of Basmati Rice intended for export has been processed by exercising adequate quality control as prescribed by the Council and the consignment conforms to the standard specifications recognised for the purpose.

iii) An intimation under sub-rule (i) shall be given at least two days ahead of the inspection date where the premises is situated at the same stations as the office of the agency. In case the office is located elsewhere, at least seven days prior intimation will be required.

iv) On receipt of an intimation under sub-rule (i) and the declaration, if any, under sub-rule (ii), the agency:-

a) on satisfying itself that the milling unit or processing unit has exercised adequate quality control as prescribed by the Council in this regard to ensure that the product conforms to the standard specification recognised for the purpose, shall, within two days issue a certificate declaring the consignment of Basmati Rice as export worthy.

b) where the processor is not the exporter, shall physically verify and inspect the consignment and such verification and or inspection, if necessary, shall be carried out to ensure that the above conditions are complied with.

v) a) The agency may carry out a random check of some of the consignments for export and also monitor the processing units at regular intervals to verify the adequacy of in-process quality control drill adopted by the unit. If the milling unit or processing unit is found not maintaining the required quality control measures at any stage of the process or not complying with the recommendations of the Council or agency, the unit shall be declared as not having adequate in process quality control drills.

b) If the unit so desires, it may apply afresh for assessment of the adequacy of in-process quality control drills.

c) In case the exporter has not made a declaration under sub-rule (ii) to the effect that adequate quality control as laid down by the Council has been exercised, the agency, on satisfying itself that the consignment of Basmati Rice conforms to the standard specifications recognised for the purpose on the basis of inspection and testing carried out as laid down by the Council, shall within two days or seven days as the case may be, issue a certificate declaring the consignment of Basmati Rice as export worthy:

Provided that where the agency is not satisfied, it shall refuse to issue a certificate to the exporter and shall communicate such refusal within two days or seven days, as the case may be, to the exporter along with reasons thereof.

vi) Subsequent to certification, the agency shall have the right to reassess the quality of the consignment at any place of storage, or in transit or at the ports before its actual shipment.

vii) 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.

5 Packing and Marking:-

a) An exporter intending to export Basmati Rice in packed form in accordance with the above rules shall pack the rice in standard new gunny bags or canvas bags, with inner polythene or cardboard cartons multilayers or polylaminates or as per specific requirements of the buyer.

b) An exporter may carry out labelling of the bags as per the labelling laws of the importing countries.

6 Place of Inspection: - Inspection for the purpose of these rules shall be carried out at the premises of the exporter where the goods are offered for inspection, only if adequate facilities exists therein for inspection.

7 Inspection Fee: - A fee at the rates prescribed under sub-section (2) of section 7 of the Act for the purpose of inspection shall be paid to the agency as inspection fee for consignment wise inspection and in-process quality control systems respectively.

8 Appeal: -

a) An exporter aggrieved by the refusal of the agency to issue the certificate of inspection may within ten days of the receipt of the communication of such refusal prefer an appeal which shall be referred by the agency to a panel of experts consisting of not less than three, but not more than seven, persons appointed for the purposes by the Central Government.

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

c) The quorum of the panel shall be:-

i) Two in case the panel consists of four or less member, and

ii) Three in case the members are more than four.

d) The panel shall dispose off the appeal of the exporter within fifteen days from the date of its receipt.

e) The decision of the panel on such appeal shall be final.