

**Bill No. 52 of 2012**

**THE BUREAU OF INDIAN STANDARDS (AMENDMENT)  
BILL, 2012**

A

**BILL**

*to amend the Bureau of Indian Standards Act, 1986.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Bureau of Indian Standards (Amendment) Act, 2012.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.

63 of 1986.

**2.** In the Bureau of Indian Standards Act, 1986 (hereinafter referred to as the principal Act), in the long title,—

Amendment  
of long title.

(i) after the words "establishment of a Bureau", the words "to be a national standards body" shall be inserted;

10

(ii) for the word "goods", the words "goods, articles, processes and services" shall be substituted.

Amendment  
of section 2.

**3.** In section 2 of the principal Act,—

(i) after clause (f), the following clause shall be inserted, namely:—

'(fa) "Hallmark" means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard in relation to precious metal article;'

5

(ii) after clause (i), the following clause shall be inserted, namely:—

'(ia) "jeweller" means a person selling precious metal articles;'

(iii) after clause (m), the following clauses shall be inserted, namely:—

'(ma) "precious metal" means gold, silver, platinum and palladium;

'(mb) "precious metal article" means any article made entirely or in part from precious metals or their alloys;'

10

(iv) after clause (p), the following clauses shall be inserted, namely:—

'(pa) "registration" means the registration granted by the Bureau for self declaration under sub-section (IA) of section 15;

'(pb) "registered user" means a person who has been granted registration or self declaration of conformity by the Bureau under sub-section (IA) of section 15;

15

'(pc) "self declaration of conformity" means a declaration by a manufacturer of his product in conformity with the Indian Standard;'

(v) in clause (t), for the words "includes any", the words "includes Hallmark or the mark of an international body or institution or any" shall be substituted.

20

Amendment  
of section 4.

**4.** In section 4 of the principal Act, in sub-section (I), after clause (b), the following proviso shall be inserted, namely:—

"Provided that a member of the Executive Committee as may be prescribed, may, authorise any person to represent him in the Committee."

25

Amendment  
of section 10.

**5.** In section 10 of the principal Act, in sub-section (I),—

(i) after clause (d), the following clause shall be inserted, namely:—

"(da) grant, renew, suspend or cancel, registration or self declaration of conformity;";

(ii) in clause (e), for the word "licence", the words "licence or registration or self declaration of conformity" shall be substituted;

30

(iii) after clause (j), the following clause shall be inserted, namely:—

"(ja) recognise with the prior approval of the Central Government the mark of any international body or institution in relation to any article or process at par with the Standard Mark for such article or process;";

35

(iv) in clause (l), for the words "inspection, testing", the words "inspection, collection of samples, testing" shall be substituted;

(v) after clause (n), the following clause shall be inserted, namely:—

"(na) carry out survey of any article or process relating to Indian Standard;".

40

Amendment of  
section 11.

**6.** In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

'(3) No person, other than a registered user in possession of a valid registration or self declaration of conformity, shall, on and after the commencement of the Bureau

of Indian Standards (Amendment) Act, 2012 display on and after such commencement in relation to any article or process, the words "Self declaration — conforming to IS....." on an article or packaging, as the case may be, or make a public claim, through advertisements, sales promotion leaflets, price lists or the like, that his article conforms to the Indian Standard or make such a declaration on the article.'

7. For section 14 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 14.

'14. If the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient so to do, in the public interest, it may, by order published in the Official Gazette,—

Compulsory use of Standard Mark for articles and processes of any industry.

(a) notify any article or process of any industry which shall conform to the Indian Standard; and

(b) direct the use of the Standard Mark under a licence as compulsory on such article or process:

Provided that nothing in this section shall apply to an article or process meant only for export.

*Explanation.*— For the purposes of this section and section 14B, the expression "article" includes an article imported into India which is of the same nature or description as an article manufactured in India.'

8. After section 14 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 14A, 14B and 14C.

'14A. Where the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient in the public interest so to do, it may, by order, published in the Official Gazette, make it compulsory for such jewellers selling such precious metal article in such geographical areas and having such minimum turnover, as may be specified by regulations, to use Hallmark under a licence and that such article shall conform to the Indian Standard.

Compulsory use of Hallmark for precious metal article.

14B. (1) Without prejudice to the provisions of section 14, where the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient in the public interest so to do, it may, by order, published in the Official Gazette,—

Compulsory registration for self declaration.

(a) notify any article or process which shall conform to the Indian Standard; and

(b) direct registration or grant self declaration of conformity with the Bureau as compulsory for the purpose of self declaration on such article or process as under:

"Self declaration—Conforms to IS....."

(2) Subject to the provisions of sub-section (3), a person may, in respect of any article or process notified under sub-section (1), exercise an option for making registration or grant of self declaration of conformity with, or taking licence from, the Bureau.

(3) When an article or process notified for registration or in respect of which self declaration of conformity has been granted under sub-section (1), is subsequently notified under section 14, then, in addition to such registration or self declaration of conformity, a licence shall be compulsorily taken from the Bureau for such article or process in place of such registration or self declaration of conformity.

Enforcement of orders.	14C. The Central Government may, by order, authorise any authority to be enforcement authority for enforcement of any order issued by it under section 14, or section 14A or section 14B, in such manner as may be specified in the order.’.	
Substitution of Chapter heading.	<b>9.</b> In Chapter V of the principal Act, for the Chapter heading "LICENCE" the following Chapter heading shall be substituted, namely:— "LICENCE AND REGISTRATION OR SELF DECLARATION OF CONFORMITY".	5
Amendment of section 15.	<b>10.</b> In section 15 of the principal Act,— (a) after sub-section (1), the following sub-section shall be inserted, namely:— "(1A) The Bureau may, for the purpose of self declaration under sub-section (1) of section 14B, by order, grant, renew, suspend or cancel registration or grant self declaration of conformity in such manner as may be determined by regulations."; (b) in sub-section (2), after the words, brackets and figure "under sub-section (1)", the words, brackets, figure and letter "or as the case may be, registration or allow self declaration of conformity or renewal thereof under sub-section (1A)" shall be inserted.	10 15
Amendment of section 26.	<b>11.</b> In section 26 of the principal Act, in sub-sections (1) and (2), for the words and figures "section 11 or section 12", the words, figures and letters "section 11 or section 12 or section 14 or section 14A or section 14B or section 15" shall respectively be substituted.	20
Amendment of section 33.	<b>12.</b> In section 33 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:— “(1) Any person who contravenes the provisions of section 11 or section 12 or section 14 or section 14A or section 15 shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than two lakh rupees but which may extend to five lakh rupees, or with both. (1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by an officer of the Bureau, not below the rank of Scientist G or Additional Director General of the Bureau appointed by the Director General in the Bureau in such manner as may be prescribed: Provided that the sum so specified shall not, in any case, exceed the maximum amount of the fine which may be imposed under sub-section (1) for the offence so compounded: Provided further that nothing in this sub-section shall apply to an offence committed by a person for the second time or thereafter on which a similar offence committed by him has been compounded. (1B) Every officer referred to in sub-section (1A) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Bureau. (1C) Every application for the compounding of an offence shall be made in such manner as may be prescribed. (1D) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded. (1E) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in	25 2 of 1974. 30 35 40 45

sub-section (1A) in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

5 (1F) Any person who fails to comply with an order made by the officer referred to in sub-section (1A) shall be punishable with imprisonment for a term which may extend to two years, or with fine not exceeding ten lakh rupees, or with both.”.

**13.** In section 34 of the principal Act, in sub-section (1), the words “recognised in this behalf by the Central or State Government” shall be omitted. Amendment of section 34.

**14.** In section 37 of the principal Act, in sub-section (2),— Amendment of section 37.

10 (i) for clause (d), the following clause shall be substituted, namely:—

“(d) the number of members of the Bureau who will be members of the Executive Committee and the power of a member to authorise a person to represent him under clause (b) of sub-section (1) of section 4;”;

(ii) after clause (n), the following clauses shall be inserted, namely:—

15 “(na) the manner of compounding of offence under sub-section (1A) of section 33;

“(nb) the application for compounding of an offence under sub-section (1C) of section 33;”.

**15.** In section 38 of the principal Act, in sub-section (2),— Amendment of section 38.

20 (a) after clause (c), the following clause shall be inserted, namely:—

“(ca) the jewellers, precious metal article, geographical areas and minimum turnover for jewellers under section 14A;”;

(b) for clauses (d) and (e), the following clauses shall be substituted, namely:—

25 “(d) the manner of grant, renewal, suspension or cancellation of licence under sub-section (1) and the manner of granting registration, or allowing self declaration of conformity, its renewal, suspension or cancellation under sub-section (1A) of section 15;

30 “(e) the conditions subject to which a licence may be granted or renewed or registration or allowing self declaration of conformity may be granted or renewed and the fees payable therefor under sub-section (2) of section 15.”.

## STATEMENT OF OBJECTS AND REASONS

The Bureau of Indian Standards Act, 1986 (BIS Act, 1986) provides for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto. Section 10 of the said Act provides that the functions of the Bureau of Indian Standards, *inter alia*, are to establish, publish and promote Indian Standards, to grant, renew, suspend or cancel licence for the use of the Standards Mark and to specify a Standard Mark to be called the Bureau of Indian Standards Certification Mark. The Bureau of Indian Standards have, so far, formulated over 18,500 standards for about 9,500 article or process of industry.

2. Under the aforesaid Act, it is not compulsory to obtain licence from the Bureau by the producer or dispenser of a product or service for the use of the Standard Mark even after a standard for a product or service has been established and published by the Bureau, unless the Central Government, under section 14 of the Act, after consulting the Bureau, by order published in the Official Gazette, directs that the use of Standard Mark under a licence is compulsory. However, any person may apply to the Bureau of Indian Standards for licence if a standard has been established and published by the Bureau of Indian Standards only when an article or process is of any scheduled industry specified in the Industries (Development and Regulation) Act, 1951.

3. In view of the provisions of section 14 of the BIS Act, 1986, no one can declare that his article or process conforms to the Indian Standard unless he obtains a licence from the Bureau and the article or process is of the scheduled industry.

4. It is, therefore, proposed to amend the aforesaid Act, *inter alia*,—

(a) to amend the long title of the said Act to name the Bureau of Indian Standards to be a national standards body and to include the articles, processes and services in addition to goods for the purpose of marking and quality certification;

(b) to amend section 11 of BIS Act, 1986 so as to allow any person who is a registered user of a self declaration of conformity to display or make self declaration on an article or process that his article conforms to the Indian Standards or make a public claim through advertisements, sales, promotion leaflets, price lists or like that his article conforms to the Indian Standards;

(c) to amend section 14 of BIS Act, 1986 so as to empower the Central Government, after consulting the Bureau, by order published in the Official Gazette, to notify that any article or process of any industry (other than an article or process meant for export) shall conform to the Indian Standard and direct that the use of the Standard Mark under a licence shall be compulsory;

(d) to insert a new section 14A in BIS Act, 1986 so as to empower the Central Government, after consulting the Bureau, by order published in the Official Gazette, to make it compulsory for the jewellers selling the precious metal articles in such geographical area and having such minimum turnover as may be specified by regulation to use Hallmark under a licence and that such article conforms to the Indian Standards;

(e) to insert a new section 14B in BIS Act, 1986 so as to,—

(i) empower the Central Government, after consulting the Bureau, by order published in the Official Gazette, to notify that any article or process shall conform to the Indian Standard and to direct registration or grant self declaration of conformity with the Bureau as compulsory;

(ii) provide an option to any person in respect of any article or process notified by the Central Government for making registration or grant of self declaration of conformity with, or taking licence, from the Bureau;

(iii) provide that when an article or process notified for registration or in respect of which self declaration of conformity has been granted is subsequently notified, which shall conform to the Indian Standard, then, in addition to such registration or self declaration of conformity, it shall be compulsory to obtain a licence for such article or process in place of such registration or self declaration of conformity;

(f) to insert a new section 14C in BIS Act, 1986 so as to empower the Central Government to authorise any authority to be enforcement authority for enforcement of orders issued under section 14 or section 14A or section 14B of that Act;

(g) to amend section 15 of BIS Act, 1986 so as to empower the Bureau to grant, renew, suspend or cancel registration or grant self declaration of conformity;

(h) to amend section 33 of the BIS Act, 1986 so as to,—

(i) provide for enhancement of quantum of fine from rupees fifty thousand to rupees two lakhs for contravention of section 11 or section 12 or section 14 or section 14A or section 14B or section 15 of the BIS Act, 1986;

(ii) provide for compounding of the offences punishable with fine except when a person has committed offence of similar nature for the second time or thereafter on which a similar offence committed by him has been compounded.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 13th April, 2012.*

K.V. THOMAS.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to amend section 4 of the Act to empower the Central Government to make rules to empower a member to authorise any person to represent him in the Executive Committee of the Bureau.

2. Clause 8 of the Bill seeks to insert three new sections 14A, 14B and 14C. New section 14A seeks to empower the Central Government, after consulting the Bureau, by order published in the Official Gazette, make it compulsory for the jewellers selling the precious metal articles in such geographical area and having such minimum turnover, as may be specified by regulations to use Hallmark under a licence and that article conforms to the Indian Standards, new section 14B seeks to empower the Central Government, after consulting the Bureau, by order published in the Official Gazette, to notify any article or process which shall conform to the Indian Standard and direct registration or grant self declaration of conformity with the Bureau as compulsory while new section 14C seeks to empower the Central Government by order to authorise any authority to be enforcement authority for enforcement of any order issued by it under the new section 14 or section 14A or section 14B in such manner as may be specified in the order.

3. Clause 10 of the Bill seeks to insert a new sub-section (1A) in section 15 and to amend sub-section (2) thereof to empower the Bureau to make order to grant, renew, suspend or cancel registration or grant self declaration of conformity in accordance with the regulations and subject to the condition and on payment of fees for grant or renewal of self declaration of conformity in accordance with the regulations in this behalf, respectively.

4. Clause 12 of the Bill proposes to amend section 33 of the Act to empower the Central Government to make rules to provide for the manner of compounding of offences and making application therefor.

5. The matters in respect of which the rules and regulations may be made, or orders to be issued are matters of detail or procedure. The delegation of the legislative power is, therefore, of a normal character.



ANNEXURE

EXTRACTS FROM THE BUREAU OF INDIAN STANDARDS ACT, 1986

(63 OF 1986)

An Act to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto.

\* \* \* \* \*

**2.** In this Act, unless the context otherwise requires,— Definitions.

\* \* \* \* \*

(t) “Standard Mark” means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard; and also includes any Indian Standards Institution Certification Mark specified by the Indian Standards Institution;

\* \* \* \* \*

**4.** (I) The Bureau may, with the prior approval of the Central Government, by notification in the Official Gazette, constitute an Executive Committee which shall consist of the following members, namely:— Constitution of Executive Committee.

\* \* \* \* \*

(b) such number of members, as may be prescribed.

\* \* \* \* \*

CHAPTER IV

POWERS AND FUNCTIONS OF THE BUREAU

**10.** (I) The Bureau may exercise such powers and perform such duties as may be assigned to it by or under this Act and, in particular, such powers include the power to— Functions of the Bureau.

\* \* \* \* \*

(e) levy fees for the grant or renewal of any licence;

\* \* \* \* \*

(l) appoint agents in India or outside India for the inspection, testing and such other purposes as may be prescribed;

\* \* \* \* \*

**14.** If the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient so to do, in the public interest, it may, by order published in the Official Gazette,— Compulsory use of Standard Mark for articles and processes to certain scheduled industries.

(a) notify any article or process of any scheduled industry which shall conform to the Indian Standard; and

(b) direct the use of the Standard Mark under a licence as compulsory on such article or process.

*Explanation.*—For the purposes of this section, the expression “scheduled industry” shall have the meaning assigned to it in the Industries (Development and Regulation) Act, 1951.



LOK SABHA

---

A

**BILL**

to amend the Bureau of Indian Standards Act, 1986.

---

*(Shri K.V. Thomas, Minister of State for Consumer Affairs,  
Food and Public Distribution)*